
RESPONDENT INFORMATION FORM

Please Note this form must be returned with your response. Are you responding as an individual or an organization?

☐ Individual
X Organisation

Full name or organisation’s name

[Box filled with text: Scottish Health Council, part of Healthcare Improvement Scotland]

Phone number

[Box left blank]

Address

[Box filled with text: Delta House
50 West Nile Street
Glasgow]

Postcode

[Box filled with text: G1 2NP]

Email

[Box filled with text: sandra.mcdougall@scottishhealthcouncil.org]

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

X 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☐ Do not publish response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?

X Yes
☐ No
Questionnaire

Q1: Should the use of a statutory form be required in the regulations?  
Yes  □  No  X

Please give reasons for your response.

The use of a statutory form potentially offers benefits to both community bodies and public service authorities in terms of ensuring a clear and consistent approach, ensuring all relevant information is captured. However, this is dependent on the form being clear and easy to complete.

The form which is included in annex B could be improved in terms of accessibility (for example, re language used in the notes), inclusion of more background information (for example, definition of a community body, outline of process that will follow), and tailoring by public service authorities, for example, to include contact details for appropriate individuals within those bodies. The Scottish Health Council would suggest ‘road-testing’ the form with community bodies to ensure it is clear and easy to complete.

It may be preferable to include a ‘recommended form’ containing all of the core sections, but which public service bodies could also adapt with additional useful information and contact details, rather than adopting an overly rigid approach.

Q2: Should it be possible for a community body to put in a participation request without using a form?  
Yes  X  No  □

Please give reasons for your response.

Whilst it would be desirable for a consistent approach to be taken, and it would be reasonable to encourage community bodies to use a standard form, if a community body has submitted a request which contains all of the required information, the public service authority should still consider that request, even if it is not on a particular form. The important thing is that all of the relevant information is received; and the format in which the information is presented should not become a barrier to participation.

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

As per response to question 1 above, any form should include or be accompanied by relevant background information, setting out what a participation request is, who can make it, and the process that will follow. It should be tailored to include relevant information about the public service authority (for example, it could signpost to further information on its
Q4: Is 14 days a reasonable amount of time for additional public service authorities to respond?

Yes X No □

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

This seems reasonable though it would be helpful to clarify if this is calendar days as opposed to working days. In order to meet timescales, it will be important for public service authorities to ensure appropriate cover for handling these requests where relevant staff are on leave etc.

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

The potential benefits that participation requests offer to both community participation bodies and public service authorities will not be realised in practice if people are not aware of the opportunity to make these requests. It is important that public service authorities promote this opportunity positively and in a variety of ways, and build this into existing strategies and communications relating to participation and engagement in their activities more generally, so that it is seen alongside the range of other ways that people can get engaged.

Information should be easily accessible on public service authorities’ websites, and in hard copy, and promoted through social media. Public service authorities should work with their engagement networks, third sector and other relevant stakeholders to promote and disseminate this information.

As with all public facing information, it is important that information can be provided in a range of alternative formats.

It will be important for public authorities to demonstrate a positive and welcoming approach to the promotion and handling of these requests.

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?

There should be a named contact/service within each public service authority that
community participation bodies can contact, for advice and support in making their request, and this should be publicised alongside information about the process. That contact person/service should be appropriately trained and resourced to liaise effectively with community bodies throughout the entire process, so that there is clarity and continuity for them about whom to speak to should they have any queries.

That named contact/service should also seek to signpost community participation bodies to sources of independent advice and support where this is available and may assist the process.

One area where community participation bodies may require some assistance is in identifying how to direct the participation request if it involves multiple public service authorities, both in terms of identifying the lead authority and in terms of how to frame the request.

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

Public service authorities should be covered by the public sector equality duty in the Equality Act 2010, and must therefore have 'due regard' to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations. It will be important for public service authorities to be mindful of this duty in meeting its responsibilities with regard to participation requests.

Public service authorities should be flexible and proactive in assessing the support needed in each case, through dialogue with each community participation body, rather than making assumptions about any particular groups or communities. It would be good practice to make contact with each body, when a participation request or relevant enquiry is received, to talk through what the body is seeking to achieve, so that there is a shared understanding about this, and any support that may be required.

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 X 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.

Where a decision is taken to refuse the request, grounds for that refusal must be set out clearly. It must also be clear who has been involved in making the decision and how that
decision was reached.

Whilst the paper notes that there is no intention to include an appeal or review mechanism via regulations, it will be important for community participation bodies to know whether there is any other means by which they can raise concerns if dissatisfied. For example, if bodies could make a complaint using the public service authorities complaints’ procedure if they were dissatisfied with the process and/or outcome, this should be specified.

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.

Timescales for the outcome improvement process should be included, so that there is a shared understanding about this. Also, a named contact with whom the community participation body can liaise during that process should be provided.

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?

The Scottish Health Council welcomes the introduction of the participation request process, as it enables communities to take proactive steps to raise issues which are important to them, and which may not otherwise receive consideration by public service authorities. Additionally, it enables bodies who feel their voices are not being heard through existing processes to have a formal route to channel their views. However, we would hope that public service authorities will continue to develop their approaches to engagement so that community bodies can generally have their voices heard without formality and as part of ongoing relationships.

It would be good practice for public service authorities to review and, where necessary, improve their approaches to handling of participation requests. Feedback from bodies which have taken part in the process (or withdrawn from a process), whether positive or
negative, would be invaluable in informing any evaluation, and public service authorities should be encouraged to take steps to ensure this is taken into account in implementation planning.

It is important that there is equal access to the provisions for all communities, and recognition of the support that may be required in practice for some community participation bodies to facilitate this, otherwise there is a risk of an unintended consequence in terms of reinforcing existing inequalities. Broader evaluation of the operation of provisions beyond those who have made requests may therefore be necessary to understand any wider perceptions or barriers, and take steps to address these.