

EAST RENFREWSHIRE COUNCILCABINET6 April 2017Report by Deputy Chief ExecutiveFRAMEWORK FOR PARTICIPATION REQUESTS**PURPOSE OF REPORT**

1. The purpose of this report is to set out the framework by which community bodies can make a participation request to enter into a discussion about the design and delivery of East Renfrewshire Council services.

RECOMMENDATIONS

2. The Cabinet is asked to approve the East Renfrewshire Council Framework for Participation Requests.

BACKGROUND

3. The Community Empowerment (Scotland) Act was given Royal Assent in July 2015. The Act contains a number of provisions aimed at empowering communities and involving them in the design and delivery of services across the East Renfrewshire Community Planning Partnership.

4. Part three of the Act contains provisions which allow community groups to make participation requests. Participation requests are a new opportunity for enhancing community involvement in public service provision and decision making. They enable communities to request to participate in decisions and processes which are aimed at improving outcomes. If a participation request is accepted, a community body will be able to enter into a discussion with the Council about improving a specified outcome.

NATIONAL GUIDANCE ON PARTICIPATION REQUESTS

5. National guidance and regulations relating to participation requests have been laid before the Scottish Parliament and came into force on 1 April 2017. The national regulations contain the key statutory timescales, definitions of participation bodies, public authorities to which the regulation relates and the statutory form. It is important to note that those community groups looking to make participation requests are required to follow the national guidance and statutory processes as well as the public authorities receiving requests. The revised guidance provides significant additional advice and context for both participation bodies and public authorities.

6. Participation requests can be made to a wide range of bodies¹, councils being only one, and participation requests may be made to more than one body if the issue cuts across different public authorities.

¹ Public Service Authorities eligible for participation requests include: Health Boards, The board of management of a college, Highlands and Islands Enterprise, a National Park Authority, Police Scotland, Scottish Enterprise, The Scottish Environment Protection Agency, The Scottish Fire and Rescue Service, Scottish Natural Heritage, Regional Transport Partnerships

7. Participation requests are not intended to replace existing good quality community engagement or participation processes but are rather designed to complement and enhance them. In East Renfrewshire Council, participation requests will complement our existing culture of engaging with our communities. Examples of this commitment were provided to elected members in the Council report *Consultation on the Guidance for the Community Empowerment (Scotland) Act 2015* in June 2016.

EAST RENFREWSHIRE COUNCIL FRAMEWORK FOR PARTICIPATION REQUESTS

8. The Framework for Participation Requests proposed for the Council is set out in full in Appendix 1 however the following section of this report highlights the key elements of the framework.

9. There will be a single point of contact for submitting participation requests to the Council, as well as for accessing information about the process, via the Council's website. For accessibility, information will also be publicised in other ways and available in paper form. At a service level, participation requests will be considered by the relevant Head of Service.

10. The proposed framework for considering participation requests within the Council is predominantly based on the statutory framework determined at national level, therefore much of the framework is fixed and must be implemented as set out. However there are a small number of elements which are determined by the public authorities, such as the criteria for determining whether the group making the request can be recognised as a community participation body, set out in the application form in Appendix 2.

11. As set out in the Framework, there are four broad categories that a participation request may fall into:

- Start a dialogue
- Contribute to decision making processes (e.g. be involved in planning structures)
- Contribute to service change
- Seek support for alternatives (e.g. to a controversial decision)

12. Participation requests can only be made by those groups that are recognised as 'community participation bodies'. There is a broad definition of a community participation body which can include a community organisation, a community council, or a community body designated by the Scottish Ministers. Community bodies are expected to demonstrate wider community support for their proposal.

13. When making a participation request, the community participation body must specify which outcome they wish to improve; this may be an existing outcome identified by the Council, or a new outcome identified by the community body. The request must also detail the methods they will use to improve it, and set out their relevant knowledge, experience and expertise.

14. Under the Act there is a presumption in favour of accepting participation requests unless there are reasonable grounds for refusal. The framework contains criteria, developed specifically for the Council's framework, for evaluating the strength of a participation request. The Act, and associated guidance, however does note that a public authority can refuse requests that are the same, or similar, to a previous request received in the past two years, even if it is a different community body submitting the request.

15. By accepting a participation request, East Renfrewshire Council is agreeing to take part in this discussion about improving a specific outcome, and therefore not necessarily agreeing to adopt the proposals set out by the community participation body. Following a successful participation request East Renfrewshire Council is required to establish an outcome improvement process, which will outline how a discussion between the community and ERC will operate.

16. Other aspects of the Framework that are important to note, include:

- The Scottish Government advises that dialogue around participation requests should be at an early stage and prior to any formal request being submitted. Community participation bodies are advised to ask themselves key questions and have early conversations with East Renfrewshire Council prior to submitting a formal application.
- East Renfrewshire Council is required to prepare a report each year, detailing the number of participation requests received, how many were accepted or rejected, and for successful requests, their impact on the delivery of services.
- East Renfrewshire Council has a duty to promote the participation request process and raise awareness of other participation processes, especially with marginalised/disadvantaged communities.

17. The framework in appendix 1 has been written to be as accessible as possible but it is nevertheless a technical framework that is driven by legislation. Minor changes to the Framework to improve public understanding of the process may be made over time if required. Working with the Council's communications team, a one page leaflet will be produced that will explain the key principles of the process in accessible terms.

CONSULTATION AND ENGAGEMENT

18. The participation requests framework provides an opportunity for communities to become involved in the design and delivery of services delivered by East Renfrewshire Council and has the potential to result in increasing levels of consultation and engagement.

FINANCE AND EFFICIENCY

19. It is difficult to predict the number and scale of participation requests that may be received under this new process, however any participation requests received by departments will result in some degree of additional work for services to develop an outcome improvement process and work with community bodies as appropriate. Support will be available for services dealing with requests from the Community Planning Team.

PARTNERSHIP WORKING

20. The Locality Planning Working Group is overseeing the implementation of key aspects of the Community Empowerment (Scotland) Act and comprises representatives from across the Community Planning Partnership, some of whom are also subject to the participation requests duty. The group have agreed that each public authority should have their own framework for dealing with participation requests but have agreed to share information about the requests received and the experience of dealing with requests.

IMPLICATIONS OF THE PROPOSALS

21. As part of the development of this process, an Equality Impact Assessment (EIA) was undertaken. The assessment has considered the accessibility of the process including the application form. The EIA has recommended that the participation requests process be reviewed one year following implementation to give an opportunity to resolve any issues that arise in practice.

RECOMMENDATIONS

22. The Cabinet is asked to approve the East Renfrewshire Council Framework for Participation Requests.

REPORT AUTHOR

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- Cabinet contact details:-
- Councillor Jim Fletcher, Leader of the Council - Tel No:- 0141 577 3107
- Report Date: 6 April 2017

BACKGROUND PAPERS & RELEVANT LINKS:

Cabinet Report - 28 January 2016 - Future of Community Engagement Arrangements In East Renfrewshire

Council Report- 15 June 2016 - Consultation on the Guidance for the Community Empowerment (Scotland) Act 2015

Link to Scottish Government guidance on participation requests
<http://www.gov.scot/Topics/People/engage/ParticipationRequests/DraftParticipationRequestGuidance?refresh=0.775555568628374>

East Renfrewshire Council Framework for Participation Requests



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1. Introduction

- 1.1 This guidance is for groups who are interested in making a participation request and provides an overview of the process and is based on a national framework introduced by the Scottish Government.
- 1.2 Whilst some of the information from the [national guidance](#) prepared by the Scottish Government is included in our framework, we advise you also read the national guidance before making a participation request.
- 1.3 East Renfrewshire Council's Community Planning Team will be the first point of contact for participation requests, if you have any questions, need help interpreting this framework or require any further information they can be contacted at:

Community Planning Team Council Headquarters Eastwood Park, Rouken Glen Road Giffnock, G46 6UG.	Email: participationrequests@eastrenfrewshire.gov.uk Phone: 0141 577 3499
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Overview of Community Empowerment (Scotland) Act

- 1.4 The Community Empowerment (Scotland) Act was enacted in July 2015. The Act includes a range of methods to allow communities to have a greater say in the design and delivery of local public services.

What is participation?

- 1.5 The most common definitions describe participation as “the act of taking part in, or sharing in something”. It is the intention of the Act to enable the active participation of communities in addressing the issues and opportunities which are of greatest importance to them.
- 1.6 The National Standards for Community Engagement are a framework for public bodies and community groups when planning and undertaking community engagement processes.
- 1.7 Participation requests are not intended to replace good quality existing community engagement or participation processes but are rather designed to complement and enhance them.
- 1.8 East Renfrewshire Council's Participation Request Framework builds on the range of existing avenues for you and your group to participate in design and delivery of services in East Renfrewshire.
- 1.9 East Renfrewshire's [Community Learning and Development Partnership](#), comprising Council, Health and voluntary services, provide a broad range of support for community groups to get involved in issue that affect them.
- 1.10 [Community Councils](#) gather view of residents and campaign on local issues, as well as being involved in the planning and licensing process.
- 1.11 [Tenants and residents associations](#) are groups of local people who act in a voluntary capacity to put forward local views and concerns. East Renfrewshire Council consults tenants and residents associations on any changes to policies or the way we do things within Housing Services and our performance as a landlord at a local level.

- 1.12 East Renfrewshire's Health and Social Care Partnership's runs a [Public Partnership Forum](#) – a network of local individuals and organisations who are interested in health and social care services and want to be kept informed and involved in how they are designed and delivered.
- 1.13 East Renfrewshire Council Equalities Unit supports a range of [equality and diversity groups](#) to engage in local decision making.

What is a Participation Request?

- 1.14 Part three of the Community Empowerment (Scotland) Act sets out arrangements for certain community groups to make a **participation request**, which will allow the group to enter into a discussion about improving a specific outcome. A participation request must specify an outcome that results from the provision of a service provided to the public.
- 1.15 The Scottish Government have provided the following examples which demonstrate four broad categories that participation requests may fall into:

To help people start a dialogue about something that matters to their community, through highlighting needs, issues or opportunities for improvement .
Example: a group of fathers/grandads have identified a lack of opportunities for support for men and their children within their local area. They are not a constituted group, but have informally come together to provide play activities for their children and have established an informal network. They have identified that there are many men living in the area who are unemployed and who care for their children/grandchildren, and that they struggle to access free or affordable play activities and support. The group want to improve access to existing parents' groups for men locally, and to work with service providers to establish a father's group. They have made a participation request to their health board around positive parenting.
To help people have their voice heard in policy and service development, through contributing to decision-making processes .
Example: A tenants' organisation which represents a neighbourhood wishes to influence how decisions are made in relation to community safety. They have identified a community safety issue which is specific to their neighbourhood, but which they believe has not been prioritised within wider community safety planning. They feel that their voices have not been heard within the process, and have made a participation request to their local authority to be involved in community safety planning structures.
To help people to participate in the design, delivery, monitoring or review of service provision , through contributing to service change or improvement .
Example: A network of refugees and asylum seekers from across Scotland have carried out a survey which shows a range of experiences in relation to accessing English language courses. They wish to work with statutory providers to ensure that all refugees and asylum seekers have equal opportunity to access English language tuition, and in particular to address the issue of cost and timing/availability of transport which was reported as barrier for those living in more rural communities. They have made a participation request to a regional transport provider around equality of access to transport.
Example: A local Development Trust wants to take over the running of a local care service and makes a participation request to the local authority to start a dialogue on the issue. People in the community feel strongly that there is a need for such a care service to be delivered locally as it enables many older people to continue to live in their own homes

To help people **challenge decisions and seek support for alternatives** which improve outcomes.

Example: A community development trust is seeking to challenge a decision about a woodland area which is well used by the local community for outdoor activities such as biking, walking and woodland education. The woodland is owned and managed privately and the owner has endeavoured to restrict access to the site claiming that this is due to the discovery of a protected species. The community development trust has made a participation request to the National Park Authority to become involved in finding a suitable resolution.

2. Who is eligible to participate?

Which public service authorities can receive participation requests?

2.1 Under section 21 of the Community Empowerment (Scotland) Act, participation requests can be made to the following **public service authorities**:

- East Renfrewshire Council
- A Health Board/ Integrated Joint Board
- Board of management of local colleges
- Police Scotland
- Scottish Enterprise
- National Park Authority
- The Scottish Environment Protection Agency
- Scottish Natural Heritage
- Scottish Fire and Rescue
- Strathclyde Partnership for Transport

2.2 A participation request can be made to multiple authorities if the outcome which the participation request aims to improve is a shared area of work.

Who can make a participation request?

2.3 The Scottish Government has set out the requirements of communities bodies to make a participation request. Your group needs to be a “**community participation body**”. Your group can be either:

- A community controlled body,
- A community council,
- A community body without a written constitution,
- A body designated by the Scottish Ministers.

Requirements for a community controlled body

2.4 A community controlled body does not have to be incorporated, but must have a written constitution.

2.5 To qualify as a community controlled body, your constitution, Articles of Association or registered rules must include the following things:

- a) A definition of the community to which your group relates.
- b) provision that membership of your group is open to any member of that community
- c) provision that the majority of the members of your group is to consist of members of that community
- d) provision that the members of your group who consist of members of that community have control of your group
- e) a statement of your group’s aims and purposes, including the promotion of a benefit for that community
- f) provision that any surplus funds or assets of your group are to be applied for the benefit of that community.

2.6 Whatever type of organisation your group chooses to be, to qualify as a “community controlled body” it must have the provisions outlined above in its constitution or other governing documents (Articles of Association for a company; registered rules for a BenCom). If the community group are already an established group, they will need to check the existing constitution or governing documents to see if they include all the required points.

Requirements for a Community Bodies without a written constitution

2.7 Your group could also be a more loosely associated group of people but must have similar features to that provided by a community controlled body as set out above under paragraph 2.5, but has no written constitution.

2.8 East Renfrewshire Council can determine whether a group meets the requirements under the Act.

Requirements for Communities of interest

2.9 Communities of interest could include faith groups, ethnic or cultural groups, people affected by a particular illness or disability, sports clubs, conservation groups, clan and heritage associations, etc. They may be very specialised or local, ranging up to national or international groups with thousands of members.

Community Councils

2.10 Community councils are able to make a participation request under the Act. When making a request it would be useful for the community council to supply an agreed Scheme of Establishment with the Local Authority and have a written constitution. The community council should engage with local people in the area that could be impacted by the outcome improvement process, and think about how the proposals may affect them.

Designation

2.11 The Scottish Ministers can designate a body to be a community participation body. They will do this by making an order.

3. The Participation Request application process

Before you make a participation request

- 3.1 East Renfrewshire Council welcomes dialogue at an early stage and always prior to any formal participation request being submitted.

How to make a participation request

- 3.2 Participation requests must be made in writing using the form in the appendix 1. It can be submitted by email or in paper format.

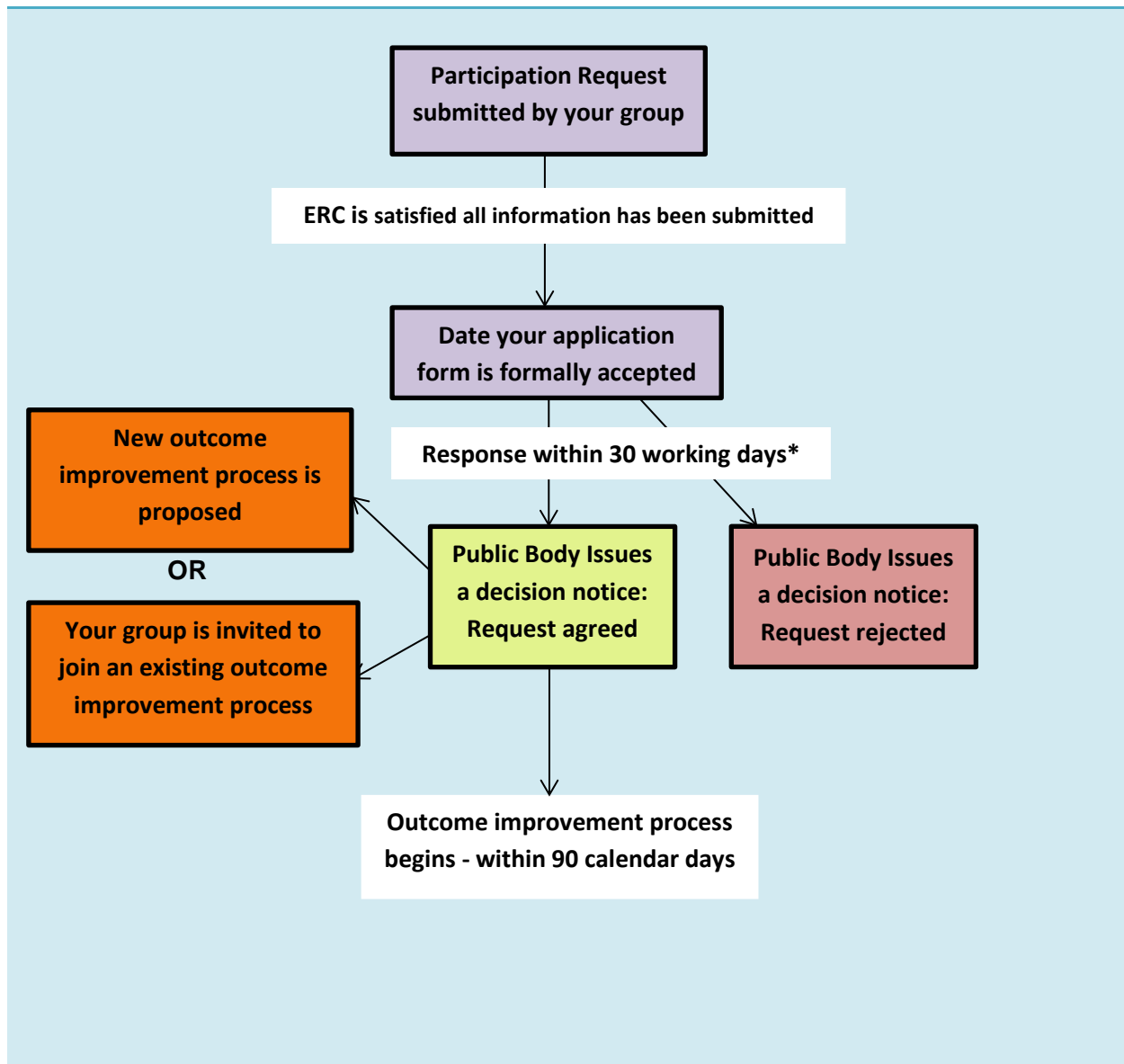
What should my Participation Request application include?

- 3.3 Under the guidance, your group, when making a participation request, must include the following
- 3.3.1 Specify which **outcome you** want to improve.
 - 3.3.2. Set out the **reasons** why they think they should be involved in the improvement process
 - 3.3.3 Demonstrate any **knowledge, expertise or experience** which relates to the outcome. It is not about being 'expert' in an academic and theoretical sense but an opportunity for the community to demonstrate their understanding and direct (or lived) experience in relation to the outcome.
 - 3.3.4 Explain what **improvement** you want to achieve to your overall outcome, by means of this participation.

Timescales when validating and considering a participation request

- 3.4 A summary of the application process for making a participation request can be found in Figure 1 overleaf.

Figure 1- Making a Participation Request



* If the request relates to more than 1 public service body, this time increases to 45 working days

- 3.5** If your group does not submit all the information required (under 3.9 above) East Renfrewshire Council will notify you and identify which information is missing. Only once your group have submitted all the information required East Renfrewshire Council will formally acknowledge the participation request and provide the **validation date**.
- 3.6** Within **30 working days** (or **45 working days** if the request includes more than one public body) of the validation date, East Renfrewshire Council must issue a decision notice setting out whether the request has been accepted or rejected. All decision notices will be published online. East Renfrewshire Council can request an extension of this timescale from your group.

If the request is successful

3.7 If request is successful, East Renfrewshire Council will issue a decision notice accepting the request. The decision notice will also include details on how the proposed outcome improvement process is intended to operate (see section 4 below). This may detail an existing process and invite your group to join or set out a new process

If the request is unsuccessful

3.8 If request is unsuccessful, East Renfrewshire Council will issue a decision notice including an explanation.

3.9 Under current legislation there is no process for appeals for unsuccessful participation requests.

What will be considered when accepting or rejecting a Participation Request?

3.10 Under the Community Empowerment (Scotland) Act East Renfrewshire Council must agree to the request unless there are reasonable grounds for refusing. However a request can be refused by East Renfrewshire Council if a similar request has been made in the last two years. It does not matter if the new request is made by the same body or a different one.

3.11 The authority must make the decision in a manner which encourages equal opportunities and the observance of the equal opportunities requirements.

3.12 East Renfrewshire Council will evaluate the strength of participation requests in line with the criteria (which reflects **section 3.3: What should my Participation Request application include?**) set out in the table on the next page.

Category	Description	Notes
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Outcome	Does the Participation Request relate to an outcome that is: <ul style="list-style-type: none"> • Specific • Measureable • Achievable • Realistic • Time limited 	
Governance	Does your group have suitable arrangements for governance? <ul style="list-style-type: none"> • Are the majority of members of your group members of your community, and do they control the body? • Is your group open and controlled by members of your community? • Does your group state its aims and purposes, including the promotion of a benefit for that community • Are any surplus funds or assets of your group applied for the benefit of that community? 	
Expertise	Does your group demonstrate that they have relevant experience and/or expertise which relates to the outcome?	
Community involvement	Does the participation request demonstrate backing and buy-in from the wider Community (e.g. evidence from a Community survey or results of community consultation process)	
Deprivation	Will the participation request <ul style="list-style-type: none"> • Reduce inequalities of outcomes linked to deprivation • Increase the participation from people living in deprived areas, either in the outcome improvement process, or service design and delivery in a broader sense. 	
Priorities	Whether the request is likely to promote or improve: <ul style="list-style-type: none"> • Economic development: creating new jobs, training opportunities, supporting new businesses • Regeneration: providing new housing, bringing empty buildings or unused land back into use, improving transport • Public health: a wide range of activities can help people lead healthier lives • Social wellbeing: activities that bring people together, creating a stronger community spirit, supporting learning, cultural activities, reducing crime. • Environmental wellbeing: activities to improve the natural environment including community gardens or managing local woodland to recycling or renewable energy projects. • reduce inequalities of outcome which result from socio-economic disadvantage –tackling poverty and the other issues that often come with it, such as health problems, low quality housing and lack of access to services and employment. 	

3.13 Your participation request will be considered by the relevant Head of Service within East Renfrewshire Council.

4. The outcome improvement process

- 4.1 Outcome improvement processes and how they will work are dependent on the nature of the participation request.
- 4.2 Once a decision notice has been given agreeing to a participation request, an outcome improvement process must be discussed and agreed. The aim of this process is to improve the outcome set out by the community body.
- 4.3 The following examples from the Scottish Government are outcome improvement processes that could result from the participation request scenarios set out in 1.7

Example of a group of fathers/grandads making a participation request to their health board around parenting. Outcome – improved health and life chances for children
An outcome improvement process could be established by the health board around Children’s and Families Services in which the group of fathers/grandads is involved.
Example of a tenants’ organisation making a participation request to their local authority to be involved in community planning structures. Outcome – improved community safety..
The outcome improvement process could consist of the tenants’ organisation being invited onto the pre-existing local community safety partnership and/or other local decision making structures relating to the issue
Example of a network of refugees and asylum seekers making a participation request to a regional transport authority around transport provision in order to access English language courses. Outcome – increased access of refugees and asylum seekers to English language courses.
An outcome improvement process might be to engage the network to advise on service design with the transport providers and Community Learning & Development Services.
Example of a Development Trust making a participation request to a local authority to take over the running of a day care service for older people. Outcome – people are able to live, as far as reasonably practicable, independently and at home or in a homely setting in their community.
An outcome improvement process might be established which explores community-led service provision as one option amongst others to increase independent living
Example of a community development trust making a participation request to the National Park Authority around improving access to outdoor activities. Outcome – improved health and wellbeing.
An outcome improvement process might be to work through the Local Outdoor Access Forum towards co-production of guidance about responsible behaviour on the site and identify opportunities with other stakeholders for access to suitable spaces for the activities to take place.

Proposing an outcome improvement process

- 4.4 Once a decision notice has been given agreeing to a participation request then if the public service authority has already established an outcome improvement process the decision notice will:
- describe the operation of the outcome improvement process
 - specify what stage it has already reached
 - set out how your group will participate in the process
 - identify others that are part of the process and how they will participate

If an outcome improvement process has not been established then the decision notice will:

- describe how the outcome improvement process will operate
- explain how your group is expected to participate
- describe how any other persons are expected to participate in the process

4.5 Your group can, within 28 calendar days, propose changes to the outcome improvement process to East Renfrewshire Council who must take account of any proposals, again within 28 calendar days.

4.6 East Renfrewshire Council must publish on a website (or by other electronic means) information about the proposed outcome improvement process.

4.7 East Renfrewshire Council must publish the following information relating to the outcome improvement process:

- the names of your group and public service authorities which are involved in the outcome improvement process
- the outcome to which the outcome improvement process relates
- how the outcome improvement process is to operate
- the timescale for the completion of the outcome improvement process

Setting up and maintaining the outcome improvement process

4.8 East Renfrewshire Council must set up the outcome improvement process within 90 calendar days of the decision notice.

4.9 Following the completion of the outcome improvement process, East Renfrewshire Council (in consultation with your group) will publish a report about the process which will be published online. The report must include what progress has been made to improve the outcome, a description of how your group influenced the process, and an explanation as to how you will be informed of any future changes to the outcomes

5. Reporting

5.1 Each year East Renfrewshire Council will (no later than 30 June) publish a report, covering each year from 1 April to 31 March which details:

- The number of participation requests they have received
- Whether the requests were accepted or rejected
- The number of requests which resulted in changes to service delivery
- Any action taken by the public service authority to promote and support groups to make participation requests.

This document can be explained to you in other languages and can be provided in alternative formats such as large print and Braille.

For further information please contact Customer First on 0141 577 3001 or email: customerservices@eastrenfrewshire.gov.uk

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Participation Requests Application Form

1 Details of Community Participation Body

Name of Community Body

Contact Name:

Contact address:

Contact Telephone No:

Contact Email:

Website (if available):

Please ensure that you include a copy of your written constitution or governance documentation.

2 Please select what type of community participation body you are (see note 1)

a) A community controlled body

b) A community council

c) A body designated by the Scottish Ministers as a community participation body

d) A group without a written constitution

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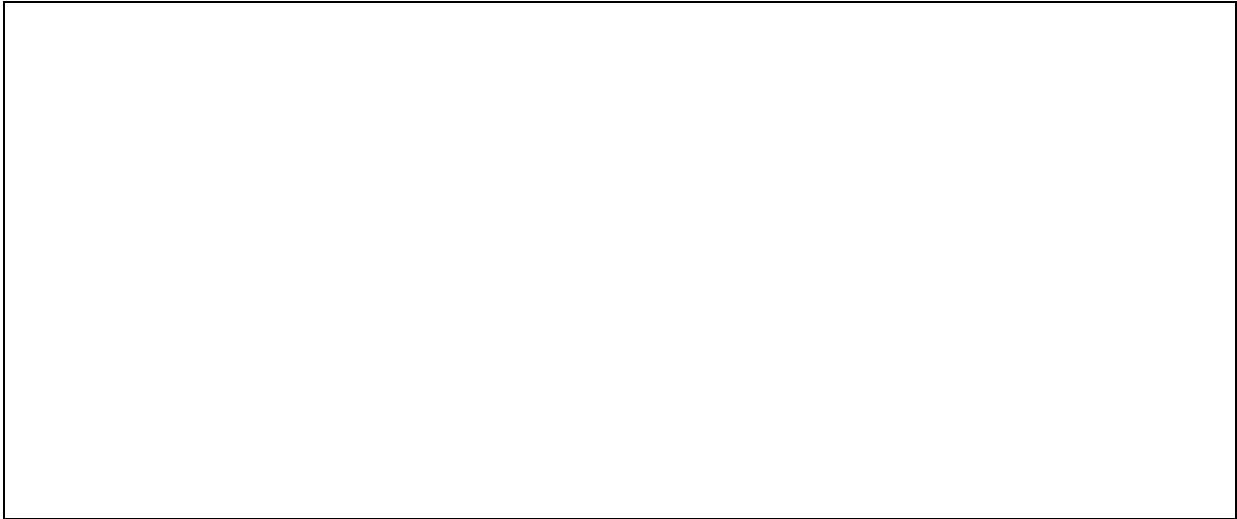
3 Name of any other public service authority which the community participation body requests should participate in the outcome improvement process (see note 1):

4 The outcome that community participation body want to improve (see Note 2):


5 The reasons why the community participation body should participate in an outcome improvement process (see note 3):

6 Knowledge, expertise and experience the community participation body has in relation to the outcome (see note 4) :

7 How the outcome will be improved because of the involvement of the community participation body (see note 5):



9 Additional Information (see note 7)



Notes

1. 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 (under paragraph 2.7 of East Renfrewshire Council's Framework for Participation Requests) to the public service authority to show that they are a valid body who can make a participation request.
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 in section 3.44 below.
4. Set of 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 under paragraph 3.
6. Provide an explanation of the improvement in the outcome specified under paragraph 3 which the community body anticipates may arise as a result of its participation in an outcome improvement process.
7. 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 helpful for the community participation body to outline if they have previously been 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.

This document can be explained to you in other languages and can be provided in alternative formats such as large print and Braille.

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