

Consultation and Engagement Policy

Implementation date: 1 August 2021

Control schedule

Approved by	Policy and Sustainability Committee
Approval date	20 April 2021
Senior Responsible Officer	Paula McLeay, Head of Policy and Insight
Author	Yvonne Gannon, Senior Policy and Insight Officer
Scheduled for review	April 2023

Version control

Version	Date	Author	Comment
0.1	20/04/2021	Emma Candy	
0.2	30/08/2022	Yvonne Gannon	Changes to the activity that should go through the CAP and consultation/engagement timescales included in the standards and criteria.

Subsequent committee decisions affecting this policy

Date	Committee	Link to report	Link to minute
30/08/2022	Policy and Sustainability	Item 7.6 Consultation Policy Annual Review	

Consultation and Engagement Policy

Policy statement

- 1.1 The need to positively engage with, listen to and act upon stakeholders' views is becoming increasingly important across all public sectors. As a result, the Council is under greater scrutiny to ensure that when we consult or engage, we get it right.
- 1.2 Effective consultation and engagement involves genuine dialogue, respect, integrity, transparency and accountability. It also involves the ability to evidence how views were sought, considered and how they influenced the decisions made or shaped more detailed proposals.
- 1.3 This policy:
 - 1.3.1 sets out the Council's criteria for determining whether consultation is necessary;
 - 1.3.2 provides the conditions for the management and governance of consultation and engagement activity; and
 - 1.3.3 details the quality standards that consultation and engagement activity must meet.

Scope

- 2.1 This policy applies to:
 - 2.1.1 all permanent and temporary Council employees, volunteers, people on work placements and elected members when acting as officers of the Council;
 - 2.1.2 all third parties and contractors performing a Council function or service.
- 2.2 The terms consultation and engagement can sometimes be mistaken for the same thing, and used inter-changeably, which can lead to confusion when we speak to colleagues or members of the public.
- 2.3 It is important that standards of both engagement and consultation activity are of equally good quality and are consistent across the Council. A distinction should not impact upon the quality of the project and resulting outcome.
- 2.4 This policy applies to both consultations and engagement activity.
- 2.5 The following activities are not covered by this policy:
 - 2.5.1 a vote or referendum;

- 2.5.2 a way of justifying or validating earlier decisions;
 - 2.5.3 solely information-giving, a public relations or communications exercise; and
 - 2.5.4 market or social research activity.
- 2.6 This policy does not have legal force and cannot prevail over statutory or mandatory requirements. Some consultations will be governed by these requirements and will be administered in accordance with these.

Definitions

- 3.1 **Consultation:** A time-limited exercise when we provide specific opportunities for all those who wish to express their opinions on a proposed area of our work (such as identifying issues, developing or changing policies, testing proposals or evaluating provision) to do so in ways which will inform and enhance that work.¹ If the results of the activity will go to a committee or board for a decision then it is considered a consultation.
- 3.2 **Engagement:** The process of developing relationships and partnerships so that the voice of local people and partners can be heard. Engagement exercises can be used as a way to collect views and feedback to inform a more detailed proposal, policy or set of options, or to inform service changes which will not be subject to formal consultation or committee approval.
- 3.3 **The Consultation and Engagement Framework:** Supports colleagues to plan and conduct effective consultation and engagement. It provides a consistent approach across the Council; with practical advice and supporting guidance notes.
- 3.4 **Consultation and Engagement Criteria:** A set of seven measures which proposed consultation or engagement activities are assessed against, that determine the level of planning, review and oversight required.
- 3.5 **Consultation and Engagement Standards:** Seven standards that practically set out the minimum requirements for consultation/engagement activity. They detail the measures for each of the standards and provide examples of how consultation/engagement owners can evidence that they have met the standard.
- 3.6 **Consultation/Engagement Owner:** Like a project manager, this person has overall responsibility for the planning and management of a specific consultation/engagement activity.
- 3.7 **Consultation Advisory Panel:** Consists of approved practitioners of consultation and public engagement, who have completed accredited training.

¹ Adopted for the Scottish Government Consultation Good Practice Guidance

The panel assesses proposed consultation and engagement plans and supporting materials against the consultation standards and recommends whether a high-assessed consultation or engagement activities should go ahead.

3.8 **Consultation and Engagement Hub:** The Council's [online platform](#) for the creation, promotion and management of consultation and engagement activity. Functionality includes:

3.7.1 Creating and managing an online presence for consultation/engagement activity; detailing important information, key dates, events and related documents relevant to the issue being consulted on.

3.7.2 In-built survey creation tool.

3.7.3 Analysis and reporting of data.

3.7.4 Publishing results and feedback from consultation/engagement activities.

3.7.5 Search engine allowing users to find consultation/engagement activities by area, audience, interest, postcode etc.

Policy content

4.1 To ensure effective consultation and engagement activity takes place, it is essential that the following policy requirements are understood and applied consistently by all Council employees and services.

“E-Learning module”

4.2 Any colleagues planning to undertake consultation, or involved in community and public engagement, are required to complete the e-learning module. This e-learning module was created to introduce colleagues to the steps involved in effective consultation and engagement activity. Colleagues can access the training module on the Council's [myLearning Hub](#) and must refresh their training every two years.

The Consultation and Engagement Framework

4.3 The [Consultation and Engagement Framework](#) was developed by a council-wide project team, from a workforce development programme with the Consultation Institute. The framework was approved by the Communities and Neighbourhoods Committee in 2014 and is reviewed periodically.

4.4 Colleagues should refer to the framework when carrying out consultation or engagement work. It provides a consistent approach to consultation and engagement across the Council and offers practical guidance for each stage of consultation, with supporting guidance notes for each element and signposts to further information, best practice and techniques.

Consultation and Engagement Criteria

- 4.5 There are seven criteria that colleagues must assess their proposed consultation/engagement activity against.
 - 4.5.1 Strategic
 - 4.5.2 Legislative
 - 4.5.3 Service Provision
 - 4.5.4 Number of people likely to be directly impacted
 - 4.5.5 Community / Environmental impact
 - 4.5.6 Political / Reputational impact
 - 4.5.7 Project Risk
- 4.6 A copy of the criteria and their definitions is included as part of the Consultation and Engagement Framework – [Guidance Note 1 Consultation and Engagement Criteria](#).
- 4.7 How a consultation scores against the criteria determines the level of review and oversight required.
 - 4.8.1 Low and medium assessed consultation/engagement activities may report to the appropriate Tier 2 and Tier 3 Managers.
 - 4.8.2 Any consultation/engagement activities that are assessed as high should report to the Consultation Advisory Panel.
 - 4.8.3 Where more than one criterion has been assessed as high, the Consultation Advisory Panel will refer consultation/engagement activities for final review and sign off to the Corporate Leadership Team (CLT).
- 4.8 The responsibility to identify consultation/engagement activities that meet the prioritisation criteria lies with the owner.
- 4.9 Periodically, the Consultation Advisory Panel will pull a sample of low and medium assessed consultation/engagement activities in for review, to ensure the standards are being applied consistently across all consultation and engagement activity.

Consultation and Engagement Standards

- 4.10 There are seven consultation and engagement standards that colleagues must be able to demonstrate.
 - 4.11.1 Process
 - 4.11.2 Genuine
 - 4.11.3 Inclusive and Accessible
 - 4.11.4 Informative

4.11.5 Effective

4.11.6 Action-focused

4.11.7 Feedback

- 4.11 These standards practically set out the minimum requirements for consultation/engagement activity. They detail the measures for each of the standards and provide examples of how colleagues can evidence that they have met the standard. A copy of the standards can be found in the Consultation and Engagement Framework – [Guidance Note 7 Quality Standards](#).
- 4.12 The standards help colleagues to consider how they will involve stakeholders in shaping local plans and services, ensure that the consultation or engagement process is fair and effective, and demonstrate that genuine dialogue has enabled people to influence decisions or shape proposals.

Consultation Advisory Panel

- 4.13 The panel's main task is to act as a gateway to challenge and support high-assessed consultation/engagement activity. All high-assessed consultation/engagement activity will be reviewed by the panel.
- 4.14 The Consultation Advisory Panel consists of approved practitioners of consultation and public engagement, who have completed accredited training. A minimum of two Heads of Service and three panel members, drawn from the approved practitioner list, will review proposed consultation/engagement activity.
- 4.15 One of the approved practitioners of consultation and engagement will provide an initial advisory recommendation report to the owner indicating any improvement actions/ advice before the paper is considered by the panel. These could include the creation of consultation/engagement methods, provision of further technical information, recording of risks, or documenting of procedures.
- 4.16 Once the consultation/engagement owner has addressed the improvement actions, they should submit their proposals to the panel, including evidence of the completed improvement actions, for final recommendation.
- 4.17 As a minimum, the Consultation Advisory Panel will meet every month. Consultation/Engagement plans, and supporting paperwork, should be submitted to the panel two weeks before the meeting. Any proposals not submitted in time will be held for the following panel meeting.
- 4.18 The panel will refer significant high assessed consultation/engagement activity for final review and sign off to the Corporate Leadership Team (CLT). The consultation/engagement owner and a representative from the panel will be expected to attend this review to aid discussion and answer any questions.
- 4.19 As part of the feedback process, the consultation/engagement owner should also present the consultation/engagement findings to CLT and demonstrate how these have influenced decision-making.

Implementation

All colleagues and workers will be made aware of the policy through established communication channels and the mandatory policy awareness exercise.

- 5.1 The initial key outcome of success will be the roll-out of the updated policy across the Council; embedding a consistent approach to consultation and engagement, but other success outcomes will be:
 - 5.2.1 Ensuring quality and appropriate consideration is given to significant consultation/engagement projects.
 - 5.2.2 Providing clarity on consultation/engagement standards to support colleagues to conduct consultation/engagement effectively.
 - 5.2.3 Preventing unnecessary consultation activity being undertaken; with alternative methods of engagement considered where appropriate.
 - 5.2.4 Improved quality of experience for respondents.
 - 5.2.5 Improved communication of outcomes from consultation/engagement activity.
- 5.2 All consultation/engagement owners should complete an online proforma that captures the criteria assessment for proposed consultation/engagement activity. Periodically, the Consultation Advisory Panel will pull a sample of low / medium assessed consultation/engagement activity in for review, to ensure the standards are being applied consistently across all consultation/engagement activity.
- 5.3 In cases where the criteria have not been assessed appropriately or standards have not been met, these consultation/engagement activities will be escalated to CLT for scrutiny.

Roles and Responsibilities

- 6.1 **Directors** have a general responsibility to ensure that consultation/engagement activity within their service area are managed according to this Council policy and that any risk relating to the activity is appropriately managed.
- 6.2 **Managers** must ensure that:
 - 6.2.1 this policy and associated guidance are understood in their business units by staff who carry out consultation or public engagement, and that the policy is applied to all consultation/engagement activity;
 - 6.2.2 adequate resource is made available to conduct consultation/engagement effectively;

6.2.3 any consultation/engagement activities assessed as high priority are reported to the Consultation Advisory Panel for recommendation.

6.3 Employees must:

6.3.1 read, understand and follow this policy and any associated consultation/engagement procedures and guidance that are relevant to their work.

6.4 The Consultation/Engagement Owner must:

6.4.1 fully understand the degree of influence which is available through the consultation/engagement activity;

6.4.2 ensure there is no other recent consultation/engagement data on the same or similar issue by searching the Consultation and Engagement Hub;

6.4.3 determine resources required for each phase of the consultation/engagement process and secure support (e.g. staff resource, time, materials, methods, meeting spaces)

6.4.4 consider whether there is a statutory or legal process that needs to be followed;

6.4.5 build in monitoring, data analysis and evaluation from the start of the process;

6.4.6 confirm the decision-making process and timescales;

6.4.7 manage political expectations;

6.4.8 consider reputational risk to the Council; and

6.4.9 be the guardian of best practice.

6.5 The Consultation Advisory Panel will:

6.5.1 as a minimum, meet monthly to assess proposed consultation/engagement activities against the Consultation and Engagement Standards;

6.5.2 provide an advisory report to the consultation/engagement owner indicating whether they are satisfied with the information provided or if improvement action is required;

6.5.3 provide a recommendation to the consultation/engagement owner on whether to proceed with their consultation/engagement;

6.5.4 refer any significant high-assessed consultation/engagement activities to CLT for final review; and

6.5.5 periodically pull a sample of low / medium assessed consultation/engagement activities in for review, to ensure the standards are being applied consistently across all consultation and engagement activity.

- 6.6 **Elected members** in their role as representatives of the Council, must have an awareness of the policy and ensure, wherever possible, that requests for consultation/engagement are made in line with this.
- 6.7 **Third parties** (e.g. contractors, voluntary and not for profit organisations) performing a public function for the City of Edinburgh Council must also adhere to the requirements set out in this policy.

Related documents

- 7.1 [The Consultation and Engagement Framework](#)
- 7.2 [The Consultation and Engagement Hub](#)
- 7.3 [The 7 National Standards for Community Engagement](#)
- 7.4 [Consultation Advisory Panel – Terms of Reference](#)

Integrated impact assessment

- 8.1 The policy contributes directly to the delivery of the Equality Act 2010 general duties of advancing equality of opportunity, eliminating unlawful discrimination, harassment and victimisation, and fostering good relations.
- 8.2 It ensures a consistent approach to consultation and engagement activity that promotes equality of opportunity by identifying relevant affected stakeholder groups during the planning process and making appropriate methods and opportunities available to individuals to share their views and inform decision-making.

Risk assessment

- 10.1 Risk of weak internal governance and service delivery complications through a failure to raise and maintain awareness and use of the consultation and engagement policy, framework and standards amongst Council colleagues.
- 10.2 Risk that continued financial pressures adversely affect how consultation/engagement is carried out by services. Services that are under resourced do not have the capabilities or support to effectively manage consultation/engagement activity; increasing the risk that different stakeholder groups, particularly those seldom-heard or disengaged with public services, are prevented from effectively taking part in the consultation/engagement process.
- 10.3 Risk of excessive consultation through a failure to identify and apply appropriate criteria to proposed consultation or engagement activities.

- 10.4 Risk of reputational damage and lack of public trust due to ineffective consultation, engagement and decision-making.
- 10.5 Risk to citizens that the Council will mismanage their service provision due to inadequate and poorly managed consultation/engagement activity.
- 10.6 Risk of legal challenge because of ineffective consultation/engagement; where the scope for decision-making is not clearly identified or defined, appropriate opportunities to inform the process are unavailable and / or insufficient resource available to consult/engage effectively.

Review

- 11.1 This policy will be reviewed annually or when required by significant changes to legislation, regulation or business practice.