



Participation Request and Community Asset Transfer

Annual Report 2019/20

Introduction

1. The Community Empowerment (Scotland) Act 2015 was issued in July 2015. This Act is presented in 12 part, which are noted below for information:
 - Part 1 – National Outcomes
 - Part 2 – Community Planning
 - Part 3 – Participation Request
 - Part 4 – Community Rights to Buy Land
 - Part 5 – Asset Transfer Requests
 - Part 6 – Delegation of Forestry Commissioners' Function
 - Part 7 – Football Clubs
 - Part 8 – Common Good Property
 - Part 9 – Allotments
 - Part 10 – Participation in Public Decision-Making
 - Part 11 – Non-Domestic Rates
 - Part 12 - General
2. The Act aims to cover all public sector organisations, therefore, a number of the sections do not apply to the NHS.
3. To comply with the Act, NHS Dumfries and Galloway must adhere to Parts 3 and 5, the Participation Requests and Asset Transfer Requests.

Part 5 – Asset Transfer Request

4. An Asset Transfer Request is a request in relation to land owned by the relevant authority, where a request has been put forward for the ownership of the land to be transferred to a Community Transfer Body.
5. If the land or building being requested is leased by the relevant authority, the Community Transfer Body has the right to request that the property be leased to the Community Transfer Body for the term not exceeding the contractual lease arrangements already in place with the public body.
6. Guidance is held within the Act around the eligibility criteria for a Community Transfer body, which could be an existing Scottish Charitable Organisation or Community Benefit Society and must have no fewer than 20 members.

Part 3 – Participation Requests

7. A Participation Request is a request from a pre-existing body to participate in an outcome improvement programme for a specific service or project.
8. Requests of this type can only be made by a Community Participation Body, which is explained in the Act as a group where the majority of individuals are members of that community and must have a written constitution, for example a Community Council.

9. In making such a request, the Community Participation Body must specify the reasons for the request and also the potential outcome that could come out of a successful change to service delivery.
10. It should be noted that a Participation Request can be submitted to one or multiple public bodies to review and make a decision on, in line with their procedures.
11. For requests with multiple public authorities it is essential that we follow similar procedures to ensure a consistent approach, whether the request is being presented to the Health Board or the Local Authority.

NHS Board Requirements

12. To comply with the Act, the NHS Board must undertake a number of actions, which are noted below:

	Requirement	Action
1.	Develop a Community Participation and Engagement Strategy and publish it for public review.	An overarching Community Participation and Engagement Strategy is being prepared and will be presented back to Board for approval in November 2020, before being published on the NHS Dumfries and Galloway Website.
2.	Develop a Community Asset Transfer Strategy and publish it for public review.	Since the Act was released in 2015, NHS Dumfries and Galloway, along with other NHS Boards in Scotland have been working with Central Legal Office to develop a national process for Community Asset Transfers that would give a consistent approach. Unfortunately, difficulties have been faced in relation to a national process, therefore, work is underway to develop a local process and strategy, which will be brought back to NHS Board for approved in November 2020.
3.	Develop a Community Asset Transfer Procedure and publish it for public review.	The local process has been developed and published on the Board's external website for public access.
4.	Develop a Participation Request Strategy and publish it for public review.	A strategy for Participation Requests has been developed and published on the Board's external website for public access.

5.	Develop a Participation Request procedure and publish it for public review.	A process for Participation Requests has been developed and published on the Board's external website for public access.
6.	Create a page on the Board's external website which is easily accessed and contains all of the above documents.	All information on Participation Requests and Community Asset Transfers can be found on the Board's external website, through the following link: https://www.nhsdg.co.uk/information-and-engagement/
7.	Take an Annual Report to NHS Board charting the requests that have been received, the decision that was made and how the Board came to that decision, whether the request was approved or rejected.	This is the third iteration of the annual report for Community Asset Transfers and Participation Requests. The previous two reports are available on the Board's external website, by clicking on the following link: https://www.nhsdg.co.uk/information-and-engagement/

Participation Requests Progress Update

13. A process for handling Participation Requests received into the Health Board has been developed and published on the Board's public website.
14. The process has been prepared in conjunction with the guidance from Scottish Government and also the procedure set out by Dumfries and Galloway Council, to ensure a consistent approach is defined as per the recommendations within the Act.
15. For the period of 1st April 2019 – 31st March 2020 no applications or enquiries in relation to Participation Requests were received by the Board.

Community Asset Transfer Progress Update

16. NHS Dumfries and Galloway have a number of properties within the estate, which would be eligible under Part 5 of the Community Empowerment (Scotland) Act 2015. A map of the property locations and a more detailed list has been published on the Board's public website for review.
17. A flowchart has also been published on the external website to give an overview of the process that we are currently following should a new application be received.

18. As mentioned in the table above, there was a consensus from all Boards in Scotland to develop a consistent “Once for Scotland” approach to the recording and handling of requests received in relation to property. Key individuals from each of the Health Boards were involved in this piece of work with Central Legal Office; however, it is proving more difficult that initially thought to agree a single consistent process.
19. As a result of this, it has been agreed that Health Boards will look to develop their own local process, which will be aligned to the Property Transaction requirements as well as the legislation around Asset Transfers. The strategy is being developed at the moment and the aim is to bring the final version back to the November 2020 NHS Board meeting for approval and publication.
20. The process will be reviewed again before the strategy is presented for approval to ensure the flowchart is still consistent with the procedures mentioned in the new strategy.
21. For the period of 1st April 2019 – 31st March 2020 no Community Asset Transfer requests were received by the Board

Published Information

22. The Act mentions that to ensure compliance with the legislation public sector organisations are required to publish a selection of data on their external website for easy reference.
23. NHS Dumfries and Galloway have created a page on their public website to give details of how a Community Transfer Body and Community Participation Body can apply for a Participation Request or an Asset Transfer Request. The page will contain details of any requests that have been received, the outcome of the decision process for each request and copies of the Community Asset Transfer and Participation Request Annual Reports.
24. For easy reference the page on the Board’s public website can be found under the About Us section, which contains the basic information that the community bodies will need to begin the request process. The web page address has been noted below:

<https://www.nhsdq.co.uk/information-and-engagement/>

Conclusion

25. NHS Dumfries and Galloway recognise that limited promotion of the Community Asset Transfers and Participation Requests have been made to date, however, we are working on the development of a Communication Engagement Strategy, which will help to progress the need to work closely with community bodies to encourage communication with ourselves, specifically around asset transfers or improvements to our services through participation request, but also about encouraging wider communication with the public

26. A full report will be presented to the NHS Board on an annual basis, with all requests being highlighted to the Board's Management Team throughout the year, to ensure a consistent and well managed approach to the way the requests are handled within the specified timelines.