

Community Empowerment (Scotland) Act 2015

Participation Requests

Consultation on Draft Regulations

March 2016

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1. PARTICIPATION REQUESTS

The Christie Commission recommended that Government and should seek to strengthen communities' voices in shaping the services which affect them. Evidence shows that involving people more regularly and more effectively in the decisions that affect them leads to better outcomes, making the most of the knowledge and talent that lies in communities. It also increases confidence and fosters more positive relationships between communities and the public sector.

With the National Standards for Community Engagement in place the Government sets clear expectations that all public sector organisations must engage with communities and support their participation in setting priorities and in the design and delivery of services.

Participation requests should not be viewed as a replacement for engagement and participation processes where they already function well, but as an opportunity to establish dialogue where communities find it difficult to be recognised or heard. It is an important new feature in the ways in which public bodies will now be expected to work constructively with communities. This includes communities of place (neighbourhoods or other defined geographical areas) or communities of interest (groups of people having common interest or identity).

Where a community body believes it could help to improve an outcome it will be able to request that a public body, which is a public service authority, takes part in a process to improve that outcome. Outcomes are the changes that result from what organisations provide or deliver e.g. improved environment and increase in physical activity levels arising from the development of a community park.

Community bodies might use the Act to discuss with service providers how they could better meet the needs of users, to offer volunteers to support a service or even propose to take over the delivery of the service themselves. It will be for the public body, following the outcome improvement process, to decide whether to make any changes to existing service delivery arrangements.

Part 3 of the Community Empowerment (Scotland) Act 2015 sets out the process for how Participation requests will work. In simplified terms:

- A community body puts forward a participation request to a public service authority asking them to take part in a process that will improve the outcome set out by the community body.
- The public service authority must agree to the request and set up a process unless there are reasonable grounds for refusal. If it refuses the request, it must explain the reasons.
- At the end of the process the public service authority must publish a report on whether the outcomes were improved and how the community body contributed to that improvement.

This consultation will take you through the process as outlined in the Act and ask questions and seek your opinion regarding the draft regulations and the prospective guidance. There is a general question at the end of the questionnaire which allows you to put forward any other thoughts you might have on the regulations. More details on the Act can be found at <http://www.gov.scot/Topics/People/engage/CommEmpowerBill>

Participation Requests – Regulations and Guidance

The legal framework for Participation Requests is set out in Part 3 of the Act which is not yet “in force”, so it cannot be used. The regulations and guidance need to be agreed and published before the procedure can be used. This paper is a consultation on draft regulations and other aspects for participation requests. This paper explains what the Act says and what the draft regulations say. Please send us your response by **15 June 2016**. For more information about responding, please see the ‘How to Respond’ section at the end of the consultation.

After the closing date, we will look at all the responses along with any other comments or evidence make changes to the draft Regulations. Then the Scottish Ministers will ask the Scottish Parliament to agree the final Regulations. Soon after the Regulations have been agreed by Parliament, community bodies will be able to start making participation requests under the Act.

Guidance on using the Act will be published once Ministers have decided what the final Regulations will say. But this paper will give you a good idea of how the system will work and what you should prepare for.

Regulations are a type of “secondary legislation”. The Act (“primary legislation”), which has been agreed by the Scottish Parliament, says that Scottish Ministers may make regulations about certain things. Those regulations also have to be considered by the Parliament before they can come into effect. Regulations are used to set out detail and technical issues, because they can be updated more quickly than an Act if changes are needed. They are law and everyone has to comply with them.

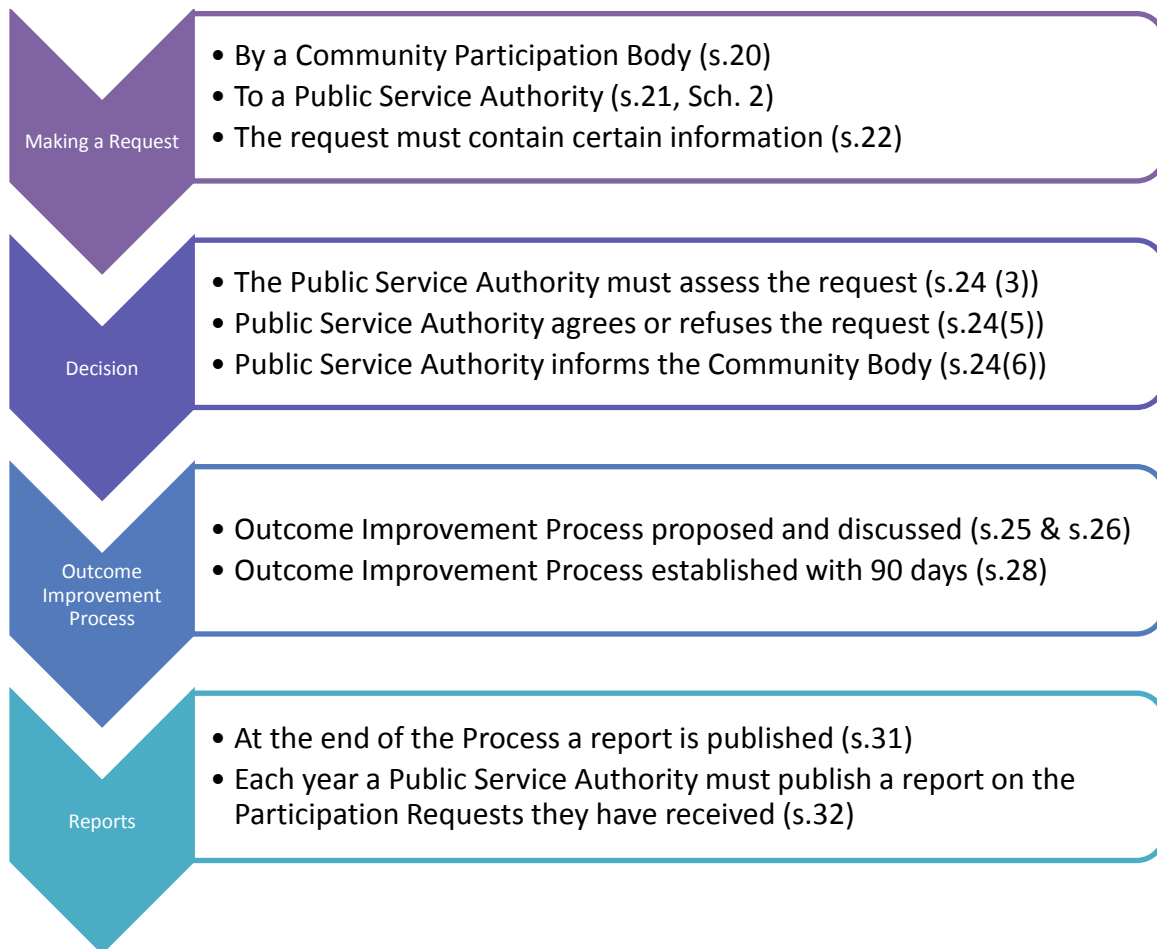
Guidance gives advice about how to do what the Act and regulations require. Guidance can give examples and suggestions about best practice and can be flexible to allow for different circumstances. It can also provide links to other helpful information and organisations, and can be updated at any time.

Numbering of legislation

This paper refers to various different pieces of the Act and the draft regulations. Acts are divided into sections, written as, for example “s.22”. These can be divided into subsections, eg “s.22(2)”, and paragraphs, eg “s.22(2)(a)”.

Each piece within a set of regulations is a regulation, for example “regulation 2 of The Participation Request (Procedure) (Scotland) Regulations”. Regulations are divided into paragraphs, for example “reg.4(3)(a)”.

2. PARTICIPATION REQUESTS – THE PROCESS



3. MAKING A REQUEST

Making a Request

- By a Community Participation Body (s.20)
- To a Public Service Authority (s.21, Sch. 2)
- The request must contain certain information (s.22)

Who can make a participation request?

A community participation body is defined in section 20. It can be either a community- controlled body as defined in section 19, a community body or group (with or without a written constitution), a community council, or a body designated by the Scottish Ministers.

A community controlled body does not have to be incorporated. It can have a written constitution that includes:

- a definition of the community to which the community body relates
- a provision that the majority of members of the body are members of that community
- a provision that the body is open to and controlled by members of that community
- the aims and purposes of the body, including the promotion of a benefit for that community
- a provision that the funds and assets of the body are to be used for the benefit of that community

A community participation body could also be a more loosely associated group without a written constitution but which has similar features to a community controlled body described above. This is set out in section 20(4). It will be for the public service authority to determine whether a group meets the requirements and the group must provide such information as the authority needs to be satisfied of that.

Having a written constitution is a simple way of showing that the group is open, inclusive and representative and making sure that all members know how the group will operate. It is intended that a template for written constitutions will be included in the guidance.

Public Service Authorities

Section 21 sets out the meaning of 'public service authority'. These are the public authorities who can receive a participation request. It can be a body listed in Schedule 2 of the Act, these are:

- a local authority
- a Health Board
- The board of management of a college of further education
- Highlands and Islands Enterprise
- a National Park Authority
- Police Scotland
- Scottish Enterprise
- The Scottish Environment Protection Agency
- The Scottish Fire and Rescue Service
- Scottish Natural Heritage
- a Regional Transport Partnership

The Scottish Ministers can also add to this list or designate a body by Order.

What a Participation Request must contain

Section 22 makes it clear that when putting forward a participation request the Community Participation Body must:

- 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
- set out the reasons why the community participation body considers it should participate in the outcome improvement process
- provide details of any knowledge, expertise or experience the community participation body has in relation to the specified outcome
- provide an explanation of the improvement in the specified outcome which the community participation body anticipates may arise as a result of its participation

The community participation body may include more information to support the participation request should it wish to do so but it must contain the information described above.

Regulations - the manner in which requests are to be made

Section 23(2)(a) provide that regulations can specify the manner in which participation requests are to be made.

The use of a statutory form can be a part of legislative processes where a request or application is made. It may help to ensure that participation bodies capture the information as required in section 22(2). It could also make it more straightforward for public service authorities to process a request. However, we would not want to

limit the opportunities for community participation bodies to make a participation request.

An example of how the form could look is attached in Annex B.

Q1: Should the use of a statutory form be required in the regulations? Please give reasons for your response.

Q2: Should it be possible for a community body to put in a participation request without using a form? Please give reasons for your response.

Q3: What else might a statutory form usefully cover beyond the example set out in Annex B?

The guidance will provide more details and examples on how to fill in the form.

Regulations – the procedure to be followed by public service authorities in relation to requests

The majority of the procedure and the associated timescales are set out in the Act but this regulation provides an opportunity to pick out other aspects of procedure that may require more detail.

Acknowledgment and Receipt

The draft regulations under regulation 4 provide that if the community participation body does not provide all the information required under section 22(2) and (4) then the public service authority must notify the body identifying the information which is missing in order to comply with these requirements.

Once a request is made and the information required under section 22(2) and (4) is received the public service authority must acknowledge receipt of the request to the community participation body.

The acknowledgment must include a 'validation date' – the date on which all the information required has been provided (regulation 5 in the draft regulations) – and the timescales for decision.

Involvement of multiple public service authorities

Should the community participation body include a request that more than one public service authority should participate in the outcome improvement process then regulation 6 provides that the lead authority (to whom the request was made) should:

- notify the additional public service authorities of the request
- inform the additional public service authorities of the validation date

- send a copy of the participation request and the information provided by the community participation body to each additional public service authority

Within a period of time upon of receiving notification the additional public service authorities must inform the lead public service authority whether it wishes to participate and if it does not, the reasons for that decision. The current draft suggests that this time should be 14 days.

Q4: Is 14 days a reasonable amount of time for additional public service authorities to respond? If not, please suggest an alternative timescale and explain reasons for the change.

The involvement of other public service authorities

Where a participation request has been received that would, in the opinion of the public service authority in receipt of the request, require the involvement and input of other public service authorities they can be included within an established or proposed outcome improvement process.

The public service authority to whom the request was originally made is in the lead in terms of the decision notice and the other public service authorities are expected to contribute as required. It would be the responsibility of the public service authority in receipt of the request to secure the agreement of the other public service authority to contribute to the participation request as required.

Promoting the use of participation requests and the support that should be made available to community bodies

During the development of the legislation and during the Parliamentary process the importance of the promotion of the new rights for communities under the Act and the support to enable the participation of all communities were often highlighted as a key factor for the success of the Act in practice.

Section 23 enables regulations to be made in relation to promotion of participation requests by public service authorities and the support that is made available to community participation bodies.

Promotion

Section 23(2)(e) allows for the regulations to specify the ways in which public service authorities must promote the use of participation requests.

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

Support

Section 23(2)(f) allows for the regulations to specify the support that public service authorities are to make available to community participation bodies to enable such bodies to make a participation request and participate in any outcome improvement process resulting from such a request.

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 the regulations?

Additional support for communities

Section 23(2)(g) allows for regulations to specify the types of community that may need additional support to form community participation bodies, make participation requests and participate in the outcome improvement process.

Q7: What types of communities could the regulations specify that may need additional support? Please give reasons for your response.

4. MAKING THE DECISION

Decision

- The Public Service Authority must assess the request (s.24 (3))
- Public Service Authority agrees or refuses the request (s.24(5))
- Public Service Authority informs the Community Body (s.24(6))

The public service authority must then consider the request and make a decision within the time set out from the validation date.

Section 24 – Participation Requests: Decisions

Section 24 requires a public service authority to agree to or refuse any participation request it receives, and sets out how the authority must make that decision.

As well as considering the reasons set out in the participation request put forward by the community participation body the public service authority must consider a number of other factors as set out in Section 24 including:

- whether agreeing to the request would be likely to promote or improve:
 - economic development
 - regeneration
 - public health
 - social wellbeing
 - environment wellbeing
- whether agreeing to the request would be likely to
 - reduce inequalities of outcome which result from socio-economic disadvantage
 - lead to an increase in participation
- any other benefits that might arise

The authority must agree to the request unless there are reasonable grounds for refusing it.

Should the public service authority refuse the request then they must set out the reasons for their decision.

The Act does not set out how the public service authority will assess the participation request in relation to the reasons provided by the community participation body and the factors set out in Section 24. It will be for each authority to decide how to do this. The provisions will ensure that the assessment must be done on a broad range of factors with an emphasis on improvement and reducing inequalities.

We would not expect that any assessment process to be overly complex as a participation request is a means to open a dialogue on the matter the community participation body wants to discuss and improve. We would anticipate that the guidance will identify helpful approaches to an assessment process. The guidance

will also need to be accessible to community bodies, so that they can clearly set out the benefits of their proposals.

Section 24(7) – A period prescribed in regulations

The public service authority should have a period of time to give notice to the community participation body of its decision to agree or refuse the request. And if it refuses the request, the reasons for the decision. the regulations allow us to set out how long that period of time should be. The current draft suggests 30 days.

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? Please give reasons for your response.

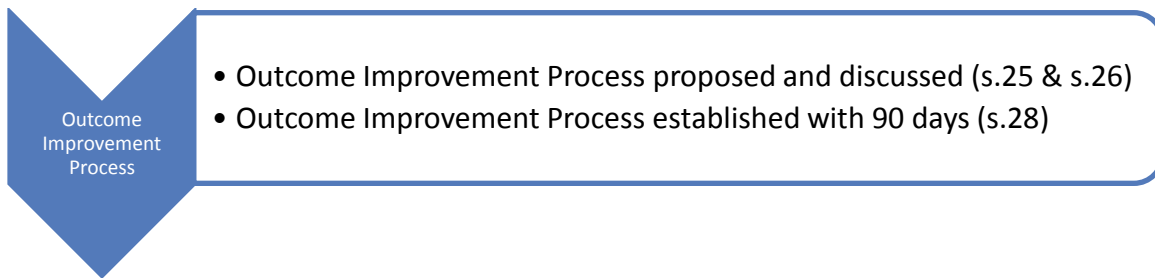
Section 24(8) – Participation requests: decisions

The Scottish Ministers can set out the information that a decision notice is to contain and the manner in which it is given.

The decision notice must be provided to the nominated contact in the community participation body as provided by the community participation body. The decision notice must be published on a website.

Q9: Are there any additional information requirements that should be included in connection with a decision notice? Please give reasons for your response.

5. THE OUTCOME IMPROVEMENT PROCESS



Section 25 – Information about the outcome improvement process

Once a decision notice has been given agreeing to a participation request then if the public service authority has already established an outcome improvement process the decision notice will:

- describe the outcome improvement process
- specify what stage it has already reached
- set out how the community participation body will participate in the process
- identify others that are part of the process and how they will participate

This will allow a community participation body to join a relevant outcome improvement process and participate in that process.

If an outcome improvement process has not been established then the decision notice will:

- describe how the outcome improvement process will operate
- explain how the community participation body is expected to participate
- describe how any other persons are expected to participate in the process

Section 26 – proposed outcome improvement process

Section 26 sets out the process which happens if an outcome improvement process is to be established. It provides that the community participation body can, within 28 days, propose changes to the outcome improvement process to the public service authority who must take account of any proposals.

The public service authority must then provide the details of the outcome improvement process to the community participation body.

The public service authority must publish on a website (or by other electronic means) information about the outcome improvement process.

Draft Regulation 9 provides that the public service authority must publish information relating to the decision notice:

- the names of the community participation bodies and public service authorities which are involved in the outcome improvement process
- the outcome to which the outcome improvement process relates
- how the outcome improvement process is to operate

Q10: What other information, if any, should the regulations specify should be published in relation to the proposed outcome improvement process? Please give reasons for your response.

Section 28 – Duty to establish and maintain an outcome improvement process

Section 28 provides that the public service authority must start a new outcome improvement process within 90 days from when notice was given under section 26. They must also maintain the process once it is underway.

Section 29(3) – where the outcome improvement process is modified the authority must publish such information as may be specified

Section 29 provides that the public service authority may modify the process, following consultation with the community participation body. The public service authority must publish the new modified outcome improvement process and must make clear what the modification is in relation to the original (or already modified) outcome improvement process. Draft Regulation 10 requires the public service authority to publish information regarding the modification:

- the names of the community participation bodies and public service authorities involved in the modified outcome improvement process
- the outcome to which the modified outcome improvement process relates
- identify the outcome improvement process which has been modified
- how that outcome improvement process has been modified
- how the modified outcome improvement process is to operate

Q11: What other information, if any, should the regulations specify should be published in relation to the modified outcome improvement process? Please give reasons for your response.

6. REPORTING

Reports

- At the end of the Outcome Improvement Process a report is published (s.31)
- Each year a Public Service Authority must publish a report on Participation Requests (s.32)

Section 31(6) – make provision about reports published, including the information that reports are to contain

Section 31 requires that when an outcome improvement process has been completed the public service authority must publish a report on the process.

The report must summarise the outcome of the process, including whether the outcome to which it related has been improved, and describe how the community participation body that made the request influenced the process and outcomes. It must also explain how the authority will keep the community participation body and others informed about changes in the outcomes of the process and any other matters relating to the outcomes.

In preparing the report, the public service authority must seek the views of the community participation body that made the request and any other community participation bodies involved.

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? Please give reasons for your response.

Section 32 requires that each public service authority must publish a report each year setting out:

- the number of requests received
- the number of requests agreed and refused
- the number of requests which resulted in changes to a public service provided by, or on behalf of, the public service authority
- any action taken by the public service authority to promote and support the use of participation requests

7. APPEALS AND REVIEWS

Section 30 of the Act puts in place a regulation making power so that Scottish Ministers can if required make provisions in relation to appeals against decision notices and reviews of decisions of public service authorities relating to participation requests.

The Minister for Local Government and Community Empowerment made it clear during the passage of the legislation through Parliament that the Government did not consider that a mechanism for appeals and reviews of participation requests needed to be in place when the Act comes into force. In speaking during the debate at Stage 3 of the Bill the Minister outlined the reasons for not creating an appeal or review mechanism:

“Everything in the bill is about empowering communities. The bill does that by conferring new rights and by signalling that the approach across the public sector must be one of welcoming and facilitating communities in decision making.

“Participation requests are a way of generating that partnership. They are the embodiment of the new culture that we want to see in the public sector, in which community participation in decision making is the norm, and in which we create positive relationships and make the most of all the knowledge and ideas that communities have to offer. That depends on mutual respect.

“Indeed, a minister can make provision for many things, but we cannot, by legislation, order or instruction create that respect. Although we could force people to come to any table, it is unlikely that anything positive would come out of dialogue held in such adversarial circumstances.”¹

However, should practice and experience show that an appeal or review mechanism is necessary then Section 30 would allow a system to be created that is tailored to deal with the issues arising at the time. As part of that process, Section 33 of the Act provides that within 3 years of Section 22 of the Act (allowing community participation bodies to make participation requests) coming into force the Scottish Ministers must prepare, and lay before Parliament, a report on the operation of participation requests.

¹ Scottish Parliament, 17 June 2016, Stage 3, Community Empowerment (Scotland) Bill <http://www.scottish.parliament.uk/parliamentarybusiness/report.aspx?r=10020&i=91980>

Draft Regulations

 SCOTTISH STATUTORY INSTRUMENTS

2015 No.**COMMUNITY EMPOWERMENT****The Participation Request (Procedure) (Scotland) Regulations 2016**

<i>Made</i> - - - -	2016
<i>Laid before the Scottish Parliament</i>	2016
<i>Coming into force</i> - -	2016

The Scottish Ministers make the following Regulations in exercise of the power conferred by sections 23, 24(7)(a), 26(6) and 29(3) of the Community Empowerment (Scotland) Act 2015(2).

Citation and commencement

1. These Regulations may be cited as the Participation Request (Procedure) (Scotland) Regulation 2016 and come into force on [] 2016.

Interpretation

2. In these Regulations—

“the Act” means the Community Empowerment (Scotland) Act 2015; and

“validation date” has the meaning given in regulation 5.

Form of participation request

3. A participation request must be made in writing and must (in addition to the information required in accordance with section 22(2) of the Act) contain the name and contact address of the community participation body.

Acknowledgment of participation requests

4.—(1) Where when making a participation request the community participation body does not provide all the information to be submitted to the public services authority in accordance with section 22(2) and (4), the public service authority must send to the community participation body a notice identifying the information which the community transfer body still requires to submit in order to comply with section 22(2) or (4), as the case may be

(2) When a public service authority is in receipt of a participation request made and the information to be provided under section 22(2) and (4), the public service authority must send an acknowledgement of the participation request to the community transfer body making the request.

(2) 2015 asp 6.

- (3) The acknowledgement sent under paragraph (2) is to—
- (a) include the validation date for the participation request; and
 - (b) include an explanation of the timescales within which the relevant authority are to give notice to the applicant of their decision on the participation request.

Validation date

5. The validation date is the date on which the last of the information required to be provided in connection the participation request in accordance with by section 22(2) and (4) of the Act is received by the public service authority.

Section 22(6) request

6.—(1) Where a participation request includes a request that one or more public service authority (“an additional authority”) other than the public service authority to which the request is made (“the lead authority”) participate in the outcome improvement process, the lead authority must as soon as practicable after the validation date—

- (a) notify every additional authority that a participation request including a request under section 22(6) of the Act has been made,
 - (b) inform every additional authority of the validation date for that participation request; and
 - (c) send a copy of the participation request and the information provided by the community participation body to the lead authority in accordance with section 22(2) to every additional authority.
- (2) Within [14] days of receiving notification under paragraph (1) an additional authority must—
- (a) inform the lead authority [and the community participation body] whether or not the additional authority wishes to participate in the outcome improvement process, should the lead authority decide to agree to the participation request; and
 - (b) if the additional authority does not wish to participate in the outcome improvement process, inform the lead authority [and the community participation body] of its reasons for reaching that view.

Time for periods for decision

7. The period prescribed for the purposes of section 24(7)(a) of the Act is the period of [30 days] after the validation date.

Publication of the decision notice

8. The public service authority must—
- (a) publish a copy of the decision notice on a website or by other electronic means; and
 - (b) [inform every person who made written representations in respect of the participation request (and provided an address) of their decision on the request and where a copy of the decision notice is available for inspection.]

Information about an outcome improvement process

9. The information to be published in accordance with section 26(7) of the Act is—
- (a) the names of the community participation bodies and public service authorities to be involved in the outcome improvement process;
 - (b) the outcome to which the outcome improvement process relates; and
 - (c) how the outcome improvement process is to operate.

Information about modification of an outcome improvement process

10. The information to be published in accordance with section 29(3) of the Act following modification of an outcome improvement process is—

- (a) the names of the community participation bodies and public service authorities involved in the modified outcome improvement process;
- (b) the outcome to which the modified outcome improvement process relates;
- (c) identify the outcome improvement process which has been modified;
- (d) how that outcome improvement process has been modified; and
- (e) how the modified outcome improvement process is to operate.

Electronic communications

11.—(1) Where the criteria in paragraph (2) are met, any document required or authorised to be sent by these Regulations may be sent by electronic communications and any requirement in these Regulations that any document is to be in writing is fulfilled.

(2) The criteria are—

- (a) the recipient consents, or is deemed to have agreed under paragraph (3), to receive it electronically; and
- (b) that document transmitted by the electronic communication is—
 - (i) capable of being accessed by the recipient;
 - (ii) legible in all material respects; and
 - (iii) sufficiently permanent to be used for subsequent reference.

(3) Any person sending a document using electronic communications is to be taken to have agreed—

- (a) to the use of such communications for all purposes relating to the application which are capable of being carried out electronically; and
- (b) that the address for the purpose of such communications is the address incorporated into, or otherwise logically associated with, that communication.

(4) Deemed agreement under paragraph (3) subsists until that person gives notice to revoke the agreement.

(5) Notice of withdrawal of consent to the use of electronic communications or of revocation of agreement under paragraph (4) takes effect on a date specified by the person in the notice, but not less than seven days after the date on which the notice is given.

(6) In this regulation—

“address” includes any number or address used for the purpose of such communications or storage;

“document” includes any notice, consent, decision, representation, statement, list, report, form, plan, certificate or other information or communication; and

“electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000 (general interpretation);

“legible in all material respects” means that the information contained in the document is available to the recipient to no lesser extent than it would be if sent or given by means of a document in printed form; and “sent” includes served, submitted or given and cognate expressions are to be construed accordingly.

St Andrew’s House,
Edinburgh
2016

Authorised to sign by the Scottish Ministers

COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015

PARTICIPATION REQUEST

APPLICATION FORM

1 Details of Community Body

Name of Community Body:

Contact address:

Telephone number:

Email:

Website:

2 Public service

Note 1

3 Outcome

Note 2

3 Why community participation body should be permitted to participate

Note 3

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

Note 4

5 Outcome improvement

Note 5

Application Form Notes

1. here specify the public service or services the provision of which results in or contributes to outcome specified under paragraph 3
2. here specify the 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.
3. Here set of the reasons why the community body believes it should participate in the outcome improvement process.
4. Provide details of any knowledge, expertise and experience the community body has in relation to the outcome specified in paragraph 3.
5. Provide an explanation of the improvement in the outcome specified in paragraph 3 which the community body anticipates may arise as a result of its participation in an outcome improvement process.

HOW TO RESPOND

Responding to this Consultation

We are inviting responses to this consultation by **15 June 2016**.

Please respond to this consultation using the Scottish Government's consultation platform, Citizen Space. You view and respond to this consultation online at:

<https://consult.scotland.gov.uk/community-empowerment-unit/participation-request-regulations>

You can save and return to your responses while the consultation is still open.

If you are unable to respond online, please complete the Respondent Information Form (see "Handling your Response" below) and send it to:

ParticipationRequestsGuidance@gov.scot

Handwritten responses will be accepted, although the previous methods are preferable. Again, you should use the Consultation Questionnaire provided as this will aid our analysis of the responses received. Please send your response, along with your completed Respondent Information Form, to:

Community Empowerment Unit
The Scottish Government
Area 3-J South
Victoria Quay
Edinburgh
EH6 6QQ

Handling your response

If you respond using Citizen Space, you will be directed to the Respondent Information Form. Please indicate how you wish your response to be handled and, in particular, whether you are happy for your response to be published.

If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form included in this document. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

Next steps in the process

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at <http://consult.scotland.gov.uk>. If you use Citizen Space to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so.

Comments and complaints

If you have any queries please email ParticipationRequestsGuidance@gov.scot or telephone Ian Turner on 0131 244 0790.

Scottish Government consultation process

Consultation is an essential part the policymaking process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

You can find all our consultations online: <http://consult.scotland.gov.uk>. Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Consultations may involve seeking views in a number of different ways, such as public meetings, focus groups, or other online methods such as Dialogue (<http://ideas.scotland.gov.uk>)

Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

Consultation on the Draft Participation Request (Procedure)(Scotland) Regulations 2016



RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response.

Are you responding as an individual or an organization?

- Individual
 Organisation

Full name or organisation's name

Phone number

Address

Postcode

Email

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name
 Publish response only (anonymous)
 Do not publish response

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- Yes
 No

Participation Requests under the Community Empowerment (Scotland) Act 2015: Consultation on Draft Regulations

Questionnaire

Q1: Should the use of a statutory form be required in the regulations?

Yes No

Please give reasons for your response.

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

Yes No

Please give reasons for your response.

Q3: What else might a statutory form usefully cover beyond the example set out in Annex B?

Q4: Is 14 days a reasonable amount of time for additional public service authorities to respond?

Yes No

If not, please suggest an alternative timescale and explain reasons for the change.

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

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 the regulations?

Q7: What types of communities could the regulations specify that may need additional support? Please give reasons for your response.

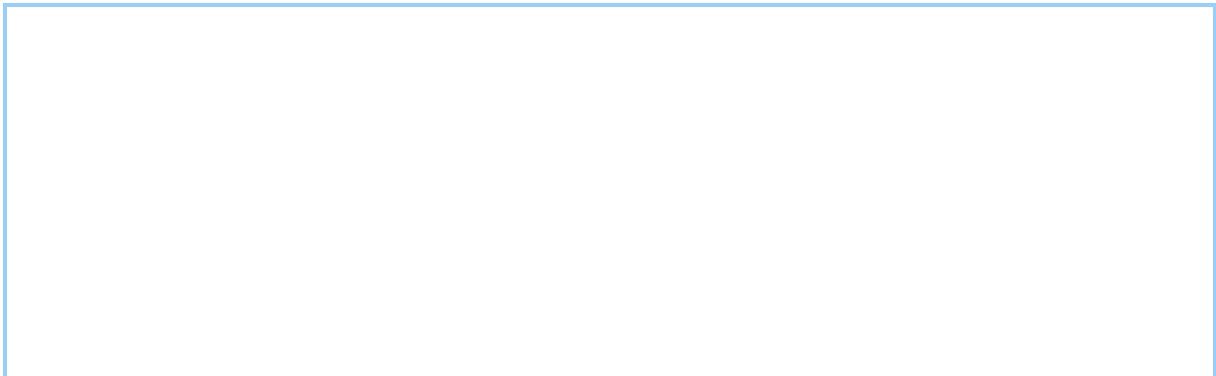
Q8: How long should the public service authority have to assess the participation request and give notice to the community participation body? Is 30 days a reasonable amount of time?

Yes No

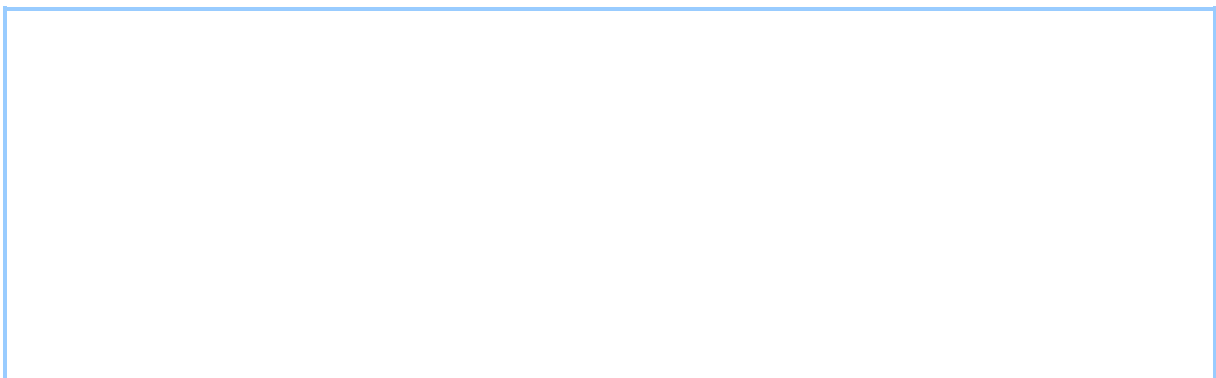
If not, how long should the period for making a decision be? Please give reasons for your response.

Q9: Are there any additional information requirements that should be included in connection with a decision notice? Please give reasons for your response.

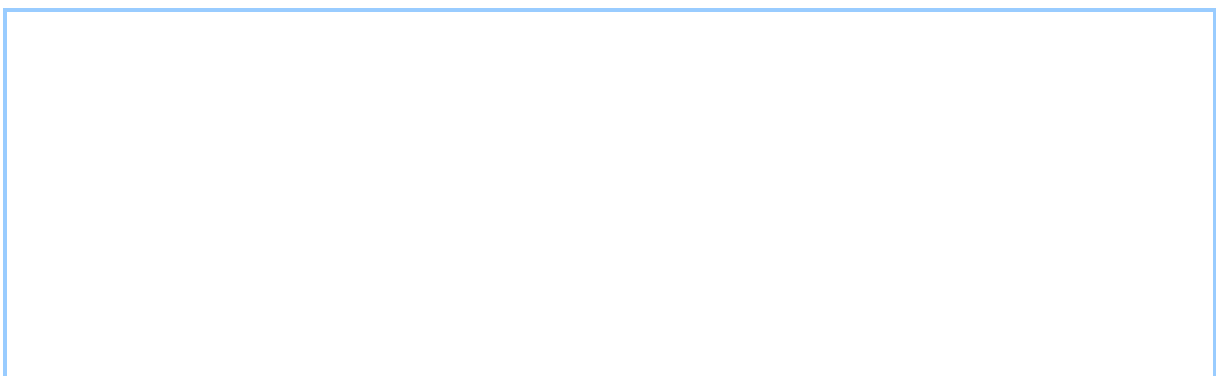
Q10: What other information, if any, should the regulations specify should be published in relation to the proposed outcome improvement process? Please give reasons for your response.



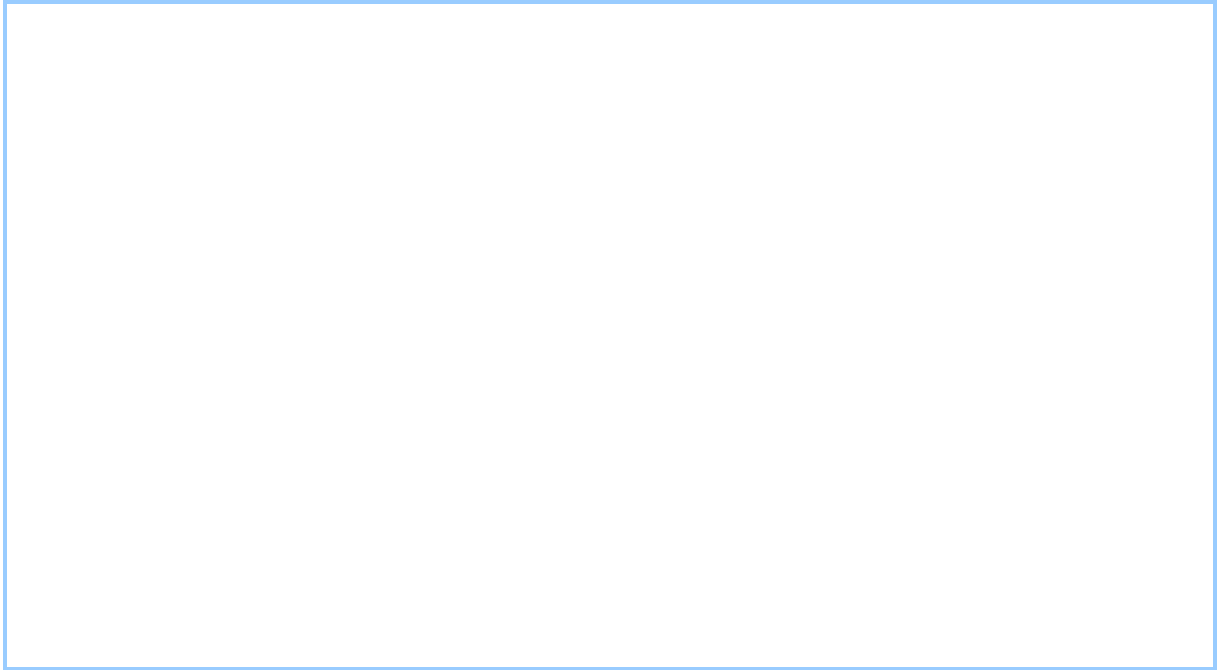
Q11: What other information, if any, should the regulations specify should be published in relation to the modified outcome improvement process? Please give reasons for your response.



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? Please give reasons for your response.



Q13: : Do you have any other comments on the draft Participation Request (Procedure)(Scotland) Regulations 2016?





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