

NHS HIGHLAND

Community Empowerment (Scotland) Act 2015 Asset Transfers

Annual Report 2018/19

Background

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.

Activity

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 2019 as follows:

The number of asset transfer requests received	5
The number of asset transfer requests agreed to or refused	0
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	n/a
Where decisions made by NHS Highland have been reviewed, how many have been confirmed, modified or substituted by a different decision	n/a
Any action taken by the public service authority to promote the use of asset transfer requests and support community transfer bodies to make requests	See below

Promotion

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 Asset Transfer, 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 with a dedicated email account - high-uhb.assettransfer@nhs.net.

The website confirms that the Board Secretary has been designated the first point of contact for Asset Transfer. It also details the process which should be followed with associated timeframes and Scottish Government guidance.

NHS Highland has been involved in a range of ongoing engagement activity over the last year, focussing on the redesign of health and social care services across the Board area. Major redesign is underway in Skye, Lochalsh and South West Ross, Badenoch and Strathspey and North Coast in Sutherland. Significant pre-engagement work has taken place in Caithness prior to going through an options development and appraisal process.

There has also been significant engagement across a number of communities relating to out of hours and other areas of re-design.

These activities have provided avenues for public participation and engagement and probably explain why no formal public requests under the Community Empowerment legislation have taken place. There has been some presentations and sharing of information with some communities especially around possible future use of buildings.

Internally, the process has been supplemented with training exercises within Operational Unit senior management teams.