

Citizen Participation and Public Petitions Committee
Wednesday 12 June 2024
11th Meeting, 2024 (Session 6)

PE1902: To allow an appeal process for Community Participation Requests

Introduction

Petitioner Maria Aitken on behalf of Caithness Health Action Team

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 Act 2015.

Webpage <https://petitions.parliament.scot/petitions/PE1902>

1. [The Committee last considered this petition at its meeting on 4 October 2023.](#) At that meeting, the Committee agreed to write to NHS Highland.
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 written submission from NHS Highland which is set out in **Annexe C**.
4. [The Committee has received 6 written submissions prior to the its last consideration of the petition.](#)
5. [Further background information about this petition can be found in the SPICe briefing](#) for this petition.
6. [The Scottish Government gave its initial response to the petition on 5 October 2021.](#)
7. Every petition collects signatures while it remains under consideration. At the time of writing, 127 signatures have been received on this petition.

Action

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

Clerks to the Committee
June 2024

Annexe A: Summary of petition

PE1902: To allow an appeal process for Community Participation Requests

Petitioner

Maria Aitken on behalf of Caithness Health Action Team

Date Lodged

13 October 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 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 4 October 2023

The Convener: Under agenda item 4, we will consider continued petitions. The first such petition is PE1902, on an appeal process for community participation requests. Our parliamentary colleague Edward Mountain has stayed with us to assist in the consideration of the petition, on which he will make a representation. We have also received a submission from Rhoda Grant, to which I will refer in a moment.

The petition, which was lodged by Maria Aitken on behalf of Caithness Health Action Team, calls 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.

We previously considered the petition on 18 January, when the committee agreed to write to the Scottish Government, and we have since received a response from the Minister for Community Wealth and Public Finance. The minister stated that the Scottish Community Development Centre is

“giving careful consideration to when an appeal could be made”,

how the process could be

“fair, open and transparent, and who would be best placed to manage that process.”

As I said, we have received a written submission from Rhoda Grant, who is unable to attend the meeting this morning. She has made the case for CHAT to be accepted by NHS Highland as a community organisation under the participation request process, and she has asked that the committee put the matter to NHS Highland. She has also requested that the committee keep the petition open until the Scottish Community Development Centre has published its proposals on an appeal process.

Before I ask committee members how they would like to proceed, I ask Edward Mountain whether he has any suggestions.

Edward Mountain: The Caithness Health Action Team has been around for a long time and has been instrumental in helping to resolve issues of inclusion, in relation to health concerns, for people in the Highlands. It is a strong advocate. I have supported Rhoda Grant and the Caithness Health Action Team in delivering their request to NHS Highland. There is a very simple answer, as Rhoda Grant has suggested, which is for NHS Highland to accept CHAT as a community organisation under the process.

I urge the committee to keep the petition open and to push on NHS Highland’s door to see whether it will include CHAT, because, by excluding it, NHS Highland is doing itself and Caithness no good at all.

The Convener: I am tempted to suggest that we keep the petition open and write to NHS Highland, as Rhoda Grant has suggested, seeking the inclusion of CHAT in its community participation representation. There is also a material basis for us to wait

for the Scottish Community Development Centre to publish its proposal, so that we can be satisfied that progress will be made on those two fronts.

Are there any other suggestions, or are we content?

Fergus Ewing: I am absolutely content with that. However, I want to add that, on 18 January, there was agreement. I spoke—as did Alexander Stewart, the convener and Rhoda Grant—and asked for the minister to be specific and say when we would get a decision. That was 18 January, but here we are—almost another year has passed—and we now know that nothing will happen until the early part of next year, when the report from the SCDC will be available. I will not be holding my breath about the content of that report. Without being too critical, I do not expect a great deal from it. I am not sure that it is even necessary.

Be that as it may, however, the minister fails to say when a decision will be taken after the SCDC report has been issued. Therefore, we are none the wiser about when the minister will get around to doing something. I put that on the record in the vain hope that, when we ask a Scottish Government minister to give us the courtesy of a reply on something so basic as timing, we do not just see things kicked into the long grass in perpetuity, particularly in these days of rewilding when the grass is very long.

The Convener: That is duly noted, Mr Ewing.

Do we agree to keep the petition open on the basis that has been suggested?

Members *indicated agreement.*

Annexe C: Written submission

NHS Highland submission of 24 October 2023

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

Thank you for your letter dated 6 October 2023 regarding the above, in which you said: “The Committee would like to ask whether NHS Highland plans to reconsider Caithness Health Action Team’s participation request, so that it can be recognised as an organisation and participate in future decision making.”

Please can I respond as follows.

In response, NHS Highland would reiterate its original position regarding Caithness Health Action Team’s (CHAT) Public Participation Request of June 2021.

There were two reasons why NHS Highland could not take forward CHAT’s application in 2021 and these are:

- 1) their constitution raised concerns about the organisation not being open and inclusive; and
- 2) their ask of the Board was too vague and did not set out any improvement outcomes

NHS Highland explained this in the Decision Notice issued to CHAT in July 2021 and encouraged their further engagement with the board.

Under the legislation, it is not in NHS Highland’s gift to waive the requirement that CHAT qualifies as a community-controlled body. However, we have maintained engagement with them since 2021 and our door remains open to them, whether through a resubmission or through continued informal engagement.

It may be of assistance to CHAT to liaise with the Scottish Community Development Centre who work with community groups on the Public Participation request process. Their advice and support are free and can be accessed through the following link: [Contact | SCDC - We believe communities matter](#)

We are very keen to hear from CHAT, whether in a resubmission or informally, since we share their aim in working together for the good of all people across Highland.

Pamela Dudek
Chief Executive