

## **POLICY NOTE**

### **THE PARTICIPATION REQUEST (PROCEDURE) (SCOTLAND) REGULATIONS 2017**

#### **SSI 2017/39**

The above instrument was made in exercise of the powers conferred by sections 23, 24(7)(a) and 8(b), 26(6) and 29(3) of the Community Empowerment (Scotland) Act 2015. The instrument is subject to negative procedure.

#### **Policy Objectives**

These regulations specify procedures to be followed and other requirements in relation to participation requests under the Community Empowerment (Scotland) Act 2015 (“the Act”).

Regulation 3 provides for the form and content of a participation request. Regulation 3(1) specifies the request must be made in writing in the form set out in the schedule or a form which is similar in effect. The form of participation request makes it clear that the request must contain the name and contact address for the community participation body, the name of the public service authority or authorities to which the request is being made, the information set out under section 22(2) of the Act, to allow the public service authority to check that the community body is eligible and to assess the request.

Regulation 4 deals with the acknowledgement of requests. Paragraph (1) provides that if a request is received that does not contain all the information set out in section 22(2) and regulation 3 the public service authority must send the community participation body a notice setting out what still needs to be submitted. Paragraphs (2) and (3) provide that when all the required information for a request has been received, the public service authority must send an acknowledgement to the community participation body.

The acknowledgement must include the validation date for the participation request, which is the date on which the request is taken to have been made, and explain the timescales within which the public service authority must give notice of its decision on the request. Regulation 5 defines the validation date as the date on which the last of the required information in relation to the request is received by the public service authority. Section 24(7) of the Act provides that the public service authority must give notice of its decision to the community participation body within a prescribed period set out in regulations, unless a longer period is agreed with the community participation body. Regulation 7 sets this prescribed period as the period of 30 working days beginning with the validation date unless there is a request that additional public service authorities are involved then the prescribed period is 45 working days beginning with the validation date.

Regulation 6 deals with the situation where a participation request includes a request that another public service authority, called an additional authority, other than the public service authority to who the request was made should participate in the outcome improvement process. Paragraph (1) provides that the public service authority should notify the additional public service authority that a request has been made, of the validation date and send a copy of the participation request. Paragraph (2) requires the additional authority to respond on whether they wish to participate within 15 working days.

Regulation 8 requires that a copy of the decision notice must be published on a website or by other electronic means.

Regulation 9 sets out the information about an outcome improvement process that must be published, including: the names of the community participation body and any public service authority involved; the outcome to which the outcome improvement process relates; and how the outcome improvement process will operate.

Regulation 10 sets out the information that must be published following modification of an outcome improvement process, including the names of the community participation body and any public service authority involved; the outcome to which the modified outcome improvement process relates; the outcome improvement process which has been modified; how the outcome improvement process has been modified; and how the modified outcome improvement process will operate.

Regulation 12 makes provision for documents to be sent electronically. Regulation 11 defines the “contact address” for the community participation body, to which any documents relating to the request may be sent.

Regulation 13 provides that the public service authority must promote the use of participation requests by publishing information on their websites and through social media explaining how a participation request may be made to that authority.

## **Consultation**

A public consultation was carried out from 21 March to 22 June 2016. Details of the consultation and responses are available at <https://consult.scotland.gov.uk/community-empowerment-unit/participation-request-regulations/>.

Following the consultation a number of changes were made to the regulations. The changes include the inclusion of a form that community participation bodies should complete on making a participation request and changes to the timescales that public service authorities will have to respond to participation requests.

## **Impact Assessments**

Screening has been carried out and concluded that no impact assessments are required, as these regulations have no effect on equality, privacy, children’s rights and welfare, or the environment.

## **Financial Effects**

A Business and Regulatory Impact Assessment has been completed for these regulations relating to participation requests, and is attached. We do not consider that the regulations will lead to any additional increase in costs for public service authorities or community participation bodies.

Scottish Government  
Local Government and Communities Directorate  
21 February 2017