

NHS Dumfries and Galloway



Meeting: NHS Board (Public)

Meeting date: 10th June 2024

Title: Participation Request and Asset Transfer Annual Report 2023/24

Responsible Executive/Non-Executive: Julie White, Chief Executive

Report Author: Laura Geddes, Corporate Business Manager
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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. As we have yet to take an application through the full process, 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:

(For more detail on each of the tactical priorities, please click on this [link](#))

Service Sustainability		Financial Sustainability	
Workforce Sustainability		Environmental Sustainability	
Quality and Safety		Population Health and Health Inequalities	
Other (Please explain below)	X		

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, 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 1st April 2023 – 31st March 2024, which the Board is required to publish by 30th June 2024.

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 what progress has been made with each of them.

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.

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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 Climate Emergency and Sustainability

Any positive or negative impacts on Climate Emergency and working to Net Zero have been picked up within the Annual Report at **Appendix 1**.

2.3.7 Other impacts

No other impacts have been identified within this paper.

2.3.8 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**.

2.3.9 Route to the Meeting

Prior to coming to NHS Board, this paper was discussed with the Head of Estates and Property.

2.3 Recommendation

- **Decision** – NHS Board is asked to approve the Participation Request and Community Asset Transfer– Annual Report 2022/23 at **Appendix 1** for publication on the NHS Dumfries and Galloway external website and submission to Scottish Government.
- **Decision** – NHS Board is asked to approve the publication of the NHS Property Register for publication on the Board’s external website.

3 List of appendices

The following appendices are included with this report:

- Appendix No 1, Participation Request and Community Asset Transfer Annual Report 2023/24



Participation Request and Community Asset Transfer

Annual Report 2023/24

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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 1st April 2023 – 31st March 2024 no new application in relation to Participation Requests were received by the Board.

Community Asset Transfer Progress Update

14. 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.

<https://www.nhsdg.co.uk/wp-content/uploads/2024/06/NHS-Property-Registers-at-230523.xlsx>

15. 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 requests received. The process has been endorsed by Central Legal Office to ensure it aligns to the Scottish Capital Investment Manual and the Property Transactions guidance.
16. For the period of 1st April 2023 – 31st March 2024 no new Community Asset Transfer requests were received by the Board.

Participation and Engagement Strategy

17. Formal public consultation was undertaken and the Participation and Engagement Strategy for 2023-25 was approved for Dumfries and Galloway Integration Joint Board, as part of the statutory requirement for each public body.
18. The strategy supports all of 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.
19. The approved Integration Joint Board Strategy covers the majority of NHS Dumfries and Galloway's operational functions, therefore, a modified version of the strategy was taken to NHS Board in June 2023 to approve and adopt

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the strategy for all NHS Dumfries and Galloway activity. The approved strategy can be found on the external website.

<https://www.nhsdg.co.uk/wp-content/uploads/2023/06/Participation-and-Engagement-Strategy-2023-25.pdf>

Published Information

20. 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.
21. 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.
22. The page contains 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 along with property lists and other useful information.
23. 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

24. 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 implementation 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 requests.
25. A 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.
26. An action was taken in the 2022/23 Annual Report to undertake a full review of the processes for handling requests and it was agreed that this would be undertaken in 2023/24, with the outcome be included in the next annual report. As we have not received any new requests in 2023/24 it was not possible to undertake the review in year. This has been pushed back to 2024/25, pending receipt of requests to allow any revisions to the processes to be worked through with live examples and to obtain feedback from the requesters.