

# NHS Dumfries and Galloway



**Meeting:** NHS Board (Public)  
**Meeting date:** 13<sup>th</sup> June 2022  
**Title:** Participation Request and Asset Transfer Annual Report 2021/22  
**Responsible Executive/Non-Executive:** Jeff Ace, Chief Executive  
**Report Author:** Laura Geddes, Corporate Business Manager  
 Ian Bryden, Head of Estates and Property

## 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; 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 for the period 1<sup>st</sup> April 2022 – 31<sup>st</sup> March 2022, 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.

#### 2.3.1 Quality/ Patient Care

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

#### 2.3.2 Workforce

There have been no workforce relates 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.

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### 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.

Further details on the development on the Participation and Engagement Strategy has been included within the body of the Annual Report at Appendix 1.

### 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 2021/22 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 2021/22**

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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 3 – Participation Requests

4. A Participation Request is a request from a pre-existing body to participate in an outcome improvement programme for a specific service or project.
5. 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.
6. 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.
7. 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.

### Part 5 – Asset Transfer Request

8. An Asset Transfer Request relates 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.
9. 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.

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10. 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.

### **Participation Requests Progress Update**

11. A process for handling Participation Requests received into the Health Board has been developed and published on the Board's public website.
12. 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.
13. For the period of 1<sup>st</sup> April 2021 – 31<sup>st</sup> March 2022 one application in relation to participation Requests was received by the Board.
14. On 1<sup>st</sup> April 2021 Old Luce Development Trust submitted a Participation Request for consideration by the Board. The application focussed on the development of a new service model for Glenluce GP Practice with a view to enhancing the current and new services.
15. Discussions were held with Old Luce Development Trust, however, there was some delay in the progress of the application due to challenges being faced as a result of the COVID pandemic as staff were deployed into other work areas to help alleviate some of the pressures on current resources.
16. A liaison officer was appointed from within the NHS to review the application with Old Luce Development Trust, to ensure it meets the criteria for a participation request.
17. On 6<sup>th</sup> October 2021, NHS Dumfries wrote to Old Luce Development Trust to confirm that the participation request application was successful and that a working group was being established to develop and delivery on a workplan for the review and redevelopment of services within the GP Practice.
18. Further updates on the progress of the Participation Request will be taken through the operational teams, with any decisions outwith their delegated authority being brought back to NHS Board for approval.

### **Community Asset Transfer Progress Update**

19. 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.
20. NHS Board approved a local process and flowchart for handling Community Asset Transfer requests in December 2020, which is available on the Board's external website to give an overview of the process that we are currently following for any new requests. The process has been endorsed by Central Legal Office to ensure it aligns to the Scottish Capital Investment Manual and the Property Transactions guidance.

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21. For the period of 1<sup>st</sup> April 2021 – 31<sup>st</sup> March 2021 one Community Asset Transfer requests was being progressed by the Board.
22. An Asset Transfer application was received on 1<sup>st</sup> February 2021 from Support in Mind Scotland (Kaleidoscope), with a view to transferring ownership of Mountainhall house from NHS Dumfries and Galloway to themselves.
23. The application has been reviewed by Central Legal Office who have issued a number of comments on the submission document to be addressed before the formal application is made. Support in Mind Scotland have been reviewing the advice from Central Legal Office during the pandemic, with regular contact from the NHS liaison officer to offer support in the application process.
24. 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.

### **Participation and Engagement Strategy**

25. Formal public consultation is currently taking place on a new draft three-year Participation and Engagement Strategy for Dumfries and Galloway Integration Joint Board, as part of the statutory requirement for each public body.
26. The document which results from the consultation process will set out a strategy for supporting all the participation and engagement activity which takes place on behalf of the Integration Joint Board to be carried out in line with national standards, best practice, legislation and established common law. It will help support this activity with recognition that it is mutually beneficial both for those who access treatment and care and those who have a role in planning and delivering that treatment and care.
27. The draft strategy is very closely aligned with an existing Dumfries and Galloway Council strategy. The very considerable majority of NHS Dumfries and Galloway's operational functions falls within the scope of the Integration Joint Board. It is, therefore, proposed that NHS Dumfries and Galloway either modify and then adopt the ultimate strategy with its own corporate identity, or instead officially recognise the Integration Joint Board strategy and state that the instructions therein will apply to the entirety of its work around participation and engagement.
28. A full review of the Integration Joint Board strategy will be undertaken once it has been approved and a proposed position will be brought back to NHS Board for review and approval later in the year.

### **Published Information**

29. 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.
30. 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

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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.

31. 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

32. NHS Dumfries and Galloway have promoted the Asset Transfer Requests and Participation Requests on social media and on the Board's external website, however, we recognise that further work needs to be undertaken. The development of the Participation and Engagement Strategy will help the Board 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
33. A full report will be presented to the NHS Board on an annual basis, with all requests being highlighted to Board Management Team throughout the year, to ensure a consistent and well managed approach to the way the requests are handled within the specified timelines.