

Citizen Participation and Public Petitions Committee

12th Meeting, 2022 (Session 6), Wednesday
29 June 2022

PE1902: To allow an appeal process for Community Participation Requests

Note by the Clerk

Lodged on	13 October 2021
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

Introduction

1. The Committee last considered this petition at its meeting on [20 April 2022](#). At that meeting, the Committee agreed to write to the Scottish Community Development Centre.
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 Scottish Community Development Centre 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 20th April 2022

The Convener: PE1902, 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 are again joined by Rhoda Grant, who I will come to in a moment.

We previously considered the petition on 17 November 2021, when we agreed to write to the Scottish Community Development Centre to ask about the work that it is carrying out in exploring options for an appeals process. We have had a response that indicates that a working group has been set up, comprising people and organisations with a particular interest in participation requests. I understand that the group was due to meet some time between when we previously considered the petition and this month.

Our signal with Rhoda Grant has been lost, so we cannot hear from her. We will probably want to chase up any recommendations. Would any colleagues like to come in?

David Torrance: We should chase up the Scottish Community Development Centre, to seek an update on the working group's consideration of potential models for an appeals process. Specifically, we should ask when it plans to report to the Scottish Government, whether the report will include recommendations on the introduction of an appeal process and what further engagement it anticipates having with communities on the issue.

The Convener: Are colleagues content to keep the petition open on the basis that has been suggested and to take those actions?

Members indicated agreement

Annexe C

Scottish Community Development Centre

submission of 10 June 2022

PE1902/C - To allow an appeal process for Community Participation Requests

When the working group plans to report to the Scottish Government, and if that report will be publicly available

SCDC has organised and facilitated two online sessions of the working group, followed by a larger consultative event targeting mainly community bodies and public service authorities. A draft report outlining emerging ideas from the two initial working group meetings is awaiting agreement by the group. These ideas will be honed into a final report based on current and future engagement work with the working group and wider stakeholders.

A number of possible proposals have emerged related to strengthening the participation request provisions of the Community Empowerment (Scotland) Act, and identifying potential models for local reviews, appeals and mediation. However, these require more discussion before being shared in their final form with the Scottish Government. Therefore, we will continue to work with the working group through the summer and into the early autumn to further develop the proposals, support the group to engage with the Scottish Government and continue to gather evidence on the role that the introduction of reviews or appeals could play in improving the operation and therefore value of participation requests.

The work has been commissioned by the Scottish Government and will report to the Community Empowerment Team in the Scottish Government as part of their consideration of part three of the Community Empowerment (Scotland) Act. At this stage, it is not possible to say whether the report will be publicly available.

If that report will include recommendations on the introduction of an appeals process

As above, some proposals for a way forward are emerging related to the need to consider options for local reviews of decisions and outcomes of participation requests, and possibly wider, or higher level, appeals beyond this. In addition, the report is likely to include suggestions to strengthen principles and guidance for part 3 of the existing legislation in order to improve delivery of the legislative intent. The thoughts of the working group arising from this process will be presented to the Scottish Government as potential ideas to consider.

What further engagement you anticipate with communities on this issue.

SCDC hopes to be funded to deliver additional work to promote participation requests and support outcome improvement processes. The work to develop further community engagement in relation to reviews and appeals will be part of this process.