

A Public Social Partnership Project by:



The National Third Sector GIRFEC Project response to Scottish Government consultation on the Community Empowerment (Scotland) Act 2015 – Participation Requests

Introduction

The National Third Sector GIRFEC Project is a partnership between a core group of organisations. They include Barnardo's Scotland, Voluntary Action Scotland and the Improvement Service. This response is based on our work in 10 Community Planning Partnerships in the last three years and a consultation event with key stakeholders.

Response

The Project is pleased to respond to the consultation on participation requests. We support the provision in the legislation which would allow community controlled bodies to make a request to a public body to take part in a process to improve an outcome in the community where it believes it has a part to play in this. As the consultation paper notes this is in line with the recommendation from the Christie Commission that Government should seek to strengthen communities voices in shaping the services which affect them.

We have responded to some of the questions and made some general and specific comments. We have also focussed on some of the broader issues which we believe the Scottish Government may want to consider as it develops the guidance on participation requests.

Q2 Should it be possible for a community body to put in a participation request without using a form?

We believe that a form should act as a guide but that to make the process as open as possible it should be possible for community groups to put their request in writing. This could be in the form of a letter or an email. What is important is that the request contains the relevant information required by statute. There should however be the opportunity for the public body receiving the request to ask the community group for clarification or additional information. It will be important to avoid a situation where an application is ruled 'inadmissible' as a result of basic information not being supplied. In short, all efforts need to be made to ensure a community group has the opportunity to supply the information.

Q5 What, if any, are the particular/specific ways that public service authorities should promote the use of participation requests?

We are aware that the Scottish Government has been consulting with communities on how participation requests will operate. This is a good start.

To build on a growing awareness in communities there needs to be strong clear messages developed on what participation requests are, examples of the types of things they can be used for, how they can be used and, crucially, what will be expected of community groups as part the outcome improvement process. Without concerted information campaign to raise awareness many organisations will not be aware of participation requests or their purpose. Any information campaign should be supported by the Scottish Government to ensure consistency of information across the country.

We believe that Third Sector Interfaces (TSIs) could have an important role in promoting participation requests and consideration should be given as to how this can be done.

In addition, we would highlight the need to ensure as wide a range of community bodies as possible are aware of the opportunity to make participation requests. This should include groups with protected characteristics, such as young people's groups, and other communities of interest within geographic communities. Many young people's groups may have very different ways of receiving and disseminating information from public bodies compared to other community organisations, so specific promotional materials should be produced aimed at such groups. Any information that is used to promote participation requests with communities should be available in accessible formats.

Q6 What are the ways that public service authorities should support community participation bodies to make a participation request and participate in an outcome improvement process that should be set out in regulations?

Before an outcome improvement process has commenced we believe there are three key areas where support for community bodies will be required.

1. Clear and accessible information: as we have described above it will be important that community bodies have access to information on participation requests that is not only accessible but that also makes clear what they are for, how the request can be made.
2. A single point of contact: it will be important for each public body to have a single point of contact for requests to be made (such as that for Freedom of Information requests). It may be that the point of contact is situated with one public body but is able to pass on the request to the relevant authority or the relevant department within their own authority. The key element is that community bodies know to get in touch with this contact should they want to make a request.

3. Ongoing help and support: rather than just being a 'post box' for requests a single point of contact could work with communities to actively support their application by assisting with any queries they may have and keeping them informed of any developments in relation to the request. This support should carry on to the point where the request is agreed to and the outcome improvement process starts or where the request is refused.

Should the community bodies request that an outcome improvement process be commenced it will be important for there to be a **dedicated official from a public authority working with the community body** to offer support in relation to the process, access to information and to address any concerns about these or any other aspect of the process.

Many smaller organisations that have made an acceptable request for the right reasons may lack the capacity to follow through and be active in the outcome improvement process. As such the public authority should be open to community bodies working with other third sector organisations that may not fit the definition of community controlled body in the Act but have a strong presence and history in the local community. There could also be a role here for the TSI in supporting the capacity of community bodies to be involved although for some TSIs this may prove to be challenging depending on the subject matter of the request. Our experience is that TSIs will tend to focus on one or two areas of service delivery. The focus on children's services is patchy and inconsistent across the 32 local authority areas.

Q8 How long should the public service authority have to assess the participation request and give notice to the community participation body? Is 30 days a reasonable amount of time? If not, how long should the period for making a decision be?

We agree that in general 30 days to respond to a request seems reasonable. There may however be circumstances where a request is made that is time critical and that to wait 30 days would mean that the request was no longer valid. We would suggest that the regulations make it clear that if a request is judged to be of this nature the public authority will make contact with the community body to discuss the request as soon as reasonably possible and in a way that does not jeopardise the possibility of the request being accepted.

Q12 Section 31 sets out the aspects that the report of the outcome improvement process must contain. What other information, if any, should the regulations require the report include?

We would suggest that the regulations require the public authority to include the views of the community body in relation to each request in the report. This would offer transparency in relation to each request and could contribute to reducing the number of vexatious requests.

The third sector

The National Third Sector GIRFEC Project has worked in 10 community planning partnerships across Scotland and worked closely with both local and national third sector organisations.

Whilst not an issue for the regulations we feel it is important to note that it will be challenging for national third sector organisations to make a participation request as they will not fit the definition of community controlled body in sections 19 and 20 of the Act

This will also apply to smaller local organisations. Whilst we fully support the intention to ensure that decisions about local communities are taken by local communities we would like guidance on participation requests to make clear that local services of national organisations have an important contribution to community confidence and cohesion as well as providing vital services to vulnerable children and families. This also applies to smaller local third sector organisations.

Children's services

We would hope that where community bodies see an opportunity to make participation requests in relation to improving outcomes for children and young people in their communities they will do so. Nevertheless, as we have outlined above we are concerned about the capacity of many smaller organisations to be involved in a strategic outcomes improvement process.

Many organisations are already facing cuts as a result of budgetary pressures and are not generally funded to get involved in these processes. We are concerned that without support there will be a reluctance, or inability, for small community bodies to use participation requests with the aim of improving outcomes for children and young people.

In our work in Community Planning Partnerships we found that unless there is an infrastructure in place for the third sector to get involved in strategic commissioning it was very challenging to make this happen. This is where there is a key role for TSI's in supporting smaller organisations to be involved at a strategic level. Whilst many TSIs do this well many are under pressure to address the different priorities (health and social care for example) and expectations of local and central government.

Unless resources are made available to TSIs there is a danger that many smaller community bodies interested in outcomes for children and young people will go unsupported.

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