

One piece of the puzzle.

A summary of learning from SCDC's work around participation requests.

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What you need to know.

Participation requests are a new way for people to have their say about what improvements they would like to see made to public services they use. They are part of a piece of Scottish Government legislation called the Community Empowerment (Scotland) Act 2015.

The right to make participation requests came into effect – meaning that community groups could make them – in April 2017. SCDC is aware of around twenty-five participation requests being made before July 2018. Most of these have been made by community councils to local authorities. The majority have been agreed to, although this varies depending on the public body they have been made to.

SCDC has delivered awareness-raising workshops, conducted research and developed guidance and other resources.

People we have spoken to have mostly welcomed participation requests as an added way for communities to engage with public bodies in charge of public services.

We have also seen that when people become aware of participation requests they are often interested in finding out more about how to make one.

But people have also told us about issues they have with participation requests. In addition, we have noticed a few things about participation requests that we think could be improved. These issues and suggested improvements are listed here as key findings. More detail on each finding can be found below.

7 Key findings.

1. More needs to be done to raise awareness of participation requests.
2. When people know about participation requests they need support in order to make them.
3. Disadvantaged and marginalised groups, such as people experiencing poverty, disabled people and black and minority ethnic groups, need targeted support in order to make participation requests.
4. There needs to be stronger legislation and/or guidance around the outcome improvement process which is set up when a participation request is agreed to.



5. There was a strong feeling amongst people we spoke to that, in order to work, participation requests need to have independent oversight and an appeals mechanism – people regularly described the legislation as “lacking teeth”.
 6. Participation requests may not be the ‘silver bullet’ to increasing participation in public service design, but they could be an important ‘piece of the puzzle’.
 7. Many people we have spoken to feel that they should be able to make participation requests to more public bodies than those already listed in the legislation.
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Key findings explained further.

1. More needs to be done to raise awareness of participation requests.

More people are finding out about participation requests. In our latest survey on participation requests, conducted in summer 2018, 74% of respondents said they had heard of participation requests, an increase of 32% from our spring 2017 survey. This is a positive sign, but it should also be remembered that many responses will be from people who are well networked with SCDC and other voluntary organisations.

Many people have told us they were unaware of participation requests. Part of the reason for this may be that there is a lack of information available about them locally.



34% of people in our 2018 survey said they had heard of participation requests from local authorities and only 6% said they had heard about them from health boards. Many public bodies who are down to receive participation requests do not have any information about them online. We have not seen much evidence that public bodies are actively promoting participation requests.

“I think getting it out through public sector organisations as well as third sector would be beneficial as a lot of people like myself volunteer for a couple of small groups that may not otherwise know about this opportunity”.

Response to 2018 survey.

We know from our awareness raising work that there is a significant demand for information and training around participation requests. We had 49 responses to our recent call for interest in helping to host local workshops for community organisations. Many of the offers to host workshops were from third sector interfaces and other third sector organisations.



2. When people know about participation requests there is a need for support in order to make them.

In order to make participation requests, people need to understand what they are and how to make them. Currently, many people do not have this understanding. The main barriers people have identified to using participation requests are as follows:

- The complicated language that is used. People have told us they find it difficult to understand the guidance and forms for participation requests.
- It is hard to understand how the process works. People we have spoken to have issues they want to address through participation requests. However, when a group makes one, they need to state the 'outcome' they want to improve. People have found it challenging to think about their issues in terms of 'improving outcomes'.
- Most information on participation requests is online, including the forms to make one. Not everyone has easy access to a computer or knows how to use them. This could make it more difficult for some groups to use the legislation.
- A lack of confidence was another barrier, which could be a result of people feeling they lacked the skills required to take forward participation requests. People have told us that confidence building needed to start with themselves as individuals.



- Many people we spoke to who were interested in making a participation request were not part of a community group – which is necessary in order to make one. They needed support in order to work with other people who shared their issue.
- On top of all this, people have told us they don't know where to find the support they need. In our 2018 survey, only 44% of respondents said they knew where to find out more information. In some areas people have told us that there is a lack of community development support for any groups and individuals wanting to learn more about participation requests and/or be supported to make one.

3. Disadvantaged and marginalised groups, such as people experiencing poverty, disabled people and black and minority ethnic groups, need targeted support in order to make participation requests.

Some communities will need extra support to make participation requests. We have conducted research with people experiencing poverty as well as groups with protected characteristics such as disabled people and black and minority ethnic (BME) communities. They have told us that they face some of the same barriers listed above.



However, it is clear that the barriers and challenges will be even greater for these groups than for most community groups. Some examples of this are:

- 1**
 - BME communities requiring translation in order to understand information about participation requests.
- 2**
 - Socially isolated people recovering from mental health issues who are able to contribute to improving services but who lack the confidence to work with others in order to make a participation request.
- 3**
 - People we spoke to in areas with high levels of poverty said that they didn't trust public services. Some people we spoke to appeared to require focused support in order to build confidence and trust to work collaboratively with others.

4. There needs to be stronger legislation and/or guidance around the outcome improvement process which is set up when a participation request is agreed to.

In some cases where public bodies have agreed to participation requests, the resulting dialogue between communities and public bodies (called an outcome improvement process) has not been as good as it should be.



SCDC has spoken to some of the groups who have made successful requests. We have heard how initial enthusiasm has led to frustration. Groups have told us they have had to chase up public bodies to ensure meetings happen and that the process stays on track. Others have been invited to give their view but not to take part in a dialogue around the issue, as required by the Community Empowerment Act.

The legislation and guidance give little detail on what an outcome improvement processes should involve. One reason for this is that different requests will require different types of discussion and ways of working together. But it will be worth considering how the legislation and guidance can be strengthened so that participation requests lead to meaningful dialogue and engagement.

5. There is a strong feeling that, in order to work, participation requests need to have independent oversight and an appeals mechanism – people regularly described the legislation as “lacking teeth”.

Many people have told us that participation requests will need to be more enforceable if they are to make a difference.

One way of doing this would be to have an independent overseeing body to ensure public bodies follow the legislation correctly.



Another would be to have an appeals mechanism for community groups to make use of when they feel the process hasn't been the way it should be. Some people have called for both of these methods to be in place.

“Sorry to hear requests cannot be made to the integrated joint board or the Scottish Government. And no right to appeal to the decision if not granted”.

Response at workshop.

Participation requests should bring a level of transparency and accountability to working with public bodies. The Act requires public bodies to produce a report on completion of the outcome improvement process showing how the community organisation has contributed to the outcome being improved.

Anecdotal evidence from community organisations suggests that public bodies have responded to participation requests more promptly than previous attempts by the community group to raise an issue. This suggests the legislation is being taken seriously by some public bodies.

Despite the understandable scepticism about the difference participation requests will make, many people we have spoken to have agreed that the more participation requests are used, the more likely they are to succeed as a piece of legislation.



Positive examples are starting to emerge which should hopefully make public bodies and community organisations see the opportunities presented. This could contribute to a changing culture around participation in public services more generally.

6. Participation requests may not be the ‘silver bullet’ to increasing participation in public service design, but they could be an important ‘piece of the puzzle’.

A positive finding has been that some community organisations who have had their participation request agreed to have told us they have since made some progress. This has not necessarily been a direct result of the request but groups have reported it has given their work more impetus and a higher profile. In this sense, participation requests may be seen as one ‘piece of the puzzle’ for improving an outcome.

7. Many people we have spoken to feel that they should be able to make participation requests to more public bodies than those already listed in the legislation.

People attending our workshops felt that participation requests should be able to be made to the following organisations:

- The Scottish Government
- All organisations listed on the National Public Bodies Directory (some are already listed)



- Integrated Joint Boards (groups seeking to make participation requests around health and social care are currently advised to make them to either the relevant local authority or health board and request that the other of these is brought in to the outcome improvement process as well)
- Scotland's new social security agency, Social Security Scotland

There were also calls for Arms-Length External Organisations (ALEOs) and public bodies carrying out reserved functions in Scotland (such as the Department for Work and Pensions and the Home Office) to be included.

More information.

For more on participation requests and the wider Community Empowerment Act visit www.scdc.org.uk. We would also encourage anyone with questions about the legislation, and experiences of using it, to **get in touch**.

