



## Participation Request Procedure

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## 1 Introduction

The Council welcomes the introduction of Participation Requests.

[The Scottish Government Guidance for Local Authorities](#) states that Participation Requests are not intended to replace but to strengthen and build on existing channels of participation. The provisions within the Act will provide further impetus to Dumfries and Galloway Council's established practice of involving our communities in improving outcomes and influencing decision making processes.

Participation Requests are about community empowerment and communities' opportunities to influence and participate in outcomes. Good working relationships should reduce the need for formal processes. The Council's proactive approach to community engagement already includes a range of Strategies aimed at increasing and promoting opportunities for communities to engage with the Council and influence outcomes.

The Council Reshape Programme and the creation of the Communities Directorate was designed, after extensive consultation, to create a Council better configured to work with and enable local communities. Ward Officers now provide a key point of contact for Elected Members and professional support for local communities. The Centre of Excellence for Community Participation and Engagement is being developed to ensure good and consistent practice in engagement across all Council Directorates. Although support for community groups is not a requirement of the Act itself, it is within the spirit of the legislation that communities are supported in this area of activity.

The learning involved in developing the Community Asset Transfer (CAT) Process has been transferred to Participation Requests. Engagement with communities has told us that communities value:

- Online information, supplying clear information with Plain English advice and guidance
- inviting communities to engage in early dialogue
- A single point of contact and ongoing expert local support to help local communities to navigate the Council and the statutory Procedures.

This Procedure should be read in conjunction with the Dumfries and Galloway Participation Request Strategy, [The Scottish Government Guidance for Local Authorities](#); and the Council's Participation and Engagement Strategy along with other Strategies aimed at involving local communities such as the Community Asset Transfer and the Volunteering Strategies. At all times the full Act and associated Guidance will act as the reference point for the approach taken by the Council.

Community Participation Bodies (CPBs) do not have to use the Council forms but are strongly recommended to do so as they have been designed to ensure that everything required for the smooth progress of an application is submitted.

At the end of each financial year, commencing in 2018, the Council will publish a report on the number of Participation Requests it has received and the number which have been agreed and refused. It will also report on action it has taken to promote the use of Participation Requests and the support which has been provided to CPBs.

CPBs and other community groups engaged with this process are therefore encouraged to provide feedback on their experience to inform this report and assist in making improvements to our arrangements. Feedback will also be invited on the webpage.

The Council will maintain, on its Participation and Engagement webpage, up to date details of a first point of contact for community bodies considering making a Participation Request. As of August 2017, the first point of contact is the Community Development and Empowerment Manager.

## 2 Statutory Requirements

This Procedure details how the Council will implement Part 3 (Participation Requests) of the Community Empowerment (Scotland) Act 2015 (the Act), and the associated Participation Request Regulations 2017 (the Regulations), which came into effect on 1 April 2017.

The legislation provides CPBs with a formal mechanism to participate in an Outcome Improvement Process. A description of what comprises a CPB is provided in Section 3 of this Procedure.

An Outcome Improvement Process is a process intended to improve a public service. The process may be an existing process which the CPB wishes to join, or a new process which the CPB wishes to initiate. CPBs can put forward their ideas for how public services might be changed, to improve outcomes and to request to participate in achieving these outcomes. Public Service Authorities (PSAs) are required to agree to a request unless there are “reasonable grounds” for refusal.

Part 3 of the Act sets out the key rights and duties and provides a framework for the participation request process. Key features of the Act and the Regulations are:

- Only a CPB can put forward a Participation Request to the PSA asking them to take part in a process that will improve the outcome set out by the CPB
- The PSA must agree to the request and set up a process unless there are reasonable grounds for refusal.
- At the end of the process the PSA will publish a report on whether the outcomes were improved and how the CPB contributed to that improvement
- The maximum turnaround time for dealing with a Participation Request is 30 days where the request concerns one PSA only and 45 days where it concerns the more than one PSA.
- The legislation identifies a range of areas where a service improvement might be achieved and requests will be considered by the PSA on that basis:
  - Economic development;
  - Regeneration;
  - Public health;
  - Social wellbeing;
  - Environmental wellbeing;
  - Reducing inequalities of outcome which result from socio-economic disadvantage;
  - Likely to lead to an increase in participation in the outcome improvement process and/or the design/delivery of a service relating to the outcome from people experiencing socio-economic disadvantage.

The CPB should be able to evidence support for the improvement outcomes sought. This support may be from the immediate geographical community or the community of interest.

Communities can request to:

- start a dialogue about something that matters to their community, through highlighting needs, issues or opportunities for improvement.
- have their voice heard in policy and service development, through contributing to decision-making processes.
- participate in the design, delivery, monitoring or review of service provision, through contributing to service change or improvement.
- challenge decisions and seek support for alternatives which improve outcomes

The PSA's decisions on a Participation Request will be communicated to the applicants with a clear rationale for decision. There is no appeals process.

The PSA will publish annually the results of Participation Requests beginning in July 2018

### **3. Community Participation Bodies**

To make a participation request to a PSA, an organisation needs to be an eligible Community Participation Body (CPB).

In order to meet the requirements to be a CPB, a group must be:

- open to anyone in the community
- work for the benefit of the community. (community may be geographical or community of interest)

In addition:

- the group does not need to have a written constitution and can be incorporated or unincorporated.
- Community Councils are included.

A community body could also be a more loosely associated group without a written constitution but which has similar features to those above. It is for community bodies to define the community they represent, whether it is geographical or a community of interest. Membership of the body must be open to all members of the defined community, and the legislation does not impose any restriction on the age of members. A community can be a community of interest.

There is considerable detail in the Guidance about eligible types of community body, much of which is intended to ensure that the body is a genuinely represented and pre-existing community body and not a group of individuals convened for the purpose of putting in a participation request, and that the outcome improvement will benefit the whole community rather than a few private individuals. The Council will use this as a guiding principle in making decisions.

#### Constitution

A Participation Request to the Council must be accompanied by a copy of the CPB's constitution or other governing documents. The Council will check whether the organisation qualifies as a CPB. Where the community body does not qualify as a CPB, the Council will contact them explaining why they are not considered eligible and provide capacity building support or direct to the eligibility criteria for a CPB. Scottish Ministers can designate a group as a CPB.

## **4. Support and Guidance to Community Participation Bodies**

### Single Point of Contact

The Community Development and Empowerment Manager will act as the initial point of contact for Participation Requests. He/she will respond to initial enquiries, offer guidance and effect an early introduction to the local Ward Officer and link officers from the Directorate/Service most closely associated with the Participation Request.

### Ward Officers

Ward Officers will provide support for local community groups to help navigate the Council and co-ordinate the link officer(s) for the Council services most closely associated with the Participation Request, local partner organisations and provide signposting to other sources of advice and support at national and local level. They will:

- work with the board of the CPB to understand the nature of their Participation Request
- discuss with the board their capacity to take forward the Participation Request requirements
- advise CPBs on community engagement methods, governance and help generally build capacity
- work with key partners such as Third Sector, Dumfries and Galloway to develop the skills and capacity
- ensure awareness of the timescales that must be adhered to by both parties
- ensure Elected Members are up to date with progress.

### Directorate Link Officers

Service link officers will provide support in understanding the specific opportunities and challenges relating to the specific area of the Participation Request. They will:

- Work with the board of the CPB and help clarify the contribution the group can make to improving outcomes by working with the Council
- Advise CPBs on related issues affecting the Participation Request

### Ongoing support

When the relevant Director has proposed an Outcome Improvement Plan, the Ward Officer will work with the CPB to help them understand and consider the proposed Plan and formulate any amendments they would like to see included. This will involve ongoing contact with the link officers of the relevant Directorate.

Support from the Ward Officer and Link Officer contact(s) will be ongoing although as the CPB becomes more developed, this support will decrease proportionately.

CPB peer to peer advice and learning will be put in place.

It is not necessary for support to be provided solely by the Council and where appropriate community bodies will be made aware of other routes to secure support to develop their ideas. These other specialist organisations can also give ongoing advice and guidance.

In line with the regulations, the Council will promote the use of Participation Requests by publishing on a website and through social media. Additionally, written guidance and other support materials for communities will be included on the website; the materials will be similar to those used for Community Asset Transfer.



## **5. The Participation Request Process**

### **5.1 Pre-application discussion**

#### Informal discussion

Community groups considering a Participation Request are encouraged to have an initial conversation with the Community Development and Empowerment Manager or their local Ward Officer. Contact details are available on the Council's Participation Requests webpage.

This first point of contact allows officers and the community group to begin an initial dialogue around the involvement of the CPB in influencing services and outcomes for their community. It allows officers to work with link colleague(s) from the Council Service most closely involved with the Request to work to discuss with the group in discussion how the request might be taken forward or whether existing engagement channels might be used. Groups will also be directed to independent advice and support. The Council will always seek early intervention and resolution where possible.

Where a Participation Request is subsequently submitted, initial discussion will help ensure that it is appropriate and focused on improving outcomes. It will additionally allow the Council to link CPBs with sources of support to help shape and develop their requests.

Whilst initial discussion is encouraged, this does not replace the CPB's right to make a Participation Request without any discussion.

#### Timescale

There are no prescribed timescales for this stage of the process but it is anticipated that an initial discussion can take place within one week of an approach being made.

### **5.2 Making a Request**

The PCB may then choose to complete a Participation Request form. CPBs do not have to use our forms. They can apply as they wish; however the use of this form is intended to help applicants in starting to address the different aspects of a Participation Request and the outcome improvements requested and start to gather all the required information.

Communities can request to:

- start a dialogue about something that matters to their community, through highlighting needs, issues or opportunities for improvement.
- have their voice heard in policy and service development, through contributing to decision-making processes.
- participate in the design, delivery, monitoring or review of service provision, through contributing to service change or improvement.
- challenge decisions and seek support for alternatives which improve outcomes

## Information required in the Participation Request application

The Council's Participation Request form is included as an Appendix to this Procedure.

Information required includes:

- Community group's structure and purpose, in particular whether they are a community controlled body.
- Any other PSA which they request should participate in the outcome improvement process
- Detail of the outcome they wish to improve
- their knowledge and expertise in relation to the outcome
- how they intend to help improve outcomes- their contribution
- their suggestions for service improvements
- their evidence that such improvements are required
- their roots in the community
- their capacity to play a role in service improvement
- what benefits there will be for the local community

### **5.3 Acknowledgement, Compliance Checks and Timescales.**

#### Compliance Checks

Officers will check that the Participation Request pertains to the Council and/ or other PSAs. Officers will check that all sections of the application have been completed and clarity around the key questions provided, particularly as it relates to the outcome improvement sought.

Officers will also check that the community body fulfills the basic criteria and that the other information required has been fully provided. Where information is incomplete, Communities officers will work with the group to bring the application to compliance. Where a community body does not qualify as a CPB, officers will contact them explaining why they are not considered eligible and may offer capacity building support to enable them to meet the criteria to be a CPB

#### Acknowledgement of receipt of information

An acknowledgement of receipt of the information will be sent to the CPB. They will be told that the Council will make contact to discuss the application and clarify any issues. For the avoidance of doubt this is not an acceptance of a compliant Request.

#### Acknowledgement of acceptance of Participation Request

The Council will formally acknowledge acceptance of a Request only when it is compliant and all relevant information has been provided. This is the start of the validation date.

#### Timescales

Once validated, the Participation Request will be assessed within 30 working days of the validation date or 45 days where the request relates to more than one PSA. The period can be extended if agreed between the Council and the CPB.

The following are eligible PSAs: Colleges and Universities, Health Boards, Highlands and Islands Enterprise, the Police, the Fire and Rescue Service, Scottish Natural Heritage, Regional Transport Authorities, National Parks and the Scottish Environment Protection Agency. The PSA has 15 days to respond to the Council and the Council then has 30 days to respond to the CPB.

## 5.4 Decision Making Process

### Assessment of Request

#### Making the Decision

If a Request is for participation in a Council process which does not involve any other PSA, the Request will be sent to the relevant Director most closely involved in the Outcome Improvements requested for a decision on whether the service wishes to engage in an outcome improvement process with the CPB.

If the Participation Request involves more than one PSA, the request will be sent to the relevant Council Director and also to the named PSA. The other PSA has 15 days in which to notify the Council whether they wish to participate in the proposed process. On receipt of their decision the Council will notify the CPB and the relevant Director. The Director will then decide whether to grant the PR, notify the CPB of the decision and publish a decision notice on the Council website within 45 days of the validation date.

The Director must decide whether to:

- Seek more clarity from the CPB and renegotiate the validation date
- grant the request,
- refuse the request and state reason for refusal

### Responsibility for Decision Making

The Director will be responsible for making the decision and putting in place an Outcome Improvement Plan (OIP) and working with the PCB regarding any changes to the OIP which the PCB wishes to propose within the 28 day time scale permitted for this purpose.

The Community Development and Empowerment Manager, with the support of the Directorate's Link Officer will review information in the request and quality assure replies for compliance with the Council's Strategy and Procedure.

The Director will provide a clear rationale for decision making which will be communicated to the PCB and used for reporting purposes. The Directorate will communicate its decision directly to the PCB and Elected Members and issue a decision notice on the Council webpage within 30 days.

### More than One PSA

In cases where the Participation Request involves more than one PSA, the Community Development and Empowerment Manager with the Directorate Link Officer will maintain contact with the PSA to ensure coherence within the OIP and reduce duplication.

### Assessment Criteria

The assessment will look at several key aspects:

- 1) The strength of the outline proposal - particularly the potential community benefit to the specified outcome which the CPB anticipates may arise as a result of its participation.

- 2) The strength of the organisation and its capacity to mobilise support to contribute to improving the outcomes it defines.
- 3) The credibility of the CPB within its local community, evidenced by the engagement carried out in determining the Outcome Improvements requested and participation in the outcome improvement process and/or the design/delivery of a service relating to the outcome from people experiencing socio-economic disadvantage.
- 4) Any knowledge, expertise or experience the CPB has in relation to the specified outcome.
- 5) The explanation of the improvement in the specified outcome which the CPB anticipates may arise as a result of its participation.
- 6) The robustness of any funding applications associated with the request
- 7) The contribution to the Council Plan, Equalities Outcomes and other Council Strategies and Plans, and particularly in relation to:
  - Economic development.
  - Regeneration.
  - Public health.
  - Social wellbeing.
  - Environment wellbeing.
  - Reduction of inequalities of outcome which result from socio-economic disadvantage.
- 8) The achievability and sustainability of the proposed outcome improvements
- 9) The feasibility and cost of changes to service delivery
- 10) The extent of community served and contribution to tackling inequality and people most in need of support
- 11) The nature of benefits to be delivered
- 12) Community need/ demand for the changes to service evidenced through the engagement undertaken
- 13) Likelihood that the benefits can be delivered within a 5 year period
- 14) The extent to which the proposed outcome improvements offer Best Value (this is the requirement to make arrangements to secure continuous improvement in performance whilst maintaining an appropriate balance between effectiveness and economy. It also requires due regard to equal opportunities requirements and to contribute to the achievement of sustainable development)

Consideration will also be given to any other benefits that may arise. An explanation of the improvement in the specified outcome which the CPB anticipates may arise as a result of its participation.

## **5.5 Outcome Improvement Process**

If the Director decides to agree an OIP, this will be communicated to the CPB for their consideration. The group will have 28 days within which it can propose changes to the Plan. The Council will take account of these changes prior to publication of the OIP on the Participation Request webpage. The OIP will begin within 90 days of the Director's decision being issued to the CPB.

On completion of the OIP, a report will be published on the Council's Participation Request website.

The OIP should be established within 90 days of the validation. It must describe how the OIP is intended to work in relation to the Participation Request. This would then be discussed and agreed with the CPB.

The OIP will be monitored and an annual report on all OIPs presented to Communities Committee.

## **5.6 Decision Notice**

Having assessed the request the Council will issue a decision notice. This will set out the decision, and if refusing the request, the reasons for this. A copy of the decision notice will be published on the Council's Participation Request webpage.

The request will be agreed unless there are reasonable grounds for refusal. Where a request is refused the Council will explain the reasons for the refusal. The Council can refuse a request if it is the same or essentially the same as a request received in the preceding two years. The Council can refuse a request on these grounds even if it was from a different CPB. If the Council decides to refuse the Participation Request there is no provision under the legislation for review or appeal. There is provision for Scottish Ministers to create an appeals or review process in future should it be required.

A decision notice agreeing to the Participation Request will include details of how the Council (and other PSAs where relevant) proposes to take forward the OIP.

### Where a process already exists

The decision notice will:

- describe the operation of the OIP
- specify what stage it has already reached;
- set out how the CPB will participate in the process; and
- identify others that are part of the process and how they will participate.

### Where a new process needs to be established

The decision notice will:

- describe how the OIP will operate
- explain how the CPB is expected to participate and how any other persons are expected to participate in the process.

On receipt of the notification, a CPB will have 28 days to discuss and make representations in relation to the proposed OIP. The Council will take account of these proposals.

### Webpage Publication

The Council will publish on the Council website information on the proposed OIP including the names of the CPB and public bodies involved, the outcome to which the process relates, how the process will operate and the timescale for completion. The Council will start a new OIP within 90 calendar days from issuing the decision notice.

The OIP may be modified, following consultation with the CPB. Where this happens, the Council will publish a new modified OIP. This notice will include details of how the OIP has been changed.

## **6. Implementation**

On completion of the OIP the Directorate will publish a report on the webpage summarising the outcomes of the process, the contribution of the CPB and how the Council will keep the community body informed of any matters relating to the outcome.

In preparing the report, the Council will seek the views of the CPB that made the request and any other CPBs involved.

Any OIPs will be reported to strategic Committees as part of the Business Plan six monthly Performance Reports.

Annex



**COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015**  
**DUMFRIES AND GALLOWAY COUNCIL PARTICIPATION REQUEST**  
**FORM**

This is a participation request made under Part 3 of the Community Empowerment (Scotland) Act 2015

You should read the participation request guidance provided by the Scottish Government before making a request and when completing this form, a copy is available at.

<http://www.gov.scot/Topics/People/engage/ParticipationRequests/ParticipationRequestsGuidance>

Guidance notes are available at the end of this form.

We strongly recommend that you contact Dumfries and Galloway Council and discuss your proposals with us before making a participation request.

You can phone us on 01387 260247, or email us at [Jamie.ferguson@dumgal.gov.uk](mailto:Jamie.ferguson@dumgal.gov.uk)

When completed, this form should be sent to xxxxxxxx (communities inbox) or by mail to:

Participation Requests  
Community Planning and Engagement  
Municipal Chambers  
Buccleuch Street  
DUMFRIES  
DG12AD

## 1. Details of the Community Participation Body

### 1.1 Name of the body making the request

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### 1.2 Contact details

Contact name:
Contact address:
Contact telephone number:
Contact email:
Website (if available):

Please make sure that you include a copy of your written consultation or governance documentation if available.

## 2. If the request is being made to the Council, please write “Dumfries and Galloway Council” below:

<u>Note 1</u>
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## 3. Name of any other public service authority which the community participation body requests should participate in the outcome improvement process:

<u>Note 2</u>
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**4. The outcome that community participation body want to improve:**

Note 3

**5. The reasons why the community participation body should participate in an outcome improvement process:**

Note 4

**6. Knowledge, expertise and experience the community participation body has in relation to the outcome:**

Note 5

**7. How the outcome will be improved because of the involvement of the new community participation body:**

Note 6:

**8. Is the community participation body a community controlled body?**

Note 7

Yes	
No	

**If the answer is “no”, explain the basis on which the body making the participation request is a community participation body?**

## 9. Additional Information

Note 8

## Guidance notes

1. Specify the public service authority to who the request is being made. The authorities to whom a request can be made are listed in Schedule 2 in the Community empowerment (Scotland) Act 2015. These are:
  - A Local Authority
  - A Health Board
  - The Board of management of a college of further education
  - Highlands and Islands Enterprise
  - A National Park Authority
  - Police Scotland
  - The Scottish Environmental Protection Agency
  - Scottish Enterprise
  - The Scottish Fire and Rescue Service
  - Scottish Natural Heritage
  - A Regional Transport Partnership
2. Insert the name(s) of any other public service authority which the community participation body requests should participate in the outcome improvement process.
3. Specify an outcome that results from, or is contributed to by virtue of, the provision of a service provided to the public by or on behalf of the authority. An explanation of outcomes and examples can be found on section 3.48 of the Scottish Government guidance document.
4. Set the reasons why the community body believes it should participate in the outcome improvement process.
5. Provide details of any knowledge, expertise and experience the community body has in relation to the outcome specified in question 4.

6. Provide an explanation of the improvement in the outcome specified in question 4, which the community body anticipates may arise as a result of its participation in an outcome improvement process.
7. To make a participation request the Community Empowerment (Scotland) Act 2015 provides that certain bodies can do so. The community participation body should provide the necessary information to the public service authority to show that they are a valid body who can make a participation request.
8. Any other information in support of the participation request can be included in this section or attached separately should the community body wish to do so. It may be in contact with the public service authority regarding the outcome. The community participation body may also want to provide information on any additional support they may require to be able to participate in an outcome improvement process