

NHS Dumfries and Galloway



Meeting:	NHS Board (Public)
Meeting date:	8 June 2026
Title:	Participation Request and Asset Transfer Annual Report 2025/26
Responsible Executive/Non-Executive:	David Rowland, Director of Corporate Services
Report Author:	Laura Geddes, Corporate Business Manager Janette Park, 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

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, therefore, a significant level of assurance can be provided that the Board is compliant with legislative requirements.

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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](#))

- 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, 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 2025 – 31st March 2026, which the Board is required to publish by 30th June 2026.

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.

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 Risk Appetite

From the list below, please select the risk appetite level associated with the paper and provide an explanation as to how you came to that decision.

- Moderate

Comment:

Although the processes for handling Participation Requests and Community Asset Transfers is directly linked to legislation from Scottish Government, there is a degree of risk that can be tolerated in negotiating and discussing the terms of the requests to reach a conclusion, therefore a moderate risk appetite has been noted against this paper.

2.3.6 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.

2.3.7 Climate Emergency and Sustainability

No climate emergency and sustainability issues have been identified as part of the development of this paper.

2.3.8 Consumer Duty

An impact assessment has not been completed because no requests for decisions are being put forward within this paper that would have a negative impact on the consumer.

2.3.9 Other impacts

No other impacts have been identified within this paper.

2.3.10 Communication, involvement, engagement and consultation

Engage with Community Bodies as part of the consultation process on the requests or applications received is documented within the annual report at **Appendix 1**.

2.3.11 Route to the Meeting

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

2.4 Recommendation

Decision

- NHS Board is asked to approve the Participation Request and Community Asset Transfer– Annual Report 2025/26 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 No 1, Participation Request and Community Asset Transfer Annual Report 2025/26



Participation Request and Community Asset Transfer

Annual Report 2025/26

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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. In August 2024, the Board received a new Participation Request from Think Differently Dumfries and Galloway, which was deemed to be a valid request, meeting the criteria around the Community Participation Body set out in the legislation.
14. The key outcomes and areas of service improvement related to the following points:
 - Improve experiences and outcomes for autistic adults, adults with ADHD and those with co-occurring neurodevelopmental conditions – before, during and after diagnosis.
 - Develop a stronger and more meaningful partnership between NHS Dumfries and Galloway and local neurodivergent people, enabling us to influence the design and delivery of local health and other services to ensure that they better meet our needs.
15. The application was taken to Board Management Team for awareness, in line with the agreed process, where it was agreed that the Lead Director for the request would be the Chief Operating Officer, supported by the Clinical Director of Psychology.
16. Due to changes within the Community Participation Body, a request had been put forward to pause the work in relation to this request. The Board was content to accommodate this request and are working with Think Differently Dumfries and Galloway to recommence the work when they are able to.
17. Progress updates will be brought back to Board Management Team once the work has restarted.

Community Asset Transfer Progress Update

18. 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.

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

19. 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.
20. For the period of 1st April 2025 – 31st March 2026 no new Community Asset Transfer requests were received by the Board.

Participation and Engagement Strategy

21. The approved Participation and Engagement Strategy for 2023-25 supports all of the participation and engagement aligned with national standards, best practice, legislation and established common law and can be found on the external website.

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

22. The Communications Team are in the process of reviewing the strategy to take back through the Integration Joint Board for approval. Once approved the NHS Dumfries and Galloway strategy will be updated and brought back to NHS Board for approval and implementation.

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.
25. 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.
26. 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/>

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Conclusion

27. NHS Dumfries and Galloway have promoted the Asset Transfer Requests and Participation Requests on the Board's external website. The Participation and Engagement Strategy also helps 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.
28. 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.