

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 21st 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.