



Meeting: NHS Highland Board
Meeting date: 31 May 2022
Title: Community Empowerment (Scotland) Act 2015 Annual Reports 2021-22
Responsible Executive/Non-Executive: Pam Dudek, Chief Executive
Report Author: Ruth Daly, Board Secretary

1 Purpose

This is presented to the Board for:

- Assurance

This report relates to a:

- Legal requirement

This aligns to the following NHSScotland quality ambition(s):

- Effective

This report relates to the following Corporate Objective(s)

Clinical and Care Excellence <ul style="list-style-type: none"> • Improving health • Keeping you safe • Innovating our care 	X	Partners in Care <ul style="list-style-type: none"> • Working in partnership • Listening and responding • Communicating well 	X X
A Great Place to Work <ul style="list-style-type: none"> • Growing talent • Leading by example • Being inclusive • Learning from experience • Improving wellbeing 		Safe and Sustainable <ul style="list-style-type: none"> • Protecting our environment • In control • Well run 	X X

2 Report summary

2.1 Situation

Attached to this report are NHS Highland Annual Reports dealing with Asset Transfers and Public Participation Requests for the period 2021/22 for the Board's approval.

2.2 Background

The Community Empowerment (Scotland) Act 2015 has been established to enhance community involvement in community planning by creating opportunities for influencing

public service provision and decision making, including how community assets are owned and managed. The Act introduces rights to community bodies to make participation requests and asset transfer requests to Health Boards and other public service authorities.

2.3 Assessment

Sections 32 and 95 of the Act require that public bodies produce annual reports which include certain information on participation requests and asset transfer requests. The annual reports follow a standardised format and are appended to this report.

2.4 Proposed level of Assurance

This report proposes the following level of assurance:

Substantial	X	Moderate	
Limited		None	

3 Impact Analysis

3.1 Quality/ Patient Care

Annual Reports provide assurance that healthcare is safe for every person, every time.

3.2 Workforce

Annual Reports provide assurance that staff feel supported and engaged.

3.3 Financial

Annual Reports provide assurance that there is the best use made of available resources. There are no specific financial implications associated with this report.

3.4 Risk Assessment/Management

These are Annual Reports on business considered during the year, for which risk analysis would have been undertaken when requests were first made.

3.5 Data Protection

This report does not involve personally identifiable information.

3.6 Equality and Diversity, including health inequalities

These are Annual Reports on business considered during the year, for which EDIAs would have been considered when the issues were first raised.

3.7 Other impacts

No other impacts.

3.8 Communication, involvement, engagement and consultation

Public authorities have a responsibility to promote Asset Transfers and Participation Requests and there is a prominent link on NHS Highland website signposting members of the public.

3.9 Route to the Meeting

The Annual Reports have been prepared with the respective Executive Leads

4 Recommendation

The Board is asked to approve the Annual Reports.

4.1 List of appendices

The following appendices are included with this report:

- Appendix No 1, Annual Report relating to Asset Transfers
- Appendix No 2, Annual Report relating to Public Participation Requests

NHS HIGHLAND

Community Empowerment (Scotland) Act 2015

Asset Transfers

Annual Report

The Community Empowerment (Scotland) Act 2015 aims to empower communities by giving them control over assets so they can work together to make better communities.

Part 5 of the Community Empowerment (Scotland) Act 2015 introduced a right for community bodies to make requests to all local authorities, Scottish Ministers and a wide-ranging list of public bodies, for any land or buildings they feel they could make better use of. The Act moves asset transfer from a voluntary approach by public bodies to one which introduces a right for community bodies to make requests for ownership, lease, management or use of publicly owned buildings or land whether or not they are available for sale or considered surplus to requirements. The Act requires those public authorities to assess requests transparently against a specified list of criteria, and to agree the request unless there are reasonable grounds for refusal.

Receiving an Asset Transfer Request triggers a set of procedures and timeframes to ensure that the public body and community groups are engaged in discussion in a supportive and constructive manner. This is to ensure that any exercise is well considered, appropriate and focussed on improving community outcomes.

NHS Highland encourages groups firstly to discuss their proposal with their District Manager and submit an expression of interest form. They are then asked to complete a formal application form so we can fully assess the asset transfer request.

In compliance with Section 29 of the Community Empowerment (Scotland) Act 2015, NHS Highland is required to publish an annual report setting out the numbers of asset transfer requests received and their outcomes covering all requests received from the scheme coming into force up to 31 March 2022 as follows:

Activity	Frequency
<ul style="list-style-type: none"> The number of asset transfer requests received 2021 to 2022 	2 Mackinnon Memorial Hospital in Broadford. Ian Charles Hospital in Grantown on Spey.
<ul style="list-style-type: none"> The number of asset transfer requests agreed to or refused 2021 to 2022 	0 Agreed 0 Refused

• The number of requests which resulted in the transfer of ownership, lease or conferral of other rights	0
• For appeals relating to requests made to NHS Highland, how many have been allowed, dismissed or have resulted in any part of the authority's decision being reversed or changed	0
• Where decisions made by NHS Highland have been reviewed, how many have been confirmed, modified or substituted by a different decision	0
• Any action taken by the public service authority to promote the use of asset transfer requests and support community transfer bodies to make requests	0

Promotion

NHS Highland has created a prominent link on the front page of its website specifically dedicated to Asset Transfer requests. The webpage explains how to submit an Asset Transfer request, clarity on who can make one, how to do so, contact details of local District/Locality Managers and contact details for a single point of contact.

The website outlines the processes, details of the necessary timeframes and informs community groups on what Asset Transfer requests can be used for. There is also access to Scottish Government guidance.

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Community Empowerment (Scotland) Act 2015 - Participation Requests

Annual Report

The Community Empowerment (Scotland) Act 2015 aims to empower communities by giving them the power to request to participate in decisions and processes which are aimed at improving outcomes for communities, encouraging and promoting dialogue, tackling inequalities, and supporting the increased participation of those whose voices are less heard or who face additional barriers.

Participation Requests are intended to provide communities with the opportunity to be pro-actively involved in improving outcomes, to help groups highlight community needs and issues and become involved in change or improvement. Participation Requests are not intended to replace existing good community engagement and participation, but to enhance them and give communities the chance to establish formal dialogue. There are a range of possible uses for Participation Requests; the Scottish Government guidance identifies four broad categories:

- To help people start a dialogue about something that matters to their community through highlighting needs, issues or opportunities for improvement
- To help people have their voice heard in policy and service development through contributing to decision-making processes
- To help people participate in the design, delivery, monitoring or review of service provision, through contributing to service change or improvement
- To help people challenge decisions and seek support for alternatives which improve outcomes.

Receiving a Participation Request triggers a set of procedures and timeframes to ensure that the public body and community participation bodies are engaged in discussion in a supportive and constructive manner. This is to ensure that any exercise is well thought out, appropriate and focussed on improving community outcomes.

Public authorities have a responsibility to promote Participation Requests. They should let people know about the opportunity to make them, and provide information on what they can be used for. The Regulations provide that the public service authority must promote the use of participation requests by publishing information on a website and through social media explaining how a participation request may be made to that authority.

Activities

In compliance with Section 32 of the Community Empowerment (Scotland) Act 2015, the following requires to be published annually with regard to activity covering the year 1 April 2021-31 March 2022:

Activity	Frequency
The number of requests received	1
The number of requests agreed and refused	1 refused
The number of requests which resulted in changes to a public service provided by, or on behalf of, the public service authority	0
Any action taken by the public service authority to promote and support the use of participation requests	See below

NHS Highland has created a prominent link on the front page of its website specifically dedicated to Community Empowerment. The webpage provides a definition of a Participation Request, clarity on who can make one, how to do so, contact details of local District/Locality Managers and contact details for a single point of contact. The website confirms that the Board Secretary has been designated the first point of contact for Participation Requests.

The website details the process which would be followed, together with the associated timeframes. It also provides access to Scottish Government guidance.