



**Meeting:** NHS Highland Board  
**Meeting date:** 31 May 2022  
**Title:** Community Empowerment (Scotland) Act 2015 Annual Reports 2022-23  
**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 Strategic Outcome(s)**

Start Well	Thrive Well		Stay Well		Anchor Well	
Grow Well	Listen Well	X	Nurture Well		Plan Well	X
Care Well	Live Well		Respond Well	X	Treat Well	
Journey Well	Age Well		End Well		Value Well	
Perform well	Progress well					

**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 2022/23 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.

#### Asset Transfer

#### Public Participation Requests

Throughout the last financial year NHS Highland did not receive any Public Participation Requests. Board members will be aware of the ways in which NHS Highland actively engages with communities about its services and developments. While Boards have a duty under the Act to promote the offer of Public Participation Requests, our ongoing engagement activity has meant that communities have not needed to use the formal route. A link to a specific page has been created on NHS Highland’s new website to signpost members of the public to the formal option and provide information on how to go about making an application.

### 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 2023 as follows:

Activity	Frequency
<ul style="list-style-type: none"> <li>The number of asset transfer requests received 2022 to 2023</li> </ul>	1 Staffin Nurses Base (1 Ian Charles Hospital in Grantown on Spey. 2021-2022 ongoing awaiting property to be declared surplus)
<ul style="list-style-type: none"> <li>The number of asset transfer requests agreed to or refused 2022 to 2023</li> </ul>	0 Agreed 0 Refused

<ul style="list-style-type: none"> <li>The number of requests which resulted in the transfer of ownership, lease or conferral of other rights</li> </ul>	None
<ul style="list-style-type: none"> <li>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</li> </ul>	0
<ul style="list-style-type: none"> <li>Where decisions made by NHS Highland have been reviewed, how many have been confirmed, modified or substituted by a different decision</li> </ul>	1 Mackinnon Memorial Hospital withdrawn by the Community Company.
<ul style="list-style-type: none"> <li>Any action taken by the public service authority to promote the use of asset transfer requests and support community transfer bodies to make requests</li> </ul>	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.



## Participation Requests Reporting Template 2022/23 for Public Service Authorities

Section 32 of the Community Empowerment (Scotland) Act 2015 requires public service authorities to produce an annual report on Participation Request activity and publish this no later than 30 June each year. This template has been created to gather participation request data for the period 1 April 2021 to 31 March 2022. Information provided will help inform policy and practice at local and national level as the data will be collated and shared by the Scottish Government's Community Empowerment Team. However, it is for each public service authority to make their own annual report publicly available by 30 June 2022, whether using this template or not.

**Please provide information in the sections below and email the completed template by 30 June 2023 to [community.empowerment@gov.scot](mailto:community.empowerment@gov.scot).**

### **Section One – Public Service Authority Information**

Organisation: NHS Highland

Completed by: Ruth Daly                      Role: Board Secretary

Email: [ruth.daly2@nhs.scot](mailto:ruth.daly2@nhs.scot)                      Telephone:

Date of completion: May 2023

Are you the Participation Request Lead Contact for the organisation: Yes

If not please provide the name, job title and email address for the lead contact for any queries

**Section 2: Participation Request Data for 2022/23**

Please complete following overview table:

Total new applications received in 2022-23	Total applications received prior to 1 April 2022 which were still to be determined at 1 April 2023	Number of accepted applications in 2022-23	Number of applications agreed in 2022-23	Number of applications refused in 2022-23
None	None	None	None	None

2.1 Please provide details of Participation Requests received using the legislation and outwith the legislation in 2022/23 which resulted in changes to public services provided by or on behalf of your public service authority and tell us about those changes:

Name of Community Participation Body	Was the Participation Request successful? (Y/N)	Previous way of working	Way of working following changes	What difference did those changes make for the users of the service? Did they improve service user experiences or outcomes?	Details of any participation requests considered outwith the formal process e.g. agreements reached that resulted in changes to services.
NA	NA	NA	NA	NA	NA

**2.2 Please use this space to provide any further comments relating to the above data, such as describing the outcome improvement process (whether or not it resulted from a formal participation request) and how the community participation body was involved in it, or details of any wider benefits, such as improved community engagement and ongoing participation.**

**Section Three – Partnership Working & Promotion of Participation Requests**

**3.1 Please provide details of any engagement with support organisations such as local Third Sector Interfaces and public sector Community Learning and Development staff or national organisations such as the Scottish Community Development Centre.**

***For example, has any new practices to support Participation Requests been developed from working with other bodies, or any learning gained?***

NHS Highland's services engage with third sector and other partners relevant to the topic they wish to engage on. We are not aware of any services having engaged with external organisations about participation requests.

**3.2 Please provide details of action taken to promote the use of Participation Requests or support Community Participation Bodies in making a Participation Request.**

***For example, this could include support before making a request, such as to determine whether a participation request is the most appropriate route; - Support to make the request such as assist groups to complete forms, or identify appropriate outcomes; and/or Support to take part effectively in outcome improvement processes (whether or not they resulted from a formal participation request).***

NHS Highland has a web page specifically dedicated to Community Empowerment. Information on this web page provides a clear definition of what constitutes 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.

**3.3 Please let us know what actions you have been taking to ensure that your processes are inclusive.**

***For example, this could include accessible information and other support, which enable wider use of participation requests by all population groups including those with protected characteristics.***

Prompted by the launch of our new website, NHS Highland will endeavour to make the application process more accessible, such as:

- offering the option of phoning (including textphone) and/or having someone complete the form for people unable to complete the form themselves



- Offering to provide the form in large print, braille, or other languages on request
- Check that the form makes sense through 'read aloud' software
- make the form truly online so applicants fill it in and submit on screen, to cut out the need to download and email – explore the use of an MSForms form

It is also possible to use existing networks to share information through newsletters, noticeboards and on social media channels and we will consider this for the future.

**3.4 Please outline any plans you have to continue involving local people and local groups in outcome improvement processes as a result of your Participation Request policies (and also outwith formal participation requests).**

The Board's Engagement Framework was approved in 2022. This sets out how services should engage with communities, both around service change and more general ongoing engagement to inform service improvement. The Framework was developed in partnership with patients, carers and communities, who were members of a working group which drafted the Framework. We are now developing training, guidance and templates to support services to engage well, and are building a network of groups and individuals with whom services can engage on different topics. We also aim to set up a panel of service users.

Work is ongoing to promote Care Opinion as a way for patients to share their stories and contribute to improvement.

**3.5 Please provide details about any work undertaken to consider wider reviews of participation practice, and any such methods used to engage with communities.**

Please see above.

**Section Four – Additional Information**

**4.1 Please use this space to provide any further feedback not covered in the above sections.**

*For example, we are interested in your reflections about what has gone well and what has gone less well in relation to Participation Requests over the past year?*

We aim to promote participation requests in the coming year by building this into our comms and engagement workplan. We intend to ask communities what they think of the current process and guidance and if they would recommend any changes.

***Is there any aspect of the process that you intend to adapt or change in the year ahead?***

***Have you identified any needs for guidance or support that would support the process?***

***If you have developed any case study material or published new information about Participation Requests, please share links to those with us here.***

**Section Five – Community Empowerment Act Review**

*The following questions relate to the Scottish Government review of the Community Empowerment (Scotland) Act 2015. We would value your feedback as a public service authority concerned with part 3 (participation requests) of the Community Empowerment (Scotland) Act 2015.*

5.1 Has the legislation made things easier or more difficult to access? Please provide some comments on your experiences as a public service authority engaging with this legislation.

5.2 Where can things be further improved, and what needs to change?

5.3 Are you aware of what support is available to you when engaging with this legislation, and how you can access this? Please provide comments where possible.

5.4 What would you like to see now, to further empower Scotland's communities?

Completed by: Ruth Daly Role: Board Secretary

Email: [ruth.daly2@nhs.scot](mailto:ruth.daly2@nhs.scot) Tel:

Date of completion: May 2023

**Please email the completed template by 30 June 2023 to [community.empowerment@gov.scot](mailto:community.empowerment@gov.scot)**

If you have any queries please contact Malcolm Cowie, Participation Request Policy Manager at [Malcolm.cowie@gov.scot](mailto:Malcolm.cowie@gov.scot)

Thank you!  
Community Empowerment Team, Scottish Government