



Participation Request Procedure

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1 INTRODUCTION

[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 further develop NHS Dumfries and Galloway's 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. NHS Dumfries and Galloway's approach to community engagement increases and promotes opportunities for communities to engage with the Health Board and influence outcomes.

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

Community Participation Bodies do not have to use the Health Board 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, NHS Dumfries and Galloway will publish a report on the number of Participation Requests it has received and the number that have been agreed and refused. It will also report on any actions taken to promote the use of Participation Requests and the support which has been provided to Community Participation Bodies.

Community Participation Bodies 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.

NHS Dumfries and Galloway will create and maintain a Participation and Engagement webpage, where up to date details of a first point of contact for community bodies considering making a Participation Request.

2 STATUTORY REQUIREMENTS

This Procedure details how the Health Board 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 Community Participation Bodies with a formal mechanism to participate in an Outcome Improvement Process. A description of what comprises a Community Participation Bodies 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 Community Participation Body wishes to join, or a new process which the Community Participation Body wishes to initiate. Community Participation Bodies 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 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 Community Participation Body can put forward a Participation Request to the Public Services Authority asking them to take part in a process that will improve the outcome set out by the Community Participation Body
- The Public Services Authority must agree to the request and set up a process unless there are reasonable grounds for refusal.
- At the end of the process the Public Services Authority will publish a report on whether the outcomes were improved and how the Community Participation Bodies contributed to that improvement
- The maximum turnaround time for dealing with a Participation Request is 30 days where the request concerns one Public Services Authority only and 45 days where it concerns the more than one Public Services Authority.
- The legislation identifies a range of areas where a service improvement might be achieved and requests will be considered by the Public Services Authority 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 Community Participation Bodies 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 Public Services Authority's decisions on a Participation Request will be communicated to the applicants with a clear rationale for decision. There is no appeals process.

The Public Services Authority will publish annually the results of Participation Requests.

3 COMMUNITY PARTICIPATION BODY

To make a participation request to a Public Services Authority, an organisation needs to be an eligible Community Participation Body.

In order to meet the requirements to be a Community Participation Body, 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 bodies, 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 Health Board will use this as a guiding principle in making decisions.

Constitution

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

4 SUPPORT AND GUIDANCE TO COMMUNITY PARTICIPATION BODIES

Single Point of Contact

The Corporate Business 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 Lead Director from the Directorate/Service most closely associated with the Participation Request and Locality Manager.

Locality Manager

Locality Manager will provide support for local community groups to help navigate the Health Board's services, 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 Community Participation Body to understand the nature of their Participation Request
- discuss with the Board their capacity to take forward the Participation Request requirements
- advise Community Participation Bodies on community engagement methods, governance and help generally build capacity
- work with key partners such as Third Sector and Dumfries and Galloway Council to develop the skills and capacity
- ensure awareness of the timescales that must be adhered to by both parties
- ensure relevant NHS Board Members are up to date with progress.

Directorate Link Officers

The Director of the area/service most closely related to the Participation Request will nominate a member of their Directorate to act as a Link Officer. This role 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 Community Participation Body and help clarify the contribution the group can make to improving outcomes by working with the Health Board.
- Advise Community Participation Bodies on related issues affecting the Participation Request.

Ongoing support

When the relevant Director has proposed an Outcome Improvement Plan, the Locality Manager will work with the Community Participation Bodies 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 Officer of the relevant Directorate.

Support from the Locality Manager and Link Officer contact(s) will be ongoing although as the Community Participation Body becomes more developed, this support will decrease proportionately.

Community Participation Body peer to peer advice and learning will be put in place.

It is not necessary for support to be provided solely by the Health Board 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 regulations, the Health Board 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.

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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 Corporate Business Manager or their local Locality Manager. Contact details are available on NHS Dumfries and Galloway'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 Community Participation Body in influencing services and outcomes for their community. It allows officers to work with link colleague(s) from the Health Board most closely involved with the request to progress discussions with the group around 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 Health Board will always seek early intervention and resolution where possible.

Where a Participation Request is submitted, initial discussion will help ensure that it is appropriate and focused on improving outcomes. This will allow the Health Board to link Community Participation Bodies with sources of support to help shape and develop their requests.

Whilst initial discussion is encouraged, this does not replace the Community Participation Body'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 two weeks of an approach being made.

5.2 Making a Request

The Community Participation Body may then choose to complete a Participation Request form. Community Participation Bodies 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 Health Board'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 Public Services Authority 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 Health Board and/ or other Public Services Authorities. 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, Directorate Officers will work with the group to bring the application to compliance. Where a community body does not qualify as a Community Participation Bodies, 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 Community Participation Bodies

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Acknowledgement of receipt of information

An acknowledgement of receipt of the information will be sent to the Community Participation Body. They will be told that the Health Board 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 Health Board 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 Public Services Authority. The period can be extended if agreed between the Health Board and the Community Participation Body.

The following are eligible Public Services Authorities: Health Boards, Colleges and Universities, Local Councils, 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 Public Services Authority has 15 days to respond to the Council and the Council then has 30 days to respond to the Community Participation Bodies.

5.4 Decision Making Process

Making the Decision

If a Request is for participation in a Health Board process which does not involve any other Public Services Authority, 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 Community Participation Body.

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

The Director must decide whether to:

- seek more clarity from the Community Participation Body and renegotiate the validation date,

- grant the request, or
- 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 and working with the Community Participation Body regarding any changes to the Outcome Improvement Plan, which the Community Participation Body wishes to propose within the 28 day time scale permitted for this purpose.

The Corporate Business Manager, with the support of the Directorate's Link Officer will review information in the request and quality assure replies for compliance with the Health Board's Procedure.

The Director will provide a clear rationale for decision making, which will be communicated to the Community Participate Body and used for reporting purposes. The Directorate will communicate it's decision directly to the Community Participate Body and issue a decision notice on the Health Board webpage within 30 days.

More than One Public Services Authority

In cases where the Participation Request involves more than one Public Services Authority, the Corporate Business Manager with the Directorate Link Officer will maintain contact with the Public Services Authority to ensure coherence within the Outcome Improvement Plan 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 Community Participation Body 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 Community Participation Body 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 Community Participation Body has in relation to the specified outcome.

- 5) The explanation of the improvement in the specified outcome which the Community Participation Body 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 Health Board's Local Deliver Plan, Equalities Outcomes and other Health Board 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 opportunity 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 Community Participation Body anticipates may arise as a result of its participation.

5.5 Outcome Improvement Process

If the Director decides to agree an Outcome Improvement Plan, this will be communicated to the Community Participation Body for their consideration. The group will have 28 working days within which to propose changes to the Plan. The Health Board will take account of these changes prior to publication of the Outcome Improvement Plan on the Participation Request webpage. The Outcome Improvement Plan will begin within 90 working days of the Director's decision being issued to the Community Participation Body.

On completion of the Outcome Improvement Plan, a report will be published on the Health Board's website.

The Outcome Improvement Plan should be established within 90 days of the validation date. It must describe how the Outcome Improvement Plan is intended to work in relation to the Participation Request. This would then be discussed and agreed with the Community Participation Body.

The Outcome Improvement Plan will be monitored and an annual report on all Outcome Improvement Plans presented to Performance Committee.

5.6 Decision Notice

Having assessed the request the Health Board 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 Health Board's Participation Request webpage.

The request will be agreed unless there are reasonable grounds for refusal. Where a request is refused the Health Board will explain the reasons for the refusal. The Health Board can refuse a request if it is the same or essentially the same as a request received in the preceding two years. The Health Board can refuse a request on these grounds even if it was from a different Community Participation Bodies.

If the Health Board 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 appeal or review process in future should it be required.

A decision notice agreeing to the Participation Request will include details of how the Health Board (and other Public Services Authorities where relevant) proposes to take forward the Outcome Improvement Plan.

Where a process already exists

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The decision notice will:

- describe the operation of the Outcome Improvement Plan;
- specify what stage it has already reached;
- set out how the Community Participation Body 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 Outcome Improvement Plan will operate; and
- explain how the Community Participation Body is expected to participate and how any other persons are expected to participate in the process.

On receipt of the notification, a Community Participation Body will have 28 working days to discuss and make representations in relation to the proposed Outcome Improvement Plan. The Health Board will take account of these proposals.

Webpage Publication

The Health Board will publish on the NHS Dumfries and Galloway website information on the proposed Outcome Improvement Plan including the names of the Community Participation Body and public bodies involved, the outcome to which the process relates, how the process will operate and the timescale for completion. The Health Board will start a new Outcome Improvement Plan within 90 calendar days from issuing the decision notice.

The Outcome Improvement Plan may be modified, following consultation with the Community Participation Body. Where this happens, the Health Board will publish a new modified Outcome Improvement Plan. This notice will include details of how the Outcome Improvement Plan has been changed.

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6. Implementation

On completion of the Outcome Improvement Plan the Directorate will publish a report on the webpage summarising the outcomes of the process, the contribution of the Community Participation Body and how the Health Board will keep the community body informed of any matters relating to the outcome.

In preparing the report, the Health Board will seek the views of the Community Participation Body that made the request and any other Community Participation Bodies involved.

Any Outcome Improvement Plans will be reported to Performance Committee as part of the Business Plan six monthly Performance Reports.

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DOCUMENT CONTROL SHEET

1. Document Status

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Approver	Board Management Team
Version number	1.0

2. Document Amendment History

Version	Section(s)	Reason for update
1.0	All	New procedure development in line with legislation

3. Distribution

Name	Responsibility	Version number
Board Wide	Corporate Business Manager	1.0

4. Associated documents

- *Community Empowerment Act*
- *Community Engagement and Participation Strategy*

5. Action Plan for Implementation

Action	Lead Officer	Timeframe
Disseminate Board wide	Corporate business Manager	March 2018
Upload to external website	Corporate business Manager	March 2018

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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 NHS Dumfries and Galloway to discuss your proposals before making a participation request.

You can phone us on 01387 272702, or email us at laura.geddes2@nhs.net

When completed, this form should be sent to dg.feedback@nhs.net or by mail to:

Corporate Business Manager
Participation Requests
NHS Dumfries and Galloway
Mid North
Crichton Hall
Bankend Road
DUMFRIES
DG1 4TG

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Section 1 - Details of the Community Participation Body

Name of the body making the request:

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.

Section 2 – About the Public Services Authority

Please note the name of the main Public Service Authority the request is being issued to. If the request is being made to the Health Board, please write “NHS Dumfries and Galloway” below (Refer to Guidance Note 1):

Name of any other public service authority which the community participation body requests should participate in the outcome improvement process (Refer to Guidance Note 2):

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Section 3 – Purpose and Outcome of the Participation Request

The outcome that Community Participation Body want to improve (Refer to Guidance Note 3):

The reasons why the Community Participation Body should participate in an outcome improvement process (Refer to Guidance Note 4):

Knowledge, expertise and experience the Community Participation Body has in relation to the outcome(Refer to Guidance Note 5):

How the outcome will be improved because of the involvement of the new community participation body (Refer to Guidance Note 6):

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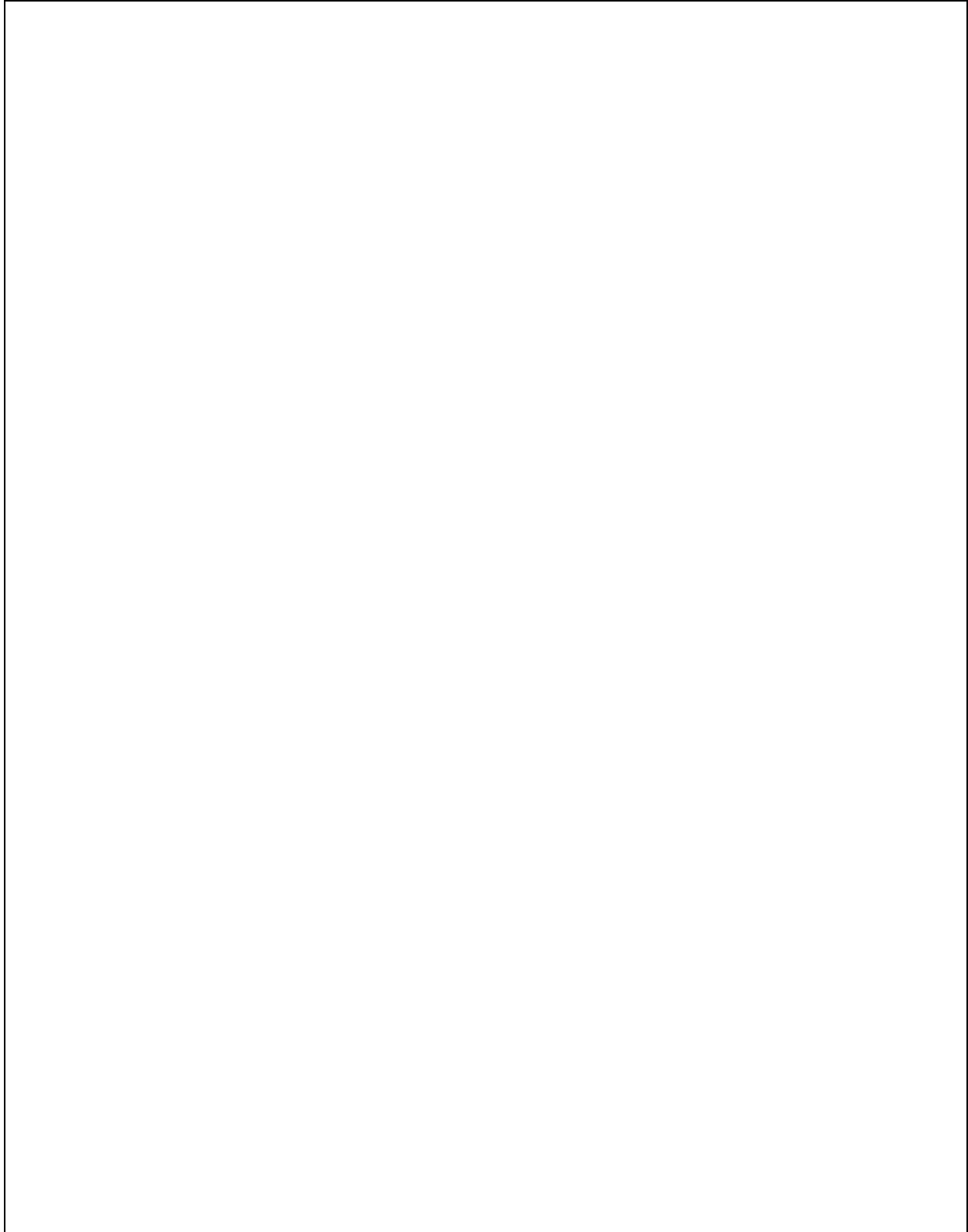
Is the community participation body a community controlled body? (Refer to Guidance Note 7)

Yes	
No	

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

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Additional Information *(Refer to Guidance Note 8)*



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Guidance notes

1. Specify the public service authority to whom 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.