

# NHS Dumfries and Galloway



**Meeting:** NHS Board (Public)  
**Meeting date:** 14<sup>th</sup> June 2021  
**Title:** Participation Request and Asset Transfer Annual Report 2020/21  
**Responsible Executive/Non-Executive:** Laura Geddes, Corporate Business Manager  
 Ian Bryden, Head of Estates and Property  
**Report Author:** Jeff Ace, Chief Executive

## 1 Purpose

**This is presented to the Board for:**

- Decision

**This report relates to a:**

- Government policy/directive
- Legal requirement

**This aligns to the following NHSScotland quality ambition(s):**

- Effective

**Please select the level of assurance you feel this report provides to the board/committee and briefly explain why:**

Significant	<input type="checkbox"/>	Moderate	<input checked="" type="checkbox"/>	Limited	<input type="checkbox"/>
None	<input type="checkbox"/>	Not yet assessed	<input type="checkbox"/>		<input type="checkbox"/>

**Comment:**

This paper demonstrates compliance with the Community Empowerment (Scotland) Act 2015 in the development of appropriate processes to allow the public to submit Participation Requests and Asset Transfer Requests. These processes are currently being progressed with the first submissions of formal applications. Comments and suggestions will be sought from the community bodies on any changes to the processes to further enhance them, therefore, a moderate level of assurance is given to this annual report.

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**From the list below, please select which Board Priority this paper relates to. If none of the priorities suit, please select other and briefly explain why this paper needs to be reviewed at Board/Committee:**

COVID-19 Containment Work		Continued Support for Staff Wellbeing	
Delivery of Sustainable Service Models		Delivery of Enhanced Services to address Pandemic Harms	
Other (please explain below)	✓		

**Comment:**

It is a legislative requirement, as part of the Community Empowerment (Scotland) Act 2015, that the Board publishes an annual report on the Community Asset Transfer Requests and Participation Requests received in year within an annual report, which is being presented to NHS Board for approval and onward publication.

## 2 Report summary

### 2.1 Situation

This paper presents the Participation Requests and Community Asset Transfer Requests annual report which the Board is required to publish by 30<sup>th</sup> June 2021.

### 2.2 Background

The Community Empowerment (Scotland) Act 2015 requires NHS Boards to publish a report on an annual basis that details the Community Asset Transfer requests and Participation requests received in year.

### 2.3 Assessment

The annual report attached at Appendix 1 details the review of requests that have been received in year and any new enquiries that have been received outwith the annual period, which will be presented to NHS Board later in 2021/22 as per the processes and timelines that are in place.

#### 2.3.1 Quality/ Patient Care

There have been no quality or patient care issues identified when preparing this paper.

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### 2.3.2 Workforce

There have been no workforce related issues identified when preparing this paper.

### 2.3.3 Financial

There have been no financial issues identified when preparing this paper.

### 2.3.4 Risk Assessment/Management

No risk assessments have been undertaken when preparing this paper, however, any requests received will have risk assessments undertaken as they are progressed through the application processes.

### 2.3.5 Equality and Diversity, including health inequalities

No impact assessments have been undertaken when preparing this paper, however, any requests received will have impact assessments progressed as the requests are taken through to the application stages.

### 2.3.6 Other impacts

No other impacts have been identified within this paper.

### 2.3.7 Communication, involvement, engagement and consultation

The Board is carrying out our duties to involve and engage with the Community Bodies as part of the consultation process on the requests or applications received.

### 2.3.8 Route to the Meeting

This paper has not been taken through any formal groups or committees, however, consultation has been undertaken with the Head of Estates and Property.

## 2.4 Recommendation

- **Decision** – NHS Board is asked to approve the Participation Requests and Community Asset Transfer– Annual Report 2019/20 at Appendix 1 for publication on the NHS Dumfries and Galloway external website and submission to Scottish Government.

### **3 List of appendices**

The following appendices are included with this report:

- Appendix 1, Participation Request and Community Asset Transfer Annual Report 2020/21



# **Participation Request and Community Asset Transfer**

## **Annual Report 2020/21**

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### 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 membership of the group is open to any member of that particular community, do not need to have a written constitution and any funds they receive are applied for the benefit of that community. An example of a Community Participation Body could be a Community Council.

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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.

### **Participation Requests Progress Update**

12. A process for handling Participation Requests received into the Health Board has been developed and published on the Board's public website.
13. 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.
14. For the period of 1<sup>st</sup> April 2020 – 31<sup>st</sup> March 2021 no applications or enquiries in relation to Participation Requests were received by the Board.
15. In April 2021, NHS Dumfries and Galloway received an enquiry and subsequently an application for a Participation Request, which is currently being taken through the Process developed for handling any applications received. This will be the first participation request application received by the Board, so we will be working with the Community Participation Body to seek comments on the process and their experience submitting a request. Further detail on any changes to the process and comments made will be included within the Annual Report for 2021/22. Details on the application itself will be brought back to the Board in line with the agreed process and timeline.

### **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. 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.
18. 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.

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19. NHS Board approved the local process for handling Community Asset Transfer requests in December 2020 and this flowchart has been published on the external website to give an overview of the process that we are currently following for any new requests.
20. For the period of 1<sup>st</sup> April 2020 – 31<sup>st</sup> March 2021 one Community Asset Transfer requests has been received by the Board.
21. An Asset Transfer application was received on 1<sup>st</sup> February 2021 from Support in Mind Scotland, which is being processed through the Board's Asset Transfer Request process. The application is in the initial discussion stages to talk through some due diligence items that have been identified.
22. Once the due diligence process has been completed the application will be formally acknowledged and progressed to the assessment and determination stage. Further information on the application will be brought back to NHS Board as per the Asset Transfer Request process and timeline.

### Published Information

23. 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.
24. NHS Dumfries and Galloway has 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.
25. 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.nhsdg.co.uk/information-and-engagement/>

### Conclusion

26. 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 Participation and 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.
27. 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.