

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

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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 Do not publish response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 X No

Please give reasons for your response.

We support the principle of a statutory form being required as part of the regulations to ensure that organisations and interest groups across Scotland have the same consistent experience of making Participation Requests. This ensures that organisations are clear as to the parameters and expectations of the level of information they are required to give in order to make a Participation Request. It is also a useful tool for adding transparency to the application, decision-making and reporting process.

The form must however be accessible in a range of formats to meet the needs of those individuals and interest groups who are most likely to be excluded from decision-making, outcome improvement and service planning. This may require having the form in different languages, large print, braille, or audio recorded. The form should also be available both online and offline. We would also strongly advocate for a guaranteed offer of support to complete the Participation Request form by the Public Body or an appointed representative.

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.

Yes this should be possible in any circumstance where the Public Body has failed to provide the statutory form a range of appropriate format suitable for the needs of the community body.

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

We were very disappointed with the example provided in Annex B – which appears very under-developed and fails to be person-centred in its style, design or question framing. The questions are not phrased as questions – adding information or examples in Plain English as to what a Community Body might include by way of response would be beneficial. A suggested word limit would also be a useful addition to some of the questions in the form.

The form should have space for a named contact on behalf of the Community Body.

There should also be provision for information to be included for an advocate or supporting representative of the Community Body. This may be a youth worker, community capacity builder, for example.

There needs to be space to ask for information about support or access requirements for the Community Body to be able to participate.

The Criteria against which the Participation Request is being assessed should also be included in the Guidance Notes in the interests of transparency.

The Form and Guidance Notes are not fit for purpose as currently presented and should be subject to a Plain English Crystal Mark.

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.

It is important that Community Bodies are kept well informed of the process of their Request and all efforts to acknowledge and respond should be done so quickly.

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

Public Bodies will have to make concerted and high profile efforts to promote the use of Participation Requests. This is a new but significant development in the relationship between communities and public authorities. It will not happen without effort.

Here we suggest a number of ways which Public Service Authorities could profile and engage communities in the use of Participation Requests:

- Include information on organisation websites – under heading of ‘get involved’ or ‘have your say’
- Build their own workforce capacity and understanding of Participation Requests across service areas
- Include awareness raising of Participation Requests within Elected Representatives inductions and professional development
- Engage with and appropriately fund Third Sector representative organisations, not limited to TSI’s, to support Community Bodies or to raise awareness/capacity of community groups
- Recognise and value the role of Community Learning and Development practitioners within public bodies who can utilise their skills and professionalism to support Community Bodies
- Include information about Participation Requests on appropriate publications – such as newsletters, magazines, plans.
- Place information notices in community centres, village halls, sports centres,

- hospitals
- Utilise Social Media and local/community radio
- Celebrate the effective use of Participation Requests to share practice

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?

Providing meaningful supports and assistance at all stages of the Participation Request and improvement process is essential to the success of this legislation. Public Service Authorities should make available a range of options for delivering that support:

- Ensuring that Community Bodies have access to advocacy or support from an appropriate person or organisation (independent of the Public Body if required)
- Plain English Crystal Mark Guidance Notes and Information leaflets
- Forms and Guidance Notes in a range of accessible and alternative formats
- Strong partnership and relationship with Third Sector organisations, including but not limited to the TSI
- Strong partnership and relationship with Community Learning and Development professionals, including youth workers and capacity builders
- Having informed staff and elected representatives to champion the process and its value to Community Empowerment and Planning

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

The purpose of this legislation predicates that some communities will require additional support and may typically or historically been excluded from Community Planning processes.

As Scotland's national agency for youth work, and as an organisation which values the contribution that young people have to make to our community and society – we would urge that the regulations specify the needs of young people to be included and supported in the Participation Request process. Children and Young People have the right to be heard and give their view as set out in Article 12 of the United Nations Convention on the Rights of the Child. It is of note to our response that young people are in themselves not a homogenous group and that support must be tailored and directed to account for the diversity of the young people's population. This may include identifying the intersection of youth with gender, disability, sexual orientation, care status, employment or education outcomes, religion, poverty and deprivation, literacy and communication, ethnicity and language, etc.

The Participation Request process and Outcome Improvement process must take regard of and show respect for the needs and pace of Community Bodies whatever their additional support need may be.

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.

We are concerned that 30 days is too long a period of time, if this is in addition to the 14 day acknowledgement period for a Participation Request. Whilst this may be justifiable from the perspective of the Public Body, the Community Body would likely want to be able concert its efforts, ideas and engagement as quickly as is possible – and this would be delayed by up to 44 days from their request being submitted. There may also be anxiety by the Community Body that progress and discussions are developing on the Outcome that they seek to improve.

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

We would suggest the inclusion of some additional information to the decision notice. Namely that the reason for the decision making outcome, this could be linked to the assessment criteria. We would also like to have a named pointed of contact for the decision-making outcome to be included to ensure that Community Bodies have a point of redress or a to begin working on the Outcome Improvement process. It may also be of value to the transparency of the process to include the names or roles of individuals who have been involved in the assessment/decision-making process.

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.

We welcome the inclusion of information about how Community Bodies would be part of the Outcome Improvement process. We would advocate that information relating to the Outcome Improvement process should, like the Participation Request form and guidance, be available in a range of formats and Plain English.

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.

No Comments

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.

In the interest of transparency we would like to see the names of community bodies that were refused their Participation Request (if any) when the Outcome Improvement process is being reported.

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

About YouthLink Scotland

YouthLink Scotland is the national agency for youth work. We are a membership organisation, representing over 100 regional and national youth organisations from both the voluntary and statutory sectors. We champion the role and value of youth work and represent the interests and aspirations of our sector.

Scotland's youth work sector is as rich and diverse as the nation itself. Our sector has a workforce in excess of 80,000 – including over 75,000 adult volunteers. We reach in excess of 380,000 young people in youth work opportunities each week. The youth work sector work has three essential and definitive features:

- Young people choose to participate
- Youth work must build from where young people are
- Youth work recognises the young person and the youth worker as partners in a learning process

The activity, venue, and approaches utilised to deliver this are varied – and include youth clubs, youth projects, specialist or targeted provision, social activism, outdoor learning, awards programmes, uniformed organisations, and democratic participation.

YouthLink Scotland champions the role and value of youth work, challenging government at national and local levels to invest in the development of the sector for the benefit of our young people. Our vision is of a nation that values its young people and their contribution to society, where young people are supported to achieve their potential.

About this Response

This response is made on behalf of the youth work sector and our membership. This response does not claim to be the position of any one individual member or of all member organisations. Individual member organisations may hold views that differ from the perspectives presented here. This is not the response of young people, but of youth work professionals who work with and for young people.