

The Highland Council

**Communities and Partnerships Committee
23 March 2016**

Agenda Item	11 (b)
Report No	CP/07/16

Community Empowerment Act – Participation Requests

Report by Head of Policy and Reform

Summary

The Community Empowerment (Scotland) Act 2015 puts in place a new legal duty for the majority of community planning partners to respond to the rights of community bodies to make participation requests. The Community Planning Partnership (CPP) Board at its meeting in December 2014 agreed that a partnership approach should be taken to designing a process to consider these requests rather than several separate approaches being used for community bodies in Highland.

Members are asked to note and comment on the suggested approach, and agree to commit officer input to the ongoing development of the process. It is also recommended that the process considers how communities are supported to develop and manage their input to the process.

1. Background

- 1.1 The Community Empowerment (Scotland) Act 2015 puts in place a requirement for Community Planning Partnerships to consider participation requests from community bodies.

2. Participation Requests Scope and Requirement

- 2.1 The Act enables a community body (including community councils) to request to take part in an outcome improvement process. The intention is to provide a new way for communities to initiate dialogue with public bodies in their own terms, with scope to raise issues that might not be open to consultation. To do this they need to say what the outcome is, why they should take part and include a description of their expertise and what improvement they expect their involvement to make.
- 2.2 Requests can be made to 11¹ of the 16 listed bodies and can be made to more than one body at the same time. In responding to participation requests consideration has to be made of whether it will improve:
- economic development;
 - regeneration;
 - public health;

¹ The 11 listed bodies are: Board of a college of further or higher education; Health Board; HIE; Council; National Park Authority; Police Scotland; SFRS; SEPA; SNH; HITRANS and for CPPs outwith Highland, Scottish Enterprise.

- social wellbeing;
- environmental wellbeing; and/or
- reduce inequalities; and
- involve people experiencing disadvantage

2.3 Requests must be agreed unless there are reasonable grounds for refusal. This does not automatically mean that the community body's proposal must be agreed to, but it has to be heard and documented. Where requests are declined repeat requests cannot be made within a two year period. Where requests are agreed the process for improving the outcome is to be set out including how the community body and any others are to participate. Community bodies can make representations about the process within a 28 day period and the process can be modified.

2.4 Once initiated the process should conclude within 90 days. When the process is complete a report must be published by the public body/bodies affected detailing the process, what changed as a result of it, how the community body influenced the change and how they are to be kept engaged. In addition the views of the community body about the process and its view of its involvement are to be included.

2.5 All public bodies with this duty are to publish an annual report by 30th June (for the previous financial year) on participation requests received, agreed or refused, the number leading to improvement, how requests are promoted and how community bodies were supported to participate.

2.6 Regulations and guidance on participation requests are expected, including on appeals in late summer 2016. The Act does mean that we need a clear process for encouraging and dealing with participation requests:

- For community bodies to use;
- For our internal processes; and
- For dealing with requests that affect more than one public body.

3 **Update on progress**

3.1 A multi agency officer group has met three times. Attendance has been strong from the Council, Police Scotland, High Life Highland, Highland Third Sector Interface, HIE, CNPA, SNH, and SIFRS. It has also attended and supported discussion with community bodies at the Community Empowerment Roadshows run by Highland Third Sector Interface across all areas in Highland.

3.2 The group has considered -

- I. The viability of a single or common process
- II. How a process could be structured
- III. How communities may approach the new right and the process

3.3 Any process will require to be community friendly. This means that it should be concise, straightforward and presented in easily understandable way. However, it is also needs to be able to capture enough information to allow

partners to accurately allocate it to the correct agency or agencies and to manage its progress within the legislative timelines.

- 3.4 It is anticipated that although the legislation frames participation requests in the context of wider outcomes (see 2.2) it is likely that communities will request to participate in the design or workings of a particular element of service delivery.
- 3.5 In its discussion so far the group is of the view that the most workable solution would be for agencies to have a process that is common in its design and values rather than a single shared process. This is seen as making it easier for communities to articulate what they are interested in while focusing on the outcome or service delivery supporting the outcome.
- 3.6 It may also be worth considering a two stage process with the first stage being an opportunity for community bodies to indicate an interest rather than submit a formal request. When the Minister attended the CPP Board meeting in 2015 he was clear that the formal participation process should only be needed where there are no other routes for community bodies to be listened to.
- 3.7 Another possibility is that we develop a pool of trained staff across our organisations who welcome such dialogue with community bodies and can act as peer support and challenge for any service manager dealing with a specific request. If this model is attractive we could seek bespoke training for staff identified by individual partners. This approach may help develop the culture and staff behaviours required for the ethos of the legislation.
- 3.8 It is recommended that the group continues to scope out this approach, adjusting it as required by the statutory guidance when it becomes available. It would be useful to consult with the Chair and Vice Chair of the Communities and Partnerships Committee and the Chairs of the Local Committees in advance of any proposals being made to the CPP Board. This is because Local Committees as well as Local CPPs could potentially have a role in considering participation requests depending on the service or services affected. Further reports will be brought to this Committee on the proposed approach for Members to consider.

4 Supporting Communities to Engage Effectively

- 4.1 Communities are most concerned with direct service delivery that impacts on their lives. This is most often but not always local service delivery. It is important that dialogue with communities is managed and they are supported at a local level. This dialogue can be an effective driver in terms of joined up working and service improvement and will support the development of local community planning mechanisms.
- 4.2 In addition to developing a pool of staff for peer support and challenge, community development support will be vital helping communities to articulate their aspirations and in assisting them to contribute toward design and delivery of them. There is now in place a partnership Highland Community Learning

and Development Strategy Group with an agreed CLD Plan and local structure for Highland. The strategic level will bring a collaborative approach to utilising community development resource. The local structure will have an overview of community development resource across partners and communities. Each CPP Partner has agreed to lead the agenda in a District Partnership Area (x 9). Any system to manage community participation and their requests should utilise these structures to ensure adequate support is available.

- 4.3 As the local community planning approach evolves, there will be potential for decisions on participation requests to improve outcomes to be devolved there as noted above; although at this time it is too early to describe a local governance process. The Council will consider how participation requests affecting Council services may be devolved to the new local committees as part of any changes to the Scheme of Delegation.

5 Implications

- 5.1 Resource: There is no additional or new funding to deal with participation requests. Designing the process will require officer time.

Legal: This will assist us in meeting the requirements of the Community Empowerment Act

Equalities: The process would consider how best to ensure that people with protected characteristics are supported to make requests.

Climate Change, Gaelic and Rural implications: none are identified

Risk: There is a risk that that the Council does not comply with the new duty, but taking work forward in advance of the statutory guidance and with partners should enable the Council to be ready when the new duty commences.

6. Recommendation

6.1 Members are asked to note and comment on the approach agreed with community planning partners so far. This takes into account how communities are supported to develop and manage their input to the process. The approach will be adjusted as required by the statutory guidance when it becomes available.

6.2 Members are asked to agree that:

1. there is consultation with the Chair and Vice Chair of the Communities and Partnerships Committee and the Chairs of the Local Committees in advance of any proposals being made to the CPP Board.
2. Further reports will be brought to this Committee on the proposed approach for Members to consider.

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