

Participation Requests - FAQs

Frequently asked questions.

Summary.

What are participation requests?

Participation requests are a new way for people to have their say about what improvements they would like to see made to public services they use.

By making a participation request, a community body (or group of people in a community) can ask to start a discussion with organisations in charge of public services, such as hospitals, schools and transport, about how to improve these services. The organisations that participation requests can be made to are called 'public service authorities' and include local authorities and health boards as well as a list of other organisations.

What kind of things can you make participation requests about?

Participation requests can lead to discussions about any aspect of a service. This could range from issues to do with service delivery such as home-care visits to more strategic issues to do with how services are planned and funded.

When a group makes a participation request they have to identify an outcome to be improved. Outcomes are the changes that services aim to bring about, such as improved health and wellbeing, or reduced child poverty. The outcome has to be relevant to the public service authority that you are making the participation request to.

Background.

What legislation has created the opportunity for participation requests and why?

They are part of a piece of Scottish Government legislation called the Community Empowerment (Scotland) Act 2015. The Act aims to empower communities through making it easier for them to control land and buildings and to influence services. The right to make participation requests relates to influencing services.

Who can make a participation request?

Any group of people can come together to make a participation request, although they have to show they meet some requirements (see below).

What is a community participation body and what qualifies as this? (Do they have to be a constituted organisation, living in the same area etc?)

Community participation body is the term given to the group of people who make a participation request. To qualify as a community body, the group must show it meets some requirements. For instance, the group must state the community which they are from, and this can be a geographic community or people who share the same interest or background.

Most of the group's members must be from that community, and the group needs to be open to other community members. Any profits have to be used to benefit the community and a statement of aims and purposes must also be provided. It should be easier for a group to show they meet these requirements if they are constituted, although this is not a requirement.

Who can you make a participation request to – can you make it to more than one organisation/body?

You can make a participation request to the following public service authorities:

- Local authority/council
- Health board
- Scottish Enterprise/Highlands and Islands Enterprise
- Board of Management of a college of further education
- A national park authority
- Police Scotland
- Scottish Environmental Protection Agency
- Scottish Fire & Rescue Service
- Scottish Natural Heritage
- Regional transport partnerships

You can make a participation request to more than one of these bodies. To do so, you have to make the participation request to one authority and state which other authorities you would like to be brought into the request.

Making the request.

How do you have to make the participation request – does it have to be in a written format?

All public service authorities should have their own form available, and these can be found on the websites of many authorities. They should ask a set of standard questions that are the same for every authority, although some may add additional questions.

If you can't find a form you will still be able to make a participation request. Ask the authority to provide you with a form as it their responsibility to provide one.

Public service authorities should also support you if there are any barriers to filling in the form. If you require a different way to make a participation request, let the authority know.

What can you include in your request?

The questions are quite open and it is up to you what you include. You want to explain why you should be involved in improving the outcomes of services, so anything which demonstrates this should be useful.

Some successful participation requests have included a lot of background information in the form. This includes:

- A description of the issues
- some history of the group's work around the issues
- survey data
- references to strategies by the public service authority
- examples of issues people have faced when using services
- hyperlinks to any supporting documents

Do you need to provide any evidence to show that the issue you are raising is important to your community?

This will help to make the case but is not required under the legislation.

What if you are a small group of people – does this go against you?

What is important is that you show you have the right experience to contribute to improving the outcome. Having more people in the group with relevant experience might help, but the number of people isn't what really matters.

What questions would be helpful to answer before making the request? (e.g. What difference will this make to our community?)

Some good questions to answer are:

- What is the issue you want to address?
- What outcome would be improved by addressing this issue?
(Remember, you need to state an outcome you want to improve in the participation request form)
- Are there any existing ways in which you can be involved in improving outcomes for your community?
- Does your group meet the requirements to make a participation request?
- What knowledge, skills and experience can you bring and how will you show this?

Can you ask for certain people, departments or teams to be part of any future discussion?

If your participation request is agreed to, you will have the opportunity to say who it is you would like to be involved, and how. The public service authority makes the final decision about who should be involved.

Do you have to understand the relationship between different departments to know who is involved in particular decisions?

The public service authority should know this and include all relevant people in the discussions that are set up. However, it will be helpful in practice to know how different departments relate to one another. You may want to ask for certain people and departments to be included. It may also be helpful to know how decisions are made when you are taking part in the discussions about improving the outcome.

Can you ask to be part of contract discussions?

This would be too specific to base a participation request on. The focus is on how to improve outcomes. Issues to do with contracts and commissioning may come into the discussion further down the line if they are relevant to improving the outcome.

How the request is dealt with.

What should happen after you make the participation request?

The public service authority first has to accept (or 'validate') the form. If they think that the form is not completed correctly or that they require additional information, then they should ask you to resubmit the form.

What are the timescales for dealing with the request?

Once the form has been validated, the public service authority has 30 days to decide whether or not to agree to the request. They have 45 days to respond if you have asked for more than one public service authority to be involved.

Can you continue a discussion with someone on the same issues whilst the request is being considered?

Yes, a participation request should always be seen as one way to start a discussion about services. It should not prevent you trying to address things in other ways.

Of course, it could be that your wider discussions lead to you being involved in improving the outcome anyway. You could then agree with the public service authority that the participation request is not needed anymore. You could always resubmit it at a later date if you weren't happy with your involvement.

Can the request be refused and what are the grounds for a refusal?

Yes, but it should be agreed to unless there are good reasons not to.

Participation requests are designed so that there is an assumption that people with lived experience have an important contribution to make to improving services.

In order to refuse your request, the public service authority would have to show that your involvement works against improving outcomes, which should be difficult to do.

In practice, some participation requests have been refused on different grounds. For instance, some requests have been refused because an issue has already been consulted on, or that a forum already exists which the group could be part of. This may have been avoided if groups had considered some of the questions listed above that are good to answer before making a participation request.

The Outcome Improvement Process.

When your request is approved what happens next?

The public service authority should let you know about the outcome improvement process they intend to set up. This is the process that will help improve the outcome you identified in your participation request.

You will have the chance to discuss the outcome improvement process with the authority. It should begin no later than 90 days after your request was agreed to.

What's involved in the outcome improvement process?

This will depend on the nature of your request but will likely involve meetings to plan and agree on actions, as well as some reviewing of what has been achieved.

Can current discussions be considered part of the response to the request?

Yes, an outcome improvement process can be an existing process, just so long as it relates to the outcome to be improved.

What if there is no agreement on actions, timescales and who should be involved?

Although you will get a chance to discuss how the process will work and who is involved, it is the public service authority who decides this in the end. No appeals mechanism or umbrella body exists for participation requests.

This doesn't mean that you should accept an unsatisfactory process. You can still make the case to a public service authority that the process doesn't meet the requirements of the Community Empowerment Act and needs to be better. Some public bodies will be keen to ensure they abide by the legislation.

When does the process end – can it be on-going work for weeks, months or years?

Yes, it can be any of these, and the number of meetings and amount of work involved will also vary depending on the nature of the request.

It will be worth considering what you can commit to before agreeing. You should also think about any support you will require in order to take part (see below)

Can I get support to take part?

The public service authority is required to offer support to groups who need this. This includes support to make the participation request and support to take part in the meetings and discussion that result from it.

The legislation does not say what kind of support should be provided. This means you may be offered the bare minimum, such as expenses. However, some public bodies may offer more, so it will be worth asking about this.

Afterwards.

Does the public authority have to report anything to anyone?

The public service authority has to produce a report after each completed outcome improvement process, describing the process that took place and how the outcome was improved. It also has to produce an annual report stating how many participation requests were received, how many were granted/refused and what support was provided.

These reports are required by the legislation and have to be available for everyone to access. However, they are not officially monitored by anyone.

What if the action points don't get actioned – what can people do?

Given that the outcome improvement process will be set out in a report, it will be worth chasing up the public service authority to hold them to the actions they have agreed to.

Failing that, it may be worth sharing experiences as widely as possible, including to the Scottish Government. If participation requests aren't working properly this needs to be known so they can be improved or strengthened.

Thanks to Mark Han-Johnston from Self Directed Support Scotland for providing the above questions.

More information.

For more on participation requests and the wider Community Empowerment Act visit www.scdc.org.uk.