ITEM No …3…………

REPORT TO: **NEIGHBOURHOOD SERVICES COMMITTEE – 21 AUGUST 2017**

REPORT ON: **PARTICIPATION REQUESTS**

REPORT BY: **EXECUTIVE DIRECTOR OF NEIGHBOURHOOD SERVICES**

REPORT NO: **243-2017**

1 PURPOSE OF REPORT

1.1 The purpose of this report is to seek agreement for a framework under which Dundee City Council will implement Part 3 of the Community Empowerment (Scotland) Act 2015 which introduced Participation Requests.

2 RECOMMENDATION

2.1 It is recommended that members approve the proposed protocol outlining how Community Bodies may make a request. (See Appendix A).

2.2 Agree to the scoping exercise being undertaken to identify what participation processes already exist across service areas in DCC and the development of a Participation Strategy.

2.3 Establish an online system to provide information on participation requests and provide a mechanism for requests to be administered.

2.4 Identify a lead representative from each service area who will be responsible for providing detailed information to the Community Empowerment Officer in order that timeous replies, in line with timescales set by Scottish Government, can be sent in response to valid requests.

2.5 Establish a training programme for relevant DCC staff.

3 FINANCIAL IMPLICATIONS

3.1 The financial implications of each participation request will require to be contained within the existing resources of each relevant service area. Any changes to outcome improvement/service design will need to be considered and costed on a case by case basis and will form part of the assessment process.

4 BACKGROUND

4.1 Part 3 of the Act introduces a new right for community bodies to request a dialogue with a public authority to put forward their ideas on how public services could be changed and to improve outcomes for their communities.

4.2 Section 2.3 of Scottish Government Guidance makes it clear that the introduction of Participation Requests is designed to help groups highlight community needs and issues, and become involved in change or improvements which could include community bodies taking on delivery of services. They are not intended to replace good quality existing community engagement or participation processes, where they already function well, but as an opportunity for communities to establish dialogue with public authorities, where there are no existing mechanisms for them to be recognised or be heard.

4.3 An organisation can make a Participation Request if it is a:-

- Community controlled body (has a constitution, has a defined community, is open to any community member, has a majority of members from that community, has a purpose for the benefit of that community).
- Community body without a written constitution (providing the public service authority is satisfied it meets the requirements of the Community Empowerment (Scotland) Act 2015.

- Community of interest (people sharing an interest or characteristic)
- Community Council
- A community body or class of community bodies designated by order of Scottish Ministers

4.4   The Council must agree to the Participation Request unless there are reasonable grounds for refusal. If it refuses the request, it must explain the reasons. At the end of the process, the Council must publish a report on whether the outcomes were improved and how the community body contributed to that improvement.

4.5   Dundee City Council already has well established community engagement structures which include participation by community groups, examples of which include:-

Local Community Planning Partnerships, Neighbourhood Representative Groups and Community Councils, Tenant & Residents Groups, Parent Councils and Parent Teacher Associations, Dundee Youth Council and Forums and Local Management Groups.

4.6   Scottish Government Guidance highlights the need to identify what participation processes already exist across all service areas. A scoping/mapping exercise of DCC participation processes will be undertaken. This will form the basis of a Dundee City Council Participation Strategy which will allow community groups to identify what local mechanisms already exist and signpost how groups can become involved.

4.7   The Council has a Community Empowerment Officer who will be the initial contact for Participation Requests. It is proposed that each service area will identify a lead representative who will be responsible for detailing how the service area intends to establish or amend an outcome improvement process and how they intend to involve the community controlled body.

4.8   The Council has 30 working days to assess any request and must agree unless there are reasonable grounds for refusal.   The Council must also detail how any outcome improvement process will work and at the end of the process publish a report summarising the process and detailing whether the outcomes were improved and how the community body contributed to that improvement. If more than one public service body is involved the assessment time can be increased to 45 working days. If the request is complex, public authorities may agree an extension. Annual reports will be prepared for Committee and Scottish Government.

4.9   The Act details a list of matters that the local authority must consider when reaching its decision on any Participation Request. Any Participation Request should be likely to promote or improve:-

- Economic development
- Regeneration
- Public Health
- Social Wellbeing
- Environmental Wellbeing
- Reduce inequalities of outcome which result from social and economic disadvantage
- Any other benefits that may arise

The Community Participation Body must:-

- Specify the outcome that the community participation body wants to improve
- Provide reasons why the community participation body should participate in an outcome improvement process
- Provide knowledge, expertise and experience the community participation body has in relation to the outcome
- Provide an explanation of how the outcome will be improved because of the involvement of the community participation body

5   POLICY IMPLICATIONS

5.1   This Report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management.

         An Equality Impact Assessment is attached.

6   CONSULTATIONS

6.1   The Council Management Team were consulted in the preparation of this report.

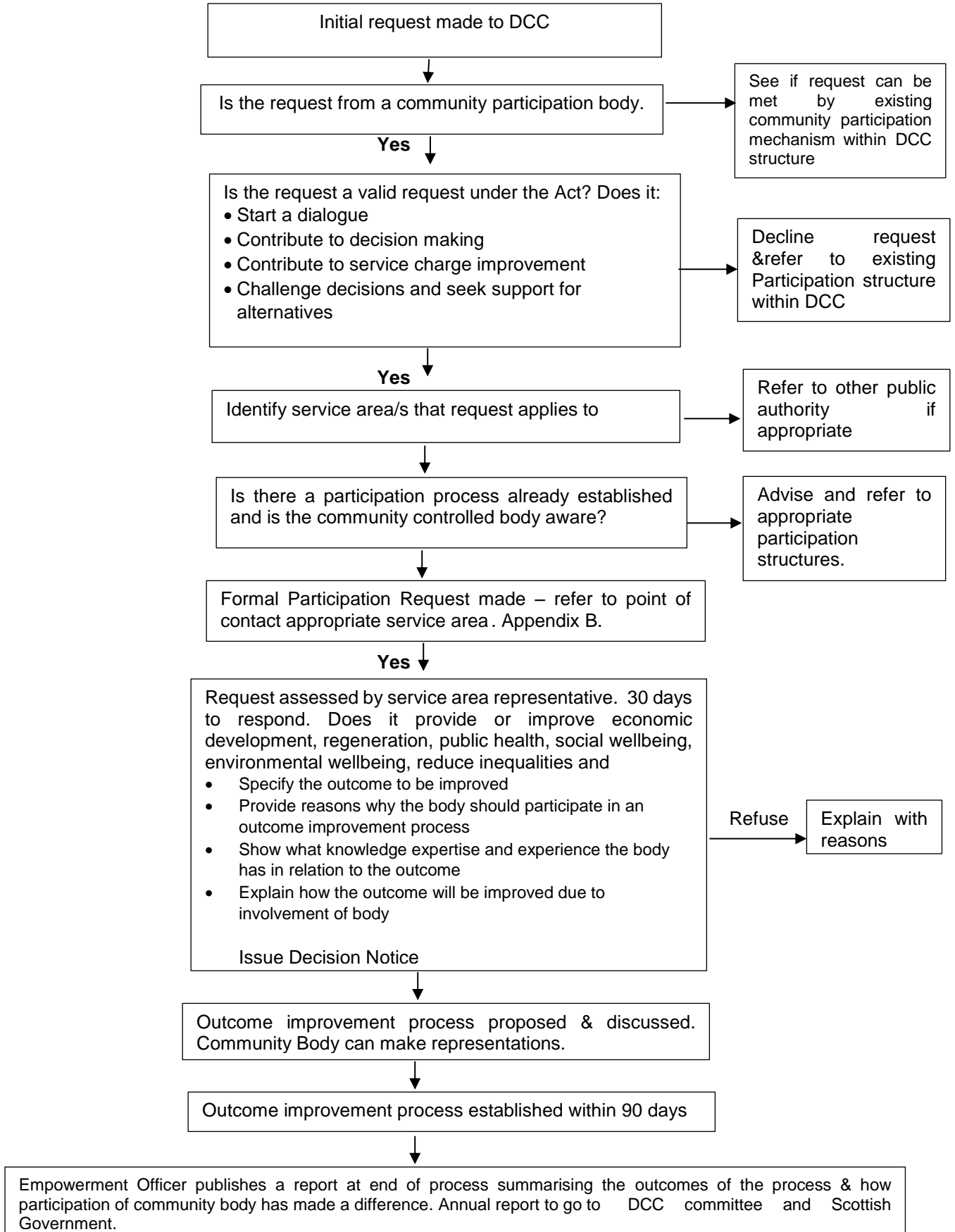**7   BACKGROUND PAPERS**

7.1   None.

Elaine Zwirlein   David Simpson
Executive Director of Neighbourhood Services   **Head of Housing and Communities**

5 July 207

PARTICIPATION REQUEST PROTOCOL

Initial request made to DCC

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| Is the request from a community participation body. | → | See if request can be met by existing community participation mechanism within DCC structure |

Yes ↓

| Is the request a valid request under the Act? Does it:
• Start a dialogue
• Contribute to decision making
• Contribute to service charge improvement
• Challenge decisions and seek support for alternatives | → | Decline request &refer to existing Participation structure within DCC |

Yes ↓

| Identify service area/s that request applies to | → | Refer to other public authority if appropriate |

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| Is there a participation process already established and is the community controlled body aware? | → | Advise and refer to appropriate participation structures. |

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| Formal Participation Request made – refer to point of contact appropriate service area. Appendix B. |

Yes ↓

| Request assessed by service area representative. 30 days to respond. Does it provide or improve economic development, regeneration, public health, social wellbeing, environmental wellbeing, reduce inequalities and
• Specify the outcome to be improved
• Provide reasons why the body should participate in an outcome improvement process
• Show what knowledge expertise and experience the body has in relation to the outcome
• Explain how the outcome will be improved due to involvement of body

Issue Decision Notice | Refuse → | Explain with reasons |

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| Outcome improvement process proposed & discussed. Community Body can make representations. |

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| Outcome improvement process established within 90 days |

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| Empowerment Officer publishes a report at end of process summarising the outcomes of the process & how participation of community body has made a difference. Annual report to go to   DCC   committee   and   Scottish Government. |

Appendix B

Dundee City Council
Participation Request Form

1   Details of Community Participation Body

       Name of Community Body:

       Note 1

       Contact address:

       Note 2

2   Name of public service authority to who the request is being made:

       Note 3

3   Name of any other public service authority which the community participation body
       requests should participate in the outcome improvement process:

       Note 4

4   The outcome that community participation body want to improve:

       Note 5

5   The reasons why the community participation body should participate in an outcome
       improvement process:

       Note 6

6   Knowledge, expertise and experience the community participation body has in relation
       to the outcome:

       Note 7

7   How the outcome will be improved because of the involvement of the community
       participation body:

       Note 8

8   Is the community participation body a community controlled body?

       If the answer is "No" explain the basis on which the body making the request is a
       community participation body.

Notes

1   Insert the name of the community participation body making the participation request.

2   Insert the contact address of that community participation body.

3   Insert the name of the public service authority to which the participation request is made.

4   Insert the name(s) of any other public service authority which the community participation body requests should participate in the outcome improvement process.

5   Specify an outcome that results from, or is contributed to by virtue of, the provision of a service provided to the public by or on behalf of the authority.

6   Set of the reasons why the community body believes it should participate in the outcome improvement process.

7   Provide details of any knowledge, expertise and experience the community body has in relation to the outcome specified under paragraph 4.

8   Provide an explanation of the improvement in the outcome specified under paragraph 4 which the community body anticipates may arise as a result of its participation in an outcome improvement process.

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EQUALITY IMPACT ASSESSMENT TOOL

Part 1: Description/Consultation

Is this a Rapid Equality Impact Assessment (RIAT)?		Yes ☒	No ☐
Is this a Full Equality Impact Assessment (EQIA)?		Yes ☐	No ☒

Date of Assessment: 08/08/17	**Committee Report Number:** 243-2017
Title of document being assessed:	Participation Requests
1. **This is a new policy, procedure, strategy or practice being assessed** (If yes please check box) ☒	**This is an existing policy, procedure, strategy or practice being assessed?** (If yes please check box) ☐
2. **Please give a brief description of the policy, procedure, strategy or practice being assessed.**	The policy sets out a framework for the introduction of participation requests , as set out in part 3 of the Community Empowerment Act
3. **What is the intended outcome of this policy, procedure, strategy or practice?**	To ensure that the Community Empowerment Act is complied with and that there are mechanisms in place for participation requests to be received and implemented.
4. **Please list any existing documents which have been used to inform this Equality and Diversity Impact Assessment.**	community Empowerment Act (Scotland) 2015
5. **Has any consultation, involvement or research with protected characteristic communities informed this assessment? If yes please give details.**	Consultation was undertaken by the Scottish Government in the development of the Cat and locally we worked with the Scottish Centre for Community Development to provide a response to the Scottish Government.
6. **Please give details of council officer involvement in this assessment.** (e.g. names of officers consulted, dates of meetings etc)	Carole Jenkins – Community empowerment officer Marie Dailly – Service Manager Communities
7. **Is there a need to collect further evidence or to involve or consult protected characteristics communities on the impact of the proposed policy?** (Example: if the impact on a community is not known what will you do to gather the information needed and when will you do this?)	Not at this stage

Part 2: Protected Characteristics

Which protected characteristics communities will be positively or negatively affected by this policy, procedure or strategy?

NB Please place an X in the box which best describes the "overall" impact. It is possible for an assessment to identify that a positive policy can have some negative impacts and visa versa. When this is the case please identify both positive and negative impacts in Part 3 of this form.

If the impact on a protected characteristic communities are not known please state how you will gather evidence of any potential negative impacts in box Part 1 section 7 above.

	Positively	Negatively	No Impact	Not Known
Ethnic Minority Communities including Gypsies and Travellers	☒	☐	☐	☐
Gender	☒	☐	☐	☐
Gender Reassignment	☒	☐	☐	☐
Religion or Belief	☒	☐	☐	☐
People with a disability	☒	☐	☐	☐
Age	☒	☐	☐	☐
Lesbian, Gay and Bisexual	☒	☐	☐	☐
Socio-economic	☒	☐	☒	☐
Pregnancy & Maternity	☐	☐	☒	☐
Other (please state)	☐	☐	☐	☐

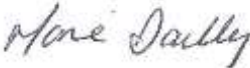**Part 3: Impacts/Monitoring**

1.	**Have any positive impacts been identified?** (We must ensure at this stage that we are not achieving equality for one strand of equality at the expense of another)	This will ensure that people can fully participate in council services
2.	**Have any negative impacts been identified?** (Based on direct knowledge, published research, community involvement, customer feedback etc. If unsure seek advice from your departmental Equality Champion.)	None
3.	**What action is proposed to overcome any negative impacts?** (e.g. involving community groups in the development or delivery of the policy or practice, providing information in community languages etc. See Good Practice on DCC equalities web page)	N/A
4.	**Is there a justification for continuing with this policy even if it cannot be amended or changed to end or reduce inequality without compromising its intended outcome?** (If the policy that shows actual or potential unlawful discrimination you must stop and seek legal advice)	N/A
5.	**Has a 'Full' Equality Impact Assessment been recommended?** (If the policy is a major one or is likely to have a major impact on protected characteristics communities a Full Equality Impact Assessment may be required. Seek advice from your departmental Equality lead.)	No
6.	**How will the policy be monitored?** (How will you know it is doing what it is intended to do? e.g. data collection, customer survey etc.)	Annual reporting on participation request is required

Part 4: Contact Information

Name of Department or Partnership	Neighbourhood Services

Type of Document	
Human Resource Policy	☐
General Policy	☐
Strategy/Service	☒
Change Papers/Local Procedure	☐
Guidelines and Protocols	☐
Other	☒

Manager Responsible	Author Responsible
Name: **David Simpson**	**Name:** **Marie Dailly**
Designation: Head of Housing and Communities	**Designation:** Service Manager Communities
Base: **City Square** **Dundee**	**Base:** **Mitchell street centre** **Dundee**
Telephone: **404016**	**Telephone:** **435820**
Email: david.simpson@dundeecity.gov.uk	**Email:** marie.dailly@dundeecity.gov.uk

Signature of author of the policy:	**Date:** 5 July 2017
Signature of Director/Head of Service:	**Date:** 5 July 2017
Name of Director/Head of Service: Elaine Zwirlein	
Date of Next Policy Review: **Annual reporting**	