

# Policy and Sustainability Committee

10:00am, Tuesday 20 April 2021

## COVID-19 engagement and consultation approach

Executive/routine  
Wards  
Council Commitments

### 1. Recommendations

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- 1.1 Note the end of the suspension of consultation and engagement exercises, due to the covid pandemic, on 1 July 2021, assuming Scotland returns to Level 0 restrictions in late June as anticipated.
- 1.2 Approve the Council's new Consultation Policy, developed in response to the City of Edinburgh Council's Best Value Assurance Audit.
- 1.3 Note the Council will develop a model for community engagement which strengthens the role of communities in service delivery and decision-making processes, and through the work of the Community Empowerment Team.
- 1.4 Note a new signoff framework for defined 'tiers' of consultation with the most significant consultations going to CLT for approval.

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## COVID-19 engagement and consultation approach

### 2. Executive Summary

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- 2.1 The City of Edinburgh Council's Best Value Assurance Audit noted that while the Council consults with residents extensively and has used some innovative engagement approaches, more needs to be done to embed community engagement as an integral part of service improvement and delivery.
- 2.2 The Council recognises the need to strengthen community engagement, especially through pre-consultation activity that builds trust and creates consent in communities. The implementation of the Consultation Policy will help to deliver increased oversight on stakeholder engagement, while the development of a model for community engagement supported by skills development and training will help to cement this in everyday working practices. The establishment of the Community Empowerment Team will be at the heart of this activity.
- 2.3 The new Consultation Policy has been developed to reinforce the Council's commitment to effective consultation by strengthening our management and governance of consultation activity, and ability to evidence how views sought have influenced decisions made by the Council.
- 2.4 The policy formalises the Council's existing consultation framework; seeks to build skills and capacity of colleagues undertaking consultation and engagement; and establishes a process of signoff for key / significant consultations. This would be managed by an officer group but, where needed, signoff would be escalated to CLT.
- 2.5 The new approach to operational oversight will be fully established within three months of policy approval.
- 2.6 Following the introduction of covid pandemic restrictions, non-essential consultation activity was paused indefinitely. The Scottish Government now anticipates a return to Level 0 restrictions by late June 2021, therefore the Council will lift the suspension on consultations from 1 July. Should Scotland not return to Level 0 by late June, this date may be delayed by the Chief Executive.

### 3. Background

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- 3.1 Each year the Council conducts a large number of consultation exercises. From 1 March 2019 to 29 February 2020 the Council launched 113 engagement or consultation activities on its online Consultation Hub and these received 39,714 responses. These figures only include responses logged with Consultation Hub and not responses collected through other methods including paper submission forms, letters, focus groups, petitions or community events.
- 3.2 With the public and most key stakeholders focused on dealing with and responding to the circumstances surrounding COVID-19, the Leadership Advisory Panel agreed on 23 April 2020 to pause all new consultation and engagement exercises that did not have statutory or COVID related requirements. This was done to minimise the risk of exclusion of certain categories of resident who would not have been able to engage during the covid pandemic, or who would have found engagement significantly more difficult. These measures also minimised the health risk to residents and Council officers during the period of community spread of the covid virus.
- 3.3 Following a successful roll-out of vaccination to vulnerable groups, and soon to the entire population, all consultation and engagement exercises will be able to resume from 1 July 2021, providing Scotland reaches [level 0 covid protection](#) by late June.
- 3.4 Services who are consulting face-to-face with their customers, clients or residents should continue to follow Scottish Government guidance on safe working practices, some of which will still be in place at level 0.
- 3.5 The Council's Best Value Assurance Audit highlighted that while the council consults extensively with residents and stakeholders, and can demonstrate innovative and participative community engagement, community empowerment is not yet embedded in the council's culture. The audit noted that more work is needed to ensure community engagement is recognised as an integral part of service improvement and delivery.
- 3.6 The Council is required to consult where it is making substantive changes to services which are likely to impact on residents. The Council also has statutory duties to consult when making changes to some services – such as traffic regulations and school building – and the Council must ensure that changes it makes do not unfairly disadvantage members of protected characteristics as defined by legislation.
- 3.7 However, consultation is only one way the Council can engage citizens in its decision-making processes. Community empowerment is a growing theme across the UK. Scottish Government has passed several recent acts that strengthen the direct voice of citizens in service design and budget allocation. The Council's Business Plan has a work programme dedicated to empowering our citizens and colleagues through prioritising collaborative ways of working and better involving citizens in service design and budget allocation.

- 3.8 The Council is under greater scrutiny to ensure that when we consult, the quality of the consultation process is high, that processes are inclusive and involve all affected groups, and that feedback is meaningfully reflected in the decisions the Council takes.
- 3.9 Failure to ensure the Council has a robust approach could have significant consequences for the Council. Several UK bodies have been compelled to reverse operational and policy decisions following court decisions, including re-opening facilities that were closed and repeating consultation activity that was done to a poor standard. Some of these organisations have also been left with substantial legal costs as a result of the failure to ensure high quality consultation. While there have been relatively few legal challenges on consultation in Scotland, compared to England, it remains a risk to the Council that needs to be addressed.
- 3.10 A Consultation Policy will reinforce the Council's commitment to effective consultation by strengthening our management and governance of consultation activity, and the Council's ability to evidence how views sought have influenced decisions made. This strengthened approach addresses the feedback from the Council's Best Value Assurance Audit by providing the opportunity to guide services towards developing more collaborative relationships with customers and citizens that support our wider organisational commitment to community empowerment.
- 3.11 Strengthening the governance of consultation activity will also allow CLT, senior management and elected members to have better sight and understanding of interconnected consultation projects taking place across the Council with a view to increasing the effectiveness of citizen engagement.

## **4. Main report**

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### **Consultation principles**

- 4.1 When consultation is carried out it must be carried out fairly. The test of fairness includes four universal principles that have been established through court judgements:
- 4.1.1 consultation takes place when proposals are still at a formative stage;
  - 4.1.2 proposals include enough information to allow intelligent consideration and response;
  - 4.1.3 adequate time is provided for consideration and response; and
  - 4.1.4 the products of consultation must be conscientiously considered by decision-makers.
- 4.2 A new Consultation Policy will strengthen our approach to meeting the above principles and reinforce the Council's commitment to effective consultation. The policy will:
- 4.2.1 set out the Council's criteria for determining whether consultation is necessary, or if there is no scope to influence decisions or proposals that alternative methods are considered to engage / inform stakeholders;

- 4.2.2 strengthen the conditions for the management and governance of consultation activity by introducing a Consultation Advisory Panel that assesses consultations which have been assessed as high priority against eight criteria defined at 4.5;
  - 4.2.3 detail quality standards that consultation activity must meet to demonstrate how it will involve stakeholders in the shaping of proposals, that the process is fair and effective, and that genuine dialogue has enabled people to influence decisions; and
  - 4.2.4 require CLT sign-off for major consultation exercises which have been assessed as high priority against the eight criteria.
- 4.3 Consultation should allow adequate time for consideration and response. Adequate time should consider a range of factors, and statutory requirements may differ. However, as a good general rule, a consultation should run for a minimum of 12 weeks. This timescale is reflected in the policy.
- 4.4 A copy of the proposed policy, criteria and quality standards are included as Appendices 1-3.
- 4.5 Engagement between the Council and communities has been mixed, reflecting the insufficient time and capacity allocated to pre-consultation and pre-engagement phases that enable communities to shape the objectives and scope of activity. It is reasonable and in-keeping with the Consultation Policy that officers work to adopt a more inclusive engagement process which appropriately prioritises good, early conversations with communities and other stakeholders on an ongoing basis but particularly in respect of significant service changes such as the development of 20 minute Neighbourhoods
- 4.6 As part of the Consultation Policy, more attention will be given to pre-consultation and the development of stakeholder engagement plans. This will provide greater operational oversight of this part of the consultation process than is currently possible, and through the oversight function will lead to increased pre-consultation activity over time.
- 4.7 Deliberative and participative processes are of growing importance to civic decision-making in Scotland; and the Council will continue to seek and develop opportunities to use these approaches to create better outcomes for a broader range of citizens. However, the Council and Audit Scotland acknowledge that these approaches, which can add substantial value, are also resource and time intensive and require significant skills development within the organisation to implement successfully. This will need to be considered as part of the organisational change being developed to support delivery of the Council Business Plan.
- 4.8 Alongside the implementation of this policy, the Council will develop a model for community engagement, and prioritise engagement within core skills training, and as part of the work of the Community Team. This model for engagement would support the planning and delivery of major projects, for example 20-minute Neighbourhoods.

### **Three-tier approach / Establishing a Consultation Advisory Panel**

- 4.9 Colleagues must assess their proposed consultation against eight criteria:
- Scope to influence decision
  - Strategic
  - Legislative
  - Service provision
  - Number of people likely to be directly impacted
  - Community / Environmental impact
  - Political / Reputational impact
  - Project Risk
- 4.10 In the event where any criteria are scored as 'High', the consultation must be referred to the Consultation Advisory Panel (CAP). If two or more criteria are scored High, the CAP will then refer the consultation to CLT for final review and sign off.
- 4.11 The CAP will act as a gateway to support and challenge high-assessed consultation activity by evaluating proposed consultations against consultation standards, ensuring a communications approach has been developed to support the consultation activity, offering advice on how to ensure that risks have been appropriately managed and considered, and advising whether they are satisfied that the consultation can begin.
- 4.12 The CAP will be led on a rotational basis by a Head of Service and will consist 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 an approved practitioner list, will review proposed consultations on a monthly basis. The CAP will always include representation from Policy and Insight who will also perform secretariat functions.
- 4.13 Terms of Reference for the CAP can be found as Appendix 4 to this report.

#### **Implementation**

- 4.14 It is proposed that the new operational oversight arrangements will have an immediate soft launch. The CAP's first meeting will take place two months from approval with an expectation that the policy and governance structure will be fully established from August 2021.
- 4.15 Key performance indicators will be developed as part of the Business Plan performance report. The effectiveness of the policy will be reviewed after its first year of adoption.

## **5. Next Steps**

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- 5.1 A dedicated communication plan will be developed to raise awareness of the policy, seek feedback on the practicalities and identify additional support requirements for colleagues engaging in consultation activity.
- 5.2 To implement the policy successfully, a dedicated training programme will be developed to enhance colleagues' skills and knowledge in consultation services and techniques; and recognise their competence to conduct consultation of a high standard.
- 5.3 Existing in-house training and toolkits for consultation and research are being reviewed.
- 5.4 The programme will incorporate a range of activities to ensure all levels of the Council and elected members understand effective consultation and have increased confidence and competencies in undertaking consultation exercises.
- 5.5 Failure to adequately train colleagues, and implement the policy, could potentially expose the Council to the risks of legal challenge, reputational damage and lack of public trust due to ineffective consultation and decision making.

## **6. Financial impact**

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- 6.1 The development of the training programme will be taken forward as part of the Council's workforce and people strategy.

## **7. Stakeholder/Community Impact**

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- 7.1 An officer group, comprising of colleagues accredited in consultation practice, has acted as a sounding board for the policy development and supporting quality standards. Colleagues from across the Council with existing consultation experience were also invited to attend a focus group to contribute ideas towards the development of the standards.
- 7.2 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. It ensures a consistent approach to consultation 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.
- 7.3 The policy enhances the Council's ability to understand and evidence citizen perceptions and priorities. This will enable service areas to understand citizen and community needs, adapt and deliver services more efficiently. Through this improved understanding, it is anticipated that a positive impact will be made on social justice and economic wellbeing.

## **8. Background reading/external references**

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- 8.1 [Best Value Assurance Audit – Policy & Sustainability Committee, Tuesday 1 December 2020.](#)
- 8.2 [Scottish Government guidance on Level 0 protective measures](#)

## **9. Appendices**

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- 9.1 Appendix 1: Consultation Policy
- 9.2 Appendix 2: Consultation Criteria
- 9.3 Appendix 3: Quality Standards for Consultation
- 9.4 Appendix 4: Terms of Reference: Consultation Advisory Panel

# Consultation Policy

**Implementation date:**

## Control schedule

Approved by  
Approval date  
Senior Responsible Officer  
Author  
Scheduled for review

## Version control

Version	Date	Author	Comment
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## Committee decisions affecting this policy

Date	Committee	Link to report	Link to minute
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# Consultation Policy

## Policy statement

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- 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, we get it right.
- 1.2 Effective consultation 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.
- 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 activity; and
  - 1.3.3 details the quality standards that consultation activity must meet.

## Scope

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- 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 Consultation has a defined start and end date and provides specific opportunities for people to share their opinions. The guiding principle for consultation is whether the process and those involved can influence the issue to be considered, policy to be developed or decision to be made.
- 2.4 Engagement describes the on-going process of developing relationships and partnerships so that the voice of local people and partners can be heard. Engagement work carried out by the council is not covered by this policy.

- 2.5 The following activities are not defined as consultations and 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;
  - 2.5.4 meeting targets or fulfilling requirements as a ‘tick-box exercise’; or
  - 2.5.5 a public relations or communications exercise.
- 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 (e.g. Planning applications, License applications, Traffic Regulation Orders).

## Definitions

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- 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.<sup>1</sup>
- 3.2 **The Consultation Framework:** Supports colleagues to effectively plan and conduct effective consultation. It provides a consistent approach to consultation across the Council and covers each stage of consultation; with practical advice and supporting guidance notes for each element.
- 3.3 **Consultation Criteria:** A set of eight measures which proposed consultations are assessed against, that determine the level of planning, review and oversight required.
- 3.4 **Consultation Standards:** Seven standards that practically set out the minimum requirements for consultation activity. They detail the measures for each of the standards and provide examples of how consultation owners can evidence that they have met the standard.
- 3.5 **Consultation Owner:** Like a project manager, this person has overall responsibility for the planning and management of a specific consultation.
- 3.6 **Consultation Advisory Panel:** Consists of approved practitioners of consultation and public engagement, who have completed accredited training. The panel assesses proposed consultation plans and supporting consultation

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<sup>1</sup> Adopted for the Scottish Government Consultation Good Practice Guidance

materials against the consultation standards and recommends whether a high-assessed consultation should go ahead.

- 3.7 **Consultation Hub:** The Council's [online platform](#) for the creation, promotion and management of consultation activity. Functionality includes:
- 3.7.1 Creating and managing an online presence for consultation 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 consultations.
  - 3.7.5 Search engine allowing users to find consultations by area, audience, interest, postcode etc.

## Policy content

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- 4.1 To ensure effective consultations take place, it is essential that the following policy requirements are understood and applied consistently by all Council employees and services.

### **“Getting it right – to consult or not to consult”**

- 4.2 Any colleagues planning to undertake consultation, or involved in community and public engagement, are required to complete the e-learning module “Getting it right – to consult or not to consult”. This e-learning module was created to introduce colleagues to the theory of consultation and help them to assess whether consultation is necessary or not. Colleagues can access the training module on the Council's [CECil](#) portal and must refresh their training every two years.

### **The Consultation Framework**

- 4.3 The [Consultation 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 work. It provides a consistent approach to consultation 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 Criteria**

- 4.5 There are eight criteria that colleagues must assess their proposed consultation against.
  - 4.5.1 Scope to influence decision
  - 4.5.2 Strategic
  - 4.5.3 Legislative
  - 4.5.4 Service Provision
  - 4.5.5 Number of people likely to be directly impacted
  - 4.5.6 Community / Environmental impact
  - 4.5.7 Political / Reputational impact
  - 4.5.8 Project Risk
- 4.6 A copy of the criteria and their definitions is included as part of the **Consultation Framework – Guidance Note 1**.
- 4.7 If colleagues assess the criteria 'Scope to influence decision' as 1 then consultation is not required. If they assess it 2 or 3, then they must assess the proposed consultation against the remaining seven criteria.
- 4.8 How a consultation scores against the remaining criteria determines the level of review and oversight required.
  - 4.8.1 Low and medium assessed consultations may report to the appropriate Service Manager / budget holder or Senior Manager.
  - 4.8.2 Any consultations 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 consultations for final review and sign off to the Corporate Leadership Team (CLT).
- 4.9 The responsibility to identify consultations that meet the prioritisation criteria lies with the consultation owner.
- 4.10 Periodically, the Consultation Advisory Panel will pull a sample of low and medium assessed consultations in for review, to ensure the standards are being applied consistently across all consultation activity.

## **Consultation Standards**

- 4.11 There are seven consultation 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
- 4.12 These standards practically set out the minimum requirements for consultation 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 Framework – Guidance Note 7](#).
- 4.13 The standards help colleagues to consider how they will involve stakeholders in shaping local plans and services, ensure that the consultation process is fair and effective, and demonstrate that genuine dialogue has enabled people to influence decisions.

### **Consultation Advisory Panel**

- 4.14 The panel's main task is to act as a gateway to challenge and support high-assessed consultation activity. All high-assessed consultations will be reviewed by the panel.
- 4.15 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 consultations.
- 4.16 One of the approved practitioners of consultation and engagement will provide an initial advisory recommendation report to the consultation owner indicating any improvement actions/ advice before the paper is considered by the panel. These could include the creation of consultation methods, provision of further technical information, recording of risks, or documenting of procedures.
- 4.17 Once the consultation owner has addressed the improvement actions, they should submit their proposals to the panel, including evidence of the completed improvement actions, for final recommendation.
- 4.18 As a minimum, the Consultation Advisory Panel will meet every month. Consultation 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.
- 4.19 The panel will refer significant high assessed consultations for final review and sign off to the Corporate Leadership Team (CLT). The consultation owner and a representative from the panel will be expected to attend this review to aid discussion and answer any questions.

- 4.20 As part of the feedback process, the consultation owner should also present the consultation findings to CLT and demonstrate how these have influenced decision-making.

## Implementation

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- 5.1 All colleagues and workers will be made aware of the policy through established communication channels and the mandatory policy awareness exercise.
- 5.2 The initial key outcome of success will be the roll-out of the new policy across the Council; embedding a consistent approach to consultation, but other success outcomes will be:
- 5.2.1 Ensuring quality and appropriate consideration is given to significant consultation projects.
  - 5.2.2 Providing clarity on consultation standards to support colleagues to conduct consultation 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 / consultees.
  - 5.2.5 Improved communication of outcomes from consultation activity.
- 5.3 All consultation owners should complete an online proforma that captures the criteria assessment for proposed consultation activity. Periodically, the Consultation Advisory Panel will pull a sample of low / medium assessed consultations in for review, to ensure the standards are being applied consistently across all consultation activity.
- 5.4 In cases where the criteria have not been assessed appropriately or standards have not been met, these consultations will be escalated to CLT for scrutiny.

## Roles and responsibilities

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- 6.1 **Directors** have a general responsibility to ensure that consultations 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 activity;
  - 6.2.2 adequate resource is made available to conduct consultation effectively;

6.2.3 any consultations 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 procedures and guidance that are relevant to their work;

6.3.2 complete the e-learning module – “Getting it right – to consult or not to consult” on a biennial basis, if their role involves consultation or public engagement.

**6.4 The Consultation Owner** must:

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

6.4.2 ensure there is no other recent consultation data on the same or similar issue by searching the consultation hub;

6.4.3 determine resources required for each phase of the consultation 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 consultations against the Consultation Standards;

6.5.2 provide an advisory report to the consultation 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 owner on whether to proceed with their consultation;

6.5.4 refer any significant high-assessed consultations to CLT for final review; and

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

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

## Equalities impact

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- 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 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.

## Sustainability impact

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- 9.1 The policy enhances the Council's ability to understand and evidence citizen perceptions and priorities. This will enable services to understand citizen and community needs, adapt and be delivered more efficiently. Through this improved understanding, it is anticipated that a positive impact will be made on social justice and economic wellbeing.

## Risk assessment

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- 10.1 Risk of weak internal governance and service delivery complications through a failure to raise and maintain awareness and use of the consultation policy, framework and standards amongst Council colleagues.

- 10.2 Risk that continued financial pressures adversely affect how consultation is carried out by services. Services that are under resourced do not have the capabilities or support to effectively manage consultation 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 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 and decision-making.
- 10.5 Risk to citizens that the Council will mismanage their service provision due to inadequate and poorly managed consultations.
- 10.6 Risk of legal challenge because of ineffective consultation; 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 effectively.

## **Review**

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

## Consultation Criteria

There are eight criteria that proposed consultation must be assessed against:

1. Scope to influence decision
2. Strategic
3. Legislative
4. Service Provision
5. Number of people likely to be directly impacted
6. Community / Environmental impact
7. Political / Reputational impact
8. Project Risk

If you assess the first criteria, 'Scope to influence decision' as 1 then consultation is not required. You should consider alternative methods to engage / inform stakeholders.

If it is assessed as 2 or 3, then you must assess your proposed consultation against the remaining seven criteria.

### Review and Oversight

How a consultation scores against the remaining criteria determines the level of review and oversight required:

- Where all remaining seven criteria are assessed as Low or Medium (scores 1 or 2) then consultations must report to the appropriate Service Manager / budget holder or Senior Manager.
- If any one of the criteria is assessed as High (score 3) the consultation must be referred to the Consultation Advisory Panel (CAP).
- Where 2 or more criteria are assessed as High (score 3), the CAP will refer consultations for final review and sign off to the Corporate Leadership Team (CLT).

### The Consultation Advisory Panel

The CAP acts as a gateway to support and challenge high-assessed consultation activity by evaluating proposed consultations against the consultation quality standards, offering advice on how to ensure that risks have been appropriately managed and considered, and advising whether they are satisfied that the consultation can begin.

You can find more information about the CAP in its terms of reference.

## Edinburgh's Consultation Framework - Guidance Note 1

	Score (1-3)	1 - No consultation	2 - Consultation required	3 - Consultation required
Scope to influence decision		Stakeholders are unable to influence the issue to be considered / policy / decision to be made and cannot have a meaningful effect on the outcome.	Statutory or mandatory requirement that consultation must take place.	Stakeholders can influence the issue to be considered / policy / decision to be made and can have a meaningful effect on the outcome.
<p><b><i>If there is no scope for stakeholders to influence decisions (score 1) then consultation should not take place. You should consider alternative methods to engage / inform stakeholders.</i></b></p> <p><b><i>If there is a statutory or mandatory requirement to consult (score 2) or stakeholders can genuinely influence decisions and have an impact on the outcome (score 3) then please assess the rest of the criteria.</i></b></p>				

	Score (1-3)	1 - Low	2 - Medium	3 - High
Strategic		Does not align to Council Business Plan / outcomes / pledges	Supports / enables Council Business Plan / outcomes / pledges	Integral component of Council Business Plan / outcomes / pledges
Legislative		No change to existing regulatory / legislative framework	Marginal change to existing regulatory / legislative framework	Mandatory regulatory/ legislative changes which have an incremental impact on service.
Service Provision		<p>Minor changes to current service delivery / offering.</p> <p>Provision of services that are purely commercial / support social integration, education or quality of life, where alternatives are available.</p>	<p>Provides opportunity for changes to service delivery / offering, however the changes do not fundamentally change service offering.</p> <p>Provision of services that support social integration, education or quality of life, where alternatives are not available or significantly inferior.</p> <p>Provision of ongoing care, direct delivery education services.</p>	<p>Provides opportunities to deliver at least one service in a new or significantly different manner.</p> <p>Provision of critical or emergency care services affected.</p> <p>Provision of ongoing care services, where alternatives are not available or significantly inferior.</p>
Number of people likely to be directly impacted		<1,000	1,001-10,000	>10,000
Community / Environmental Impact		Overall, minimal consequences for / impact on people, equality, economy or environment	Overall, moderate consequences for / impact on people, equality, economy or environment	Overall, significant consequences for / impact on people, equality, economy or environment

Edinburgh's Consultation Framework - Guidance Note 1

	Score (1-3)	1 - Low	2 - Medium	3 - High
Political / Reputational Impact		Minor political and reputational implications	Requires Committee Scrutiny. Moderate reputational implications (loss of confidence and / or embarrassment).	Highly sensitive, will be subject to Committee debate and scrutiny. High reputational implications (major loss of confidence, adverse publicity or public outcry)
Project Risk		Low probability of risk materialising which has an impact on Council or service delivery objectives and outcomes	Possible that risk may materialise which has an impact on delivery objectives for service areas, divisions and / or teams	Possible that risk may materialise which has an impact on the Council's strategic outcomes and the Council as a whole.  Could result in inability to fulfil the Council's statutory obligations and pledges.
<b>HIGHEST ASSESSED SCORE</b>		<p><b><i>Score determines level of approval required for proposed consultation.</i></b></p> <p><b>1 = service manager / budget holder / senior manager approval</b>  <b>2 = service manager / budget holder / senior manager approval</b>  <b>3 = Consultation Advisory Panel (CAP) approval. Where two or more criteria are assessed as 3 - High, the CAP will refer the consultation to Corporate Leadership Team (CLT) for final review and sign off.</b></p>		

## Consultation Quality Standards

There are seven consultation quality standards that you must be able to demonstrate.

1. Process
2. Genuine
3. Inclusive and Accessible
4. Informative
5. Effective
6. Action-focused
7. Feedback

These quality standards practically set out the minimum requirements for consultation activity and incorporate the [National Standards for Community Engagement](#). They detail the measures for each of the standards and provide examples of how you can evidence that you have met the standard.

The quality standards will help you consider how you will involve stakeholders in shaping local plans and services, ensure that the consultation process is fair and effective, and demonstrate that genuine dialogue has enabled people to influence decision-making.

Quality Standard	Measures	Evidence
Process	<ul style="list-style-type: none"> <li>• The Consultation Framework is used to help shape each stage of the consultation process.</li> <li>• There is a defined scope and purpose for consultation.</li> <li>• Resources available to the consultation process are defined; any staff resource and budget available is explicitly stated.</li> <li>• The consultation process has a project manager and sponsor.</li> </ul>	Consultation Project Plan; Consultation Mandate; Resource approved and made available; Risk assessment / register; Number of people completed training materials (TBD); DPIA (if collecting or processing personal data);

Quality Standard	Measures	Evidence
	<ul style="list-style-type: none"> <li>• Key risks relating to the consultation are identified and reviewed regularly.</li> <li>• All members of staff conducting consultations are trained in identifying the need for consultation and carrying it out effectively.</li> <li>• A Data Protection Impact Assessment (DPIA) is completed when collecting or processing personal data.</li> <li>• The outcomes of the consultation process are reviewed, a lessons learned log is maintained.</li> </ul>	<p>Lessons learned log.</p>
Genuine	<ul style="list-style-type: none"> <li>• Consultations take place when proposals are still at a formative stage.</li> <li>• Consultations are open for a minimum of 12 weeks to allow adequate time for consideration and response (unless there is an overriding licence, or other regulatory or statutory requirement).</li> <li>• Stakeholders are able to express diverse views and these are respected and recorded.</li> <li>• The Consultation Hub is reviewed for previous consultations to prevent unnecessary duplication or conflicts in issues.</li> </ul>	<p>E-learning tool (Getting it right - to consult or not to consult) completed.</p> <p>Responses to consultations are recorded and retained in line with records management procedures.</p> <p>Consultation is open for a minimum of 12 weeks.</p>
Inclusive and Accessible	<ul style="list-style-type: none"> <li>• People and organisations likely to be impacted by decisions have been identified.</li> <li>• An Integrated Impact Assessment (IIA) has been completed to assess the effect of the proposals on different groups.</li> <li>• Physical and language barriers to participation have been minimised.</li> <li>• People are given a variety of methods and opportunities to provide their views.</li> </ul>	<p>IIA;</p> <p>Stakeholder mapping;</p> <p>Communications / Consultation plan detailing key messages, questions and methods;</p> <p>Translation services;</p> <p>Documents can be read by assistive technologies;</p> <p>Online elements comply with web accessibility standards;</p>

Quality Standard	Measures	Evidence
	<ul style="list-style-type: none"> <li>• Consultation documents can be made available in various formats.</li> <li>• Supporting documents and multimedia are not overly lengthy or detailed.</li> </ul>	<p>Physical locations used for consultation activity are accessible and have induction hearing loops fitted;</p>
Informative	<ul style="list-style-type: none"> <li>• Known people and representative groups likely to be impacted by decisions are communicated with directly.</li> <li>• Enough information is given to ensure participants understand issues, can consider proposals and give informed responses.</li> <li>• Information is clearly worded and avoids jargon.</li> <li>• There is clarity about what participants can and cannot influence through the consultation process.</li> <li>• Timescales for the consultation process are clear.</li> <li>• Communications include contact details.</li> </ul>	<p>IIA; Stakeholder mapping; Communications plan and materials; Online elements comply with web accessibility standards; Consultation mandate;</p>
Effective	<ul style="list-style-type: none"> <li>• Public communications raise awareness of the consultation process to encourage those with an interest to participate.</li> <li>• Results of consultation exercises are fed into service planning process.</li> <li>• The decision-making process is adaptive and flexible based on feedback and learning.</li> <li>• Feedback is sought from participants and stakeholders on the consultation process and used to make improvements.</li> </ul>	<p>Communications plan and materials; Consultation process is evaluated (through feedback forms / including survey question); Examples can be provided on how feedback has improved service delivery (publish results, WAYSWD, provide updates to participants, communications etc);</p>
Action focused	<ul style="list-style-type: none"> <li>• Data is collated, analysed and measured on all the feedback received.</li> <li>• The decision-making process is designed with specific regard to the needs of those likely to be impacted.</li> </ul>	<p>Committee reports; Communications plan and materials;</p>

Quality Standard	Measures	Evidence
	<ul style="list-style-type: none"> <li>The reasoning that underpins decision-making is clearly documented and traceable.</li> </ul>	
Feedback	<ul style="list-style-type: none"> <li>Results from consultations are published within xxx weeks from closing date / committee decision.</li> <li>Results / decisions made through consultation are publicised in easy access formats.</li> <li>Where decisions made are contrary to the feedback / views received, clear reasons why are given.</li> </ul>	WAYSWD published on Consultation Hub; Communications plan and materials;

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# Consultation Advisory Panel: Terms of Reference

## 1. Purpose / Role of Group

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On 30 October 2019, Corporate Leadership Team (CLT) agreed to the development of a new consultation policy which reinforces the Council's commitment to effective consultation by strengthening our management and governance of consultation activity through the establishment of a 3-tier approach to consultation, moderated by a Consultation Advisory Panel (CAP), with top-tier, major consultations being signed off collectively by CLT.

Colleagues must assess their proposed consultation against eight criteria. In the event where any of the criteria are assessed as 'High', the consultation must be referred to the CAP. If two or more criteria are scored 'High', *the CAP* will then refer the consultation to CLT for final review and sign off.

The CAP acts as a gateway to support and challenge high-assessed consultation activity by evaluating proposed consultations against the consultation quality standards, offering advice on how to ensure that risks have been appropriately managed and considered, and advising whether they are satisfied that the consultation can begin.

## 2. Membership

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The CAP is chaired on a rotational basis by a Head of Service, with another Head of Service, Strategy Manager (Insight) and at least two approved trained officers attending each meeting to review proposed consultations.

Officers on the CAP will be approved practitioners of consultation and engagement; and will have completed accredited training. Panel attendance will be drawn from an approved practitioner list, with at least two officers invited to each meeting. The list will include officers across the council to draw from service-specific knowledge and experience.

The CAP will take specialist advice as required when assessing consultation proposals (e.g. from colleagues in Legal, Information Governance, Resilience).

## 3. Accountability

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One of the approved practitioners of consultation and engagement will provide an initial advisory recommendation report to the consultation owner indicating any improvement actions/ advice before the paper is considered by the panel.

Once the consultation owner has addressed the improvement actions, they should submit their proposals to the panel, including evidence of the completed improvement actions, for final recommendation.

The CAP will refer significant high-assessed consultations for final review and sign-off to CLT. The consultation owner and a representative from the panel will be expected to attend this review to aid discussion. As part of the feedback process, the consultation owner should also present the consultation findings to CLT and demonstrate how this has influenced decision-making.

All consultation owners are required to complete an online proforma that captures the criteria assessment for *any* proposed consultation activity. Periodically, the CAP will pull a sample of low / medium assessed consultations for review, to ensure the standards are being applied consistently. In cases where the criteria have not been sufficiently assessed, or standards have not been met, the consultation will be escalated to CLT for scrutiny.

## 4. Review

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Membership and terms of reference for the panel will be reviewed annually or when required by significant changes to legislation, regulation or business practice. This will be in line with the review of the Consultation Policy.

An annual summary report will be provided to CLT, which will provide:

- Topline statistics on number of consultations conducted and responses received;
- A summary of how the CAP has provided value in ensuring effective consultation takes place;
- Any mitigating action required from the CAP to manage risks associated with high-assessed consultation activity;
- Any necessary adjustments to the Consultation Policy or working methods of the CAP following the annual review.

## 5. Working methods / ways of working

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The CAP will meet every month. Meetings will be organised by a member of the Insight team. Dates, times and locations for meetings will be agreed at the start of the year, with the calendar of dates available on the Orb and scheduled in diaries as appropriate.

Consultation plans, and supporting paperwork, should be submitted to the panel two weeks before the meeting. A dedicated mailbox will be created for submissions and communications relating to the CAP. Any proposals not submitted in time will be held for the following panel meeting.

The agenda for the meeting will be set by the Strategy Manager (Insight) and will be circulated from the CAP mailbox by Insight one week prior to the meeting to the appropriate panel members. Insight will also facilitate note taking and arrange for final recommendation reports to be sent to consultation owners after the meeting has taken place.

In cases where time-critical, essential consultations require review, a standalone meeting will be arranged. To accommodate diaries, these can be held via MS Teams.

Copies of the consultation proposals, supporting documentation and recommendation reports will be saved by an officer from Insight, in the Strategy and Insight folder on the Council's G: drive. This information will be retained in line with the Council retention schedule.

## 6. Further information

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- The Consultation Policy (link to be added)
- [The Consultation Framework](#) (current version)
- [The 7 National Standards for Community Engagement](#)

## Contact Details

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