

# Policy and Sustainability Committee

10:00am, Tuesday 7 June 2022

## Consultation Policy Annual Review

Executive/routine  
Wards  
Council Commitments

### 1. Recommendations

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- 1.1 Note the findings from the first annual review of the Council's consultation policy which came into full effect from August 2021.
- 1.2 Approve the proposed changes to the Council's consultation policy and process improvement recommendations, following the review of the policy.

#### **Richard Carr**

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## Consultation Policy Annual Review

### 2. Executive Summary

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- 2.1 The consultation policy was implemented and an officer group – the Consultation Advisory Panel (CAP) – was established in August 2021 to strengthen the management and governance of consultation activity carried out by the Council. It was developed to respond to the Best Value recommendation that the Council should be able to show more effectively how the views of citizens have influenced and informed the decisions it takes.
- 2.2 This report provides the findings of the first annual review of the consultation policy and supporting Consultation Advisory Panel process. It proposes changes to the policy and recommendations as part of a process of continuous improvement
- 2.3 A largely qualitative evaluation process has been carried out to review the performance of the policy and process so far. Based on feedback collected, proposals mainly relate to changing the nature of activity that should come through the CAP, consultation/engagement timescales, and increasing awareness of the policy across the Council and with elected members. Improving stakeholder participation and developing future performance indicators are also planned.

### 3. Background

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- 3.1 Following approval by [Policy and Sustainability Committee on 20 April 2021](#), the consultation policy came into full effect from August 2021. The policy 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. It is moderated by a Consultation Advisory Panel (CAP), with top-tier, major consultations being signed off collectively by CLT.
- 3.2 The CAP acts as a gateway to support and challenge high-assessed consultation. It evaluates proposed consultations against the consultation quality standards. It offers advice on how to ensure that risks have been

appropriately managed and considered, and advises whether they are satisfied that the consultation can begin.

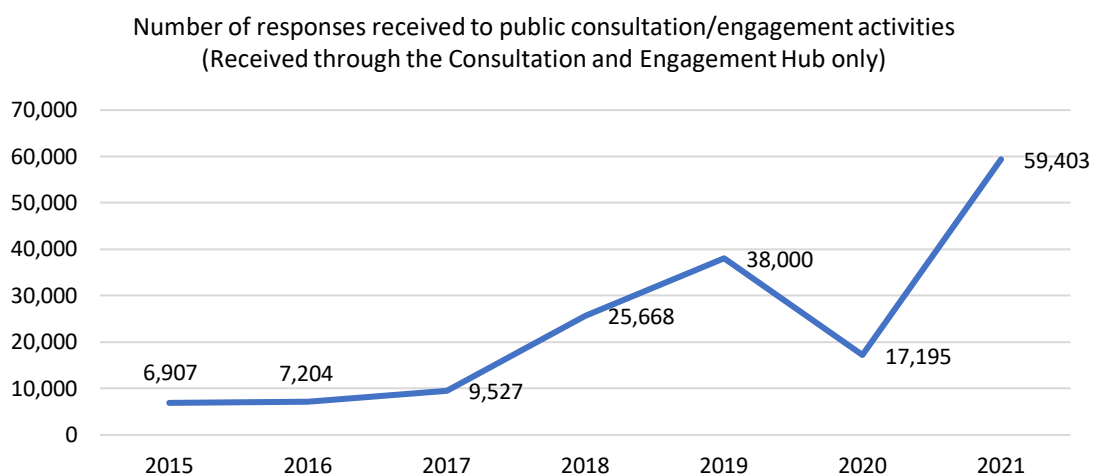
- 3.3 The CAP meets monthly and is chaired by the head of Policy and Insight. The panel is also attended on a rotational basis by a tier three manager, along with at least three colleagues who are approved practitioners of consultation and engagement.
- 3.4 Recommendations from the CAP are sent to CLT for oversight and approval, to ensure that operational leadership of the organisation are aware of any risks or resourcing issues associated with the activity.
- 3.5 The review of this policy involved listening to colleagues who have gone through the process or who are impacted by the process, including officers, managers, heads of service, the service director of Place Operational Services, and the chief executive. We have also listened to and taken on board the views of Community Councils and other community organisations such as Access Edinburgh, who have raised concerns about consultation processes through committee deputations.

## 4. Main report

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### Performance to date

- 4.1 With the exception of 2020, where most consultation activity was suspended from March due to the coronavirus pandemic, the number of responses received to Council consultation and engagement activity has seen an upwards trend over the last seven years. In 2021 the Council launched 133 consultation or engagement activities and received 59,403 responses. These figures only include responses logged with the Consultation and Engagement Hub and not responses collected through other methods including paper submission forms, letters, focus groups, petitions or community events.



- 4.2 A key outcome of success of the new consultation policy has been the roll-out of the policy across the Council. This has embedded a consistent approach to

consultation and reinforced the Council's commitment to effective consultation and continuous improvement. This programme included:

- 4.2.1 Accredited training for key colleagues across departments delivered by the Consultation Institute. Further training delivered in later 2022 will expand the number of Council colleagues accredited to Advanced Practitioner Level. The effectiveness of training will be evaluated through post-training survey feedback, the introduction of a set of quality evaluation questions at the end of all public surveys to measure user experience, and the extent to which you-said-we-did information is published in a timely manner.
- 4.2.2 Online training for all colleagues. The training package will be adjusted to reflect approved changes to this policy.
- 4.2.3 Briefings for the Wider Leadership Team, Consultation and Engagement Hub users, service and policy advisors, and dedicated briefings for teams with a high volume of consultation or engagement activity.
- 4.2.4 Email communications, including Managers News.
- 4.2.5 Briefings with all convenors and vice-convenors (either face-to-face or written).
- 4.3 Since its development, the CAP has considered nine high rated consultation and engagement proposals. Four of these were subsequently referred onto the Corporate Leadership Team (CLT) for approval
- 4.4 In line with policy objectives to oversee the quality of proposed consultation taking place by the Council, the CAP has raised a number of mitigating actions with consultation owners. This ensures that risks associated with high assessed consultation or engagement activity is well managed. Actions have included:
  - 4.4.1 providing additional resources to high profile activity,
  - 4.4.2 improving communication plans,
  - 4.4.3 changes to consultation start dates, and
  - 4.4.4 improved co-ordination of stakeholder engagement.

#### **Feedback from colleagues**

- 4.5 Feedback collected from colleagues tells us that there is generally a good understanding of the purpose of the consultation policy and process. Colleagues believed that the support and advice received had been useful and there had been a visible improvement in the planning phase. One colleague commented:

*“The guidance material and mandate provides a useful framework for consultation planning. It forces a clear analysis and understanding of what is actually wanted to be achieved from the consultation. It ensures consultation is genuine consultation, not just the provision of information incorrectly*

*described as consultation. It should reinforce trust by the community of the council and confidence that the community can influence.”*

- 4.6 However, discussions have also highlighted limitations of the process. These include:
- 4.6.1 Consultation and engagement are broad terms which may overlap and are often used interchangeably by customers, Council colleagues and elected members. This can cause uncertainty where officers responsible for planning may be unclear if a project is a consultation or an engagement activity. This impacts the scope, the level of resourcing, the duration and the format of activity.
  - 4.6.2 It is possible, on occasion and where the evidence presents, to consult effectively in less than the 12-week standard initially set by the policy – particularly where the stakeholder group is small and can be directly contacted, and where proposed changes have been developed with input from stakeholders. Moving to a time standard linked to the self-assessment criteria provides services and the CAP with flexibility to concentrate resourcing on strategic issues.
  - 4.6.3 However, Community Councils have told us that they struggle to respond to consultations with shorter timescales. In general, more should be done by services to engage with relevant community organisations before consultations launch.
  - 4.6.4 It is difficult to fit consultations around committee timescales, especially where requests for consultation come from committees themselves. Colleagues reported a lack of awareness and understanding from elected members about the policy, process and the timescales involved.
- 4.7 There is a lack of awareness amongst officers of other consultation and engagement activity being conducted by the Council within Edinburgh that does not go through the CAP or before getting to the CAP. Therefore, there is little collaboration between services on consultation and engagement activity, and limited sharing of good practice between professionals.

#### **Proposed changes to the consultation policy**

- 4.8 Taking into account feedback received, a number of changes to improve the consultation policy are proposed:

##### **Engagement / Consultation language**

- 4.8.4 It is proposed that all consultation and engagement activities should self-assess against the consultation criteria. Except in extenuating circumstances, if it is assessed as a level 3 then it should go through the CAP regardless of whether it is classed as a consultation or engagement activity. It is important that standards of engagement or consultation activity are of equally good quality and are consistent across the Council.

## Multi-Stage Engagement / Consultation

4.8.5 Where a project will have multiple engagement and consultation stages over a period of years, the CAP will exercise discretion on when to review such projects. The CAP will aim to review each project only once, to minimise administrative burden. The CAP will continue to exercise discretion on whether multi-stage engagement or consultations which were begun before August 2021 should be reviewed, but will generally not review these projects.

### Proposed timescales

4.8.6 It is proposed to introduce more flexible and proportionate timescales for the consultation/engagement period as shown in the table below. Level 3 timescales would be at the discretion of the CAP. Services would have discretion to apply shorter statutory timescales where these exist.

<i>Highest Assessed Score</i>	<b>Level of approval required for proposed consultation/engagement</b>	<i>Minimum timescale for proposed consultation/engagement period</i>
1	Tier 2 and tier 3 management approval.	6 weeks (unless shorter statutory timescale)
2	Tier 2 and tier 3 management approval.	6 – 10 weeks (unless shorter statutory timescale)
3	Consultation Advisory Panel (CAP) approval. Where two or more criteria are assessed as 3 - High, the CAP will refer the consultation/engagement activity to Corporate Leadership Team (CLT) for final review and sign off.	6 – 12 weeks (where 12 weeks will apply unless there is sufficient evidence that robust consultation or engagement can be conducted in a shorter timescale)

4.9 A revised version of the consultation policy can be found in Appendix 1.

### Other recommendations

4.10 Based on the feedback received, Policy and Insight will continue to promote and raise awareness of the consultation policy with officers, managers and elected members. Dedicated briefings for service and policy advisors and committee clerks will be carried out to assist them in providing support and advice to elected members.

4.11 Policy and Insight will explore and develop a shared officer database of current and forthcoming consultation activity to enable better cross-organisation awareness and collaboration.

4.12 Policy and Insight have worked with Age Scotland and British Sign Language representatives to improve the overall accessibility and quality of consultation and engagement for these groups. Policy and Insight will continue cooperation

on the Young People's Promise to help improve participation amongst younger people with Council consultation and engagement activity.

### **Consultation and engagement quality measures**

- 4.13 Consultation and engagement activity is an important part of the evidence which feeds into good, informed decision making by the Council, with the outcome of high scale activity being reported to the relevant committee. However, it is not the only part that feeds into the decision making process. With this in mind, it is vital that feedback on the outcome of consultation/engagement activity is provided to stakeholders involved in the process and that the reasons for decisions are explained.
- 4.14 From August 2021 to March 2022, there were six consultations which have been completed following review at the CAP. Of these, five had sufficient time to publish "you said, we did" information within three months of their closing date, and three (60%) did so.
- 4.15 Feedback from services indicates that they feel unable to provide feedback within this timescale because decisions are subject to committee approval, and this may exceed three months from the closing date of activity. This indicator will be reviewed as part of the Performance Framework, with two separate indicators recommended to replace it:
  - 4.15.1 Percentage of activities which communicated next steps within one month of the closing date; and
  - 4.15.2 Percentage of activities which communicated "you said, we did" information within one year of the closing date.
- 4.16 However, it is recognised that the Council needs more information about consultation and engagement quality and how citizens experience them. Therefore, all consultation and engagement owners who use the Consultation and Engagement Hub will be required to add in a standard set of evaluation questions at the end of their surveys.

## **5. Next Steps**

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- 5.1 A dedicated communication and briefing plan will be developed to raise awareness and understanding of the policy and changes to the process.
- 5.2 Investigation is underway to find a platform to share consultation and engagement activity currently happening and planned throughout the Council. Feedback indicates that individual services have been unable to establish such a system locally.
- 5.3 In 2021 the Council recorded 133 consultation or engagement activities taking place. Most of these activities relate to Place, and transport topics generally receive higher volumes of responses. However, this figure only includes those activities recorded on the Consultation and Engagement Hub. This platform

does not include all engagement activity going on throughout the Council, does not include any entirely offline activity, and does not provide a forward plan of activity which can be viewed by Council officers.

- 5.4 Work with colleagues and partners, including Age Scotland, British Sign Language representatives, older people and younger people champions, and Edinburgh's Promise: principles of involvement and voice working group, to improve participation of these groups is ongoing and will be rooted into the process.
- 5.5 Future performance measures and monitoring will be embedded into the process.

## **6. Financial impact**

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- 6.1 The continued development of the training programme is being taken forward as part of the Council's workforce and people strategy and will be evaluated for impact.

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

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- 7.1 Purposive, qualitative feedback has been collected from Council officers, managers and leaders at this early stage to identify any difficulties and make improvements to the policy and process.
- 7.2 We recognise that there is a gap in feedback from the public and other external stakeholders on the quality of consultation and engagement carried out. Performance measures are being implemented to allow us to measure the satisfaction of respondents with the quality of the process.
- 7.3 Work is underway to improve the representation of relevant stakeholders in consultation and engagement activity carried out by the Council. This is an ongoing workstream linking in with other service areas, partners and workstreams.

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

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- 8.1 [COVID-19 Engagement and Consultation Approach – Policy and Sustainability Committee, Tuesday 20 April, 2021.](#)
- 8.2 [Consultation Policy](#) – approved 20 April, 2021
- 8.3 [Consultation Advisory Panel - Terms of Reference](#) – approved 20 April, 2021

## **9. Appendices**

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- 9.1 Appendix 1: Revised Consultation and Engagement Policy
- 9.2 Appendix 2: Consultation and Engagement Criteria
- 9.3 Appendix 3: Terms of Reference: Consultation Advisory Panel



# Consultation and Engagement Policy

Implementation date: 1 August 2021

## Control schedule

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

Version control

Version	Date	Author	Comment
0.1	20/04/2021	Emma Candy	
0.2	07/06/2022	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
07/06/2022	Policy and Sustainability		

# 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

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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 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

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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> 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.

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<sup>1</sup> 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

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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 [CECil](#) portal and must refresh their training every two years.

### **The Consultation 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 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

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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

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- 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

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

## Integrated impact assessment

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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 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

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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 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

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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 and Engagement Criteria

There are seven criteria that proposed consultations/engagement activities must be assessed against:

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

### Review and Oversight

How a consultation/engagement activity scores against the criteria determines the level of review and oversight required:

- Where all seven criteria are assessed as Low or Medium (scores 1 or 2) then consultations/engagement activities must report to the appropriate Service Manager / budget holder or Senior Manager.
- Expect in extenuating circumstances, if any one of the criteria is assessed as High (score 3) the consultation/engagement activity must be referred to the Consultation Advisory Panel (CAP).
- Where two or more criteria are assessed as High (score 3), the CAP will refer consultations/engagement activities 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/engagement activity by evaluating proposed consultations/engagement activities against the consultation/engagement 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/engagement activity can begin.

You can find more information about the CAP in its [terms of reference](#).

Edinburgh’s Consultation and Engagement Framework - Guidance Note 1

Consultation/Engagement Details	
Consultation/Engagement title:	
Consultation/Engagement objective (two or three sentences on what you’re trying to achieve):	
Consultation/Engagement Owner or Project Manager:	
Team/Service area:	
Contact email/Telephone:	

Will the consultation/engagement activity results go to a Board or Committee to make a final decision on the outcome?	Yes / No
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	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
		Reasons for score:		
Legislative		No change to existing regulatory / legislative framework	Marginal change to existing regulatory / legislative framework	Mandatory regulatory/ legislative changes which have a material impact on service.
		Reasons for score:		

Edinburgh's Consultation and Engagement Framework - Guidance Note 1

	Score (1-3)	1 - Low	2 - Medium	3 - High
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>
		Reasons for score:		
Number of people likely to be directly impacted		<1,000	1,001-10,000	>10,000
		Reasons for score:		
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
		Reasons for score:		
Political / Reputational Impact		Minor political and reputational implications	<p>Requires Committee Scrutiny.</p> <p>Moderate reputational implications (loss of confidence and / or embarrassment).</p>	<p>Highly sensitive, will be subject to Committee debate and scrutiny.</p> <p>High reputational implications (major loss of confidence, adverse publicity or public outcry)</p>
		Reasons for score:		

Edinburgh’s Consultation and Engagement Framework - Guidance Note 1

	Score (1-3)	1 - Low	2 - Medium	3 - High
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.
		Reasons for score:		
<b>Highest Assessed Score</b>		<b>Score determines level of approval and indicative timescale required for proposed consultation/engagement (see below table).</b>		

<b>Highest Assessed Score</b>	<b>Level of approval required for proposed consultation/engagement</b>	<b>Minimum timescale for proposed consultation/engagement period</b>
1	Tier 2 and Tier 3 Manager approval.	6 weeks (unless shorter statutory timescale)
2	Tier 2 and Tier 3 Manager approval.	6 – 10 weeks (unless shorter statutory timescale)
3	Consultation Advisory Panel (CAP) approval. Where two or more criteria are assessed as 3 - High, the CAP will refer the consultation/engagement activity to Corporate Leadership Team (CLT) for final review and sign off.	6 – 12 weeks (where 12 weeks will apply unless there is sufficient evidence that robust consultation or engagement can be conducted in a shorter timescale)

Once completed, please send a copy of the criteria assessment to [policyandinsight@edinburgh.gov.uk](mailto:policyandinsight@edinburgh.gov.uk).

# 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. Following a review of the consultation policy, it is proposed that engagement activity should also go through the same process.

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

The CAP acts as a gateway to support and challenge high-assessed consultation/engagement activity by evaluating proposed consultation/engagement activity against the consultation and engagement 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/engagement activity 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 consultation/engagement activities.

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/engagement 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/engagement owner indicating any improvement actions/ advice before the paper is considered by the panel.

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.

The CAP will refer significant high-assessed consultation/engagement activities for final review and sign-off to CLT. The consultation/engagement 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/engagement owner should also present the consultation/engagement findings to CLT and demonstrate how this has influenced decision-making.

All consultation/engagement owners are required to complete an online proforma that captures the criteria assessment for *any* proposed consultation/engagement activity. Periodically, the CAP will pull a sample of low/medium assessed consultation/engagement activities 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/engagement activity 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 and Engagement Policy.

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

- Topline statistics on number of consultation/engagement activities conducted and responses received;
- A summary of how the CAP has provided value in ensuring effective consultation/engagement takes place;
- Any mitigating action required from the CAP to manage risks associated with high-assessed consultation/engagement activity;
- Any necessary adjustments to the Consultation and Engagement 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/Engagement 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/engagement owners after the meeting has taken place.

In cases where time-critical, essential consultation/engagement activity requires review, a standalone meeting will be arranged. To accommodate diaries, these can be held via MS Teams.

Copies of the consultation/engagement 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
- The Consultation and Engagement Framework
- [The 7 National Standards for Community Engagement](#)

## Contact Details

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