

# Citizen Participation and Public Petitions Committee

1st Meeting, 2023 (Session 6), Wednesday 18  
January 2023

## PE1902: To allow an appeal process for Community Participation Requests

<b>Lodged on</b>	13 October 2021
<b>Petitioner</b>	Maria Aitken on behalf of Caithness Health Action Team
<b>Petition summary</b>	Calling on the Scottish Parliament to urge the Scottish Government to allow an appeal process for Community Participation Requests under the Community Empowerment Act 2015.
<b>Webpage</b>	<a href="https://petitions.parliament.scot/petitions/PE1902">https://petitions.parliament.scot/petitions/PE1902</a>

### Introduction

1. The Committee last considered this petition at its meeting on [29 June 2022](#). At that meeting, the Committee agreed to write to the Scottish Government.
2. The petition summary is included in **Annexe A** and the Official Report of the Committee's last consideration of this petition is at **Annexe B**.
3. The Committee has received a new response from the Minister for Public Finance, Planning and Community Wealth which is set out in **Annexe C**.
4. Written submissions received prior to the Committee's last consideration can be found on the [petition's webpage](#).
5. Further background information about this petition can be found in the [SPICe briefing](#) for this petition.
6. The Scottish Government's initial position on this petition can be found on the [petition's webpage](#).

## Action

The Committee is invited to consider what action it wishes to take.

## Clerk to the Committee

## Annexe A

# PE1902: To allow an appeal process for Community Participation Request

## Petitioner

Maria Aitken on behalf of Caithness Health Action Team

## Date lodged

13/10/2021

## Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to allow an appeal process for Community Participation Requests under the Community Empowerment (Scotland) Act 2015.

## Previous action

I have spoken to MSP Edward Mountain and MSP Rhoda Grant who both support the need for an appeal process to be part of Community Participation Requests.

## Background information

Community participation is an excellent way for communities to have influence on services and be part of decisions that affect their lives. This is particularly important for rural communities who need to be consulted and involved in any decisions that impact on their fragile communities.

NHS Highland covers an extremely wide area and decisions are mainly made centrally. We have been left to feel we have no voice and are disempowered within our own community.

Although NHS Highland management were engaging with members of our team, we were not being consulted or involved in any of the decisions. Therefore, Caithness Health Action Team formally requested to participate in future decision making.

Unfortunately, we were turned down to be part of this process due to minor issues with our Constitution which we believe to be unfair.

Surprisingly we have since found there is no appeal process that could review our request.

## Annexe B

### Extract from Official Report of last consideration of PE1902 on 29<sup>th</sup> June 2022

**The Convener:** That brings us to PE1902, which was lodged by Maria Aitken on behalf of the Caithness Health Action Team. This is the petition that Rhoda Grant is joining us for. The petition calls on the Scottish Parliament to urge the Scottish Government to allow an appeal process for community participation requests under the Community Empowerment Act 2015. Despite me scurrying around in my notes, my notes now tell me that, as I said, Rhoda Grant is joining us for this petition.

Colleagues will remember that we previously considered the petition on 20 April 2022, when we had a roundtable discussion. We discovered that the Scottish Community Development Centre has been undertaking work on participation requests, and we agreed to write to it to request more information on that work programme, and specifically on how the working group will report its findings. The response indicates that a number of proposals have emerged, including models for local reviews, appeals and mediation. Its work is on-going, with the potential to deliver additional promotional work surrounding participation requests as well as supporting outcome improvement processes. That will include further community engagement in relation to reviews and appeals.

Rhoda Grant, would you like to contribute to our consideration of the petition at this point?

**Rhoda Grant (Highlands and Islands) (Lab):** Yes. I am heartened that this work is on-going, but I am disappointed that it has taken this long. CHAT fulfils the expectations of what constitutes a community body, so it should be involved in decision making and have that request agreed.

We probably have to wait and see what happens. I ask that you write to the Scottish Government and see what timeline it would be proposing to take action to put in place an appeal process. That is the problem. We know that CHAT should be accepted, but the trouble is that there is no appeals process when it is not accepted. Could you ask the Scottish Government when it hopes to be in a position to instigate an appeals process? Also, could you ask it to issue guidance or something in the interim so that we could get CHAT to where it should be? It has done a huge amount of work locally. It is trusted by its community and it would be helpful if it was around the table with NHS Highland. You have heard petitioners from the north here on other issues, and CHAT would be well able to represent their views with NHS Highland. If that happened, we might not be in the position where people feel that they can only petition this Parliament to try to get some action. It might cut through some of the concerns that people have.

**The Convener:** Thank you. Colleagues, on this occasion, I am quite happy to write to the Scottish Government along the lines suggested by Rhoda Grant. Once we have done that and seen the response, we will be in a better position to decide what we can do further in relation to the petition. I certainly think that we should suggest to the petitioner that, in due course, after we have taken this element of the petition forward, she might want to monitor the work of this group and see whether a fresh petition is required at a later date.

In the first instance, however, we will write to the Scottish Government along the lines suggested. Thank you for that suggestion, Rhoda.

## Annexe C

# Minister for Public Finance, Planning and Community Wealth submission of 11 August 2022

## PE1902/D: To allow an appeal process for Community Participation Requests

Members of the Committee will be aware from my previous update in October 2021, that the Scottish Government asked the Scottish Community Development Centre (SCDC) to explore an appeals process for participation requests. SCDC was asked to report their findings, clearly demonstrating how such a process could be established in a fair and robust manner, how it might operate in practice and which body is best to lead this work.

Members of the Committee will be familiar with progress made by SCDC on exploring a potential appeals process for participation requests from their evidence previously submitted. This includes establishing a working group of individuals and organisations with interest and experience of participation requests to explore the potential for an appeals or review process.

SCDC has indicated that more discussion is required on suggested proposals from their working group and will therefore continue to work with the group throughout the summer and autumn 2022 to further develop these proposals. We look forward to receiving SCDC's findings once this process has been completed.

Please note that this work forms part of the Scottish Government's wider review of the Community Empowerment (Scotland) Act 2015, which I launched at the Glenurquhart Rural Community Association Loch Ness Hub in Drumnadrochit on 21<sup>st</sup> July 2022.

In the meantime I have provided responses to the three specific questions you have asked at Annex A which I hope you find helpful.

## ANNEX A

### **Question 1: Your anticipated timeline for implementing the independent review's recommendations.**

Answer: The Scottish Government's review of the Community Empowerment (Scotland) Act 2015 is scheduled to be completed in Autumn 2023. Part 3 of the Act which concerns participation requests will form a part of the review, and the Scottish Community Development Centre's (SCDC) exploratory work around appeals will help inform next steps.

### **Question 2: Whether you would be supportive of an appeals process being created, should that be recommended by the independent review.**

Answer: It is too early to say whether an appeals or review process will be required for participation requests, which is why we asked SCDC to conduct this work on our behalf. From evidence submitted to Committee by SCDC on 10 June 2022, they acknowledged that more work is needed to be done to fully explore proposals suggested by their working group and develop these further throughout the summer and autumn of 2022 before reporting their findings and recommendations back to Government for consideration. Should the SCDC led working group recommend an appeals process to be implemented and provide adequate assurances on its fairness, robustness, and transparency, the Scottish Government will give these proposals full consideration.

### **Question 3: Whether the Scottish Government intends to implement interim guidance on participation requests whilst the independent review is ongoing.**

Answer: The Scottish Government review of the Community Empowerment (Scotland) Act 2015 is currently underway, and is due to conclude in autumn 2023. We published [statutory guidance for participation requests](#) in 2017, and although we do not have any plans to publish interim guidance on participation requests, it is expected that our statutory guidance will be updated as part of the overall review of the Community Empowerment (Scotland) Act 2015.