

Citizen Participation and Public Petitions Committee

14th Meeting, 2023 (Session 6), Wednesday
4 October 2023

PE1902: To allow an appeal process for Community Participation Requests

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 [18 January 2023](#). At that meeting, the Committee agreed to write to the Scottish Government.
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 Minister for Community Wealth and Public Finance 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 18th January 2023

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.

At our previous consideration of the petition, we identified that work is on-going to identify the possibility of an appeal process as part of the Scottish Government's review of the 2015 act. The Minister for Public Finance, Planning and Community Wealth has informed us that the Scottish Community Development Centre's working group continued its work through 2022 to explore the potential for an appeal or review process for participation requests and it will bring its findings to the Scottish Government for full consideration.

As I mentioned earlier, we have Rhoda Grant with us this morning. Rhoda, is there anything further that you would like to suggest to the committee, given that information?

Rhoda Grant: Yes. I am a wee bit disappointed with that response from the Government, because it means that there will not really be any change in policy until much later this year, or possibly next year, to be more realistic. In the meantime, I think that Caithness Health Action Team should be recognised as a community organisation under the 2015 act, because it spends a lot of time representing its community.

I understand that NHS Highland is now working with CHAT in a much more positive fashion. The committee could consider writing to NHS Highland to ask whether it will now be willing to recognise CHAT and to give it the input and status that it would have had if it had been recognised under the 2015 act.

CHAT is coming to me with issues from its community more and more often. The organisation is well recognised and people turn to it for guidance and representation on health issues. It could only help NHS Highland and indeed the wider community if CHAT was round the table. I ask the committee to consider keeping the petition open until we get some form of resolution, because the work that the Scottish Government is doing will not resolve the issue in the near future.

The Convener: A strand of thinking that you have articulated that registers with me is that we have no timetable. We are simply told that work was done in 2022 and that it will lead to findings being brought to the Scottish Government for consideration. That does not give us a timeline. It could take any amount of time for that to happen,

then the Government could take any amount of time to consider the findings, and it could be any time after that before any consequence is suggested.

I wonder whether we might ask the Scottish Government, or whatever the appropriate body is, for a slightly more accountable timeframe to which it can be held. I do not know that there is much more that we can do after that. I am not sure whether Rhoda Grant's suggestion is one for the committee or whether it is for more personal intervention. Do colleagues have any thoughts?

Alexander Stewart: Convener, you make a valid point about the timescale for the process. Rhoda Grant expressed some views but, as you have identified, I am not sure how the committee could progress the matter. We can ask for a timescale but, other than that, we are limited as to what we can do, considering that there has already been some development from the Scottish Government about what it has indicated that it plans to do. As you said, the problem is the timescale. We do not know how long it will take. It could be towards the end of this year before anything happens.

The Convener: Our expressing an interest in pursuing the matter might ensure that something is pursued.

Fergus Ewing: Rhoda Grant raised a fair point. If the Government says in response to any request for action, "We might get round to doing something one day," that's no very good. The committee should not accept that response in principle, although we should probably word it more moderately and with politesse—as you advocated, convener—rather than in the words that I have just deployed. However, we should press the issue and say that we would like a more specific response about when the Government plans to take any action.

At the same time, I agree with you, convener, that Ms Grant will not be backward in coming forward and making her own representations. It might be a matter for individual MSPs to pursue in their constituencies or regions as well.

The Convener: We can explore the most appropriate way for the further suggestion that Rhoda Grant made to be accommodated, whether that is through the committee or some other means. Are we otherwise content to proceed on the basis that we have discussed?

Members *indicated agreement.*

Annexe C

Minister for Community Wealth and Public Finance submission of 14 September PE1902/E: To allow an appeal process for Community Participation Requests

Thank you for your letter dated 15 February 2023 on behalf of the Citizen Participation and Public Petitions Committee regarding Community Participation Requests. Please accept my apologies for the long delay in responding to you.

Members of the Committee will be aware of the independent evaluation of participation request legislation conducted by Glasgow Caledonian University. Their report which was published in April 2020 concluded that due to the low numbers of participation requests submitted, it was too early to determine whether an appeal process was required and that further exploration was needed.

Therefore, the Scottish Government commissioned the Scottish Community Development Centre (SCDC) to explore a potential appeals process, and in 2021 they formed a workgroup to consider this. As you know, in August 2022 I updated the Committee in writing about SCDC's findings.

Since then the SCDC led group is continuing to explore options and are giving careful consideration to when an appeal could be made; and how if implemented an appeals process could be fair, open and transparent, and who would be best placed to manage that 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 remainder of 2023 to further develop these proposals.

Once their work is concluded SCDC will make more detailed proposals available for consideration and we look forward to receiving their findings. This work forms part of the Scottish Government's wider review of the Community Empowerment (Scotland) Act 2015 that is currently underway, and is anticipated to conclude in the early part of 2024. Any

changes to part 3 of the Act will follow the conclusion of the wider review.

I hope you find this information helpful.

Tom Arthur MSP
Minister for Community Wealth and Public Finance