

Contents

# Community Engagement Policy

## 2016



<b>1</b>	<b>Introduction and context</b>
<b>2</b>	<b>Purpose and scope</b>
<b>3</b>	<b>Definition of engagement and consultation</b>
<b>4</b>	<b>Policy principles</b>
<b>5</b>	<b>The law</b>
<b>6</b>	<b>Roles and Responsibilities</b>
<b>7</b>	<b>Process</b>

<b>Appendices:</b>	<b>Quality Assurance Process</b>
	<b>Community Engagement Team role</b>
	<b>Useful references</b>
	<b>Glossary of terms</b>
	<b>Supporting documents</b>

## 1. Introduction and context

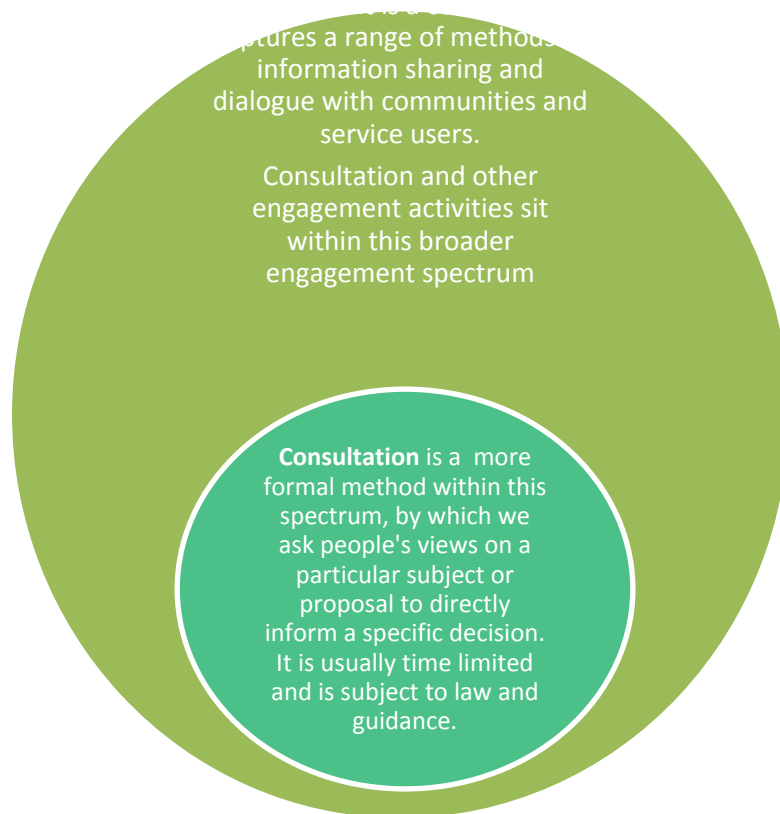
- 1.1 A five-year Corporate Community Engagement Strategy was approved by Lincolnshire County Council's Executive in 2013. The strategy explains how we will effectively engage communities to ensure they have an opportunity to understand and influence the decisions we make.
- 1.2 It is not always clear whether information sharing, consultation or a more participatory-style of engagement is required. Community engagement is a positive thing to do, but it can be a complex discipline that encompasses a range of methods, one of which is consultation. This policy has been created to provide a framework to help clarify matters and show why the support of the Community Engagement Team is important. It will help officers to understand the type of engagement that will best suit their needs; the difference between consultation and engagement, when and if it is required, and the type of support available through the specialist Community Engagement Team.

## 2. Purpose and scope

- 2.1 The purpose of this policy is to explain what Lincolnshire County Council means by engagement and all that it encompasses. It will particularly help to clarify the differences between engagement and consultation. It also lays out what is expected in terms of quality and standards when engaging with communities. It serves to clarify the role of the Community Engagement Team - all service areas **must** make best use of their support and advice.
- 2.2 The policy covers all forms of community engagement, across all service areas and geographical parts of the county. It cannot give legal advice or definitive answers on all questions relating to engagement and consultation, but provides clarity on the type of support and advice available to all staff wishing to undertake such activity.

## 3. Definitions

- 3.1 For the purposes of this Community Engagement Policy 'community' refers to individuals, residents, groups or organisations of Lincolnshire.
- 3.2 As mentioned above there can be confusion around the difference between engagement and consultation. Consultation is one form of engagement activity, alongside other techniques such as information sharing, collaboration and involvement. The following diagram demonstrates that consultation sits within the broader concept of engagement, followed by definitions of the terms:



## Engagement

As an activity, 'engagement' is defined as on-going, regular dialogue, it includes collaborative approaches to working with our communities and partners. It is generally seen to offer great value in ensuring we make informed decisions, with stakeholders involved throughout the whole process.

## Consultation

Consultation is just one element of engagement. Generally we consult where we are legally or ethically obliged to do so, for example when a service or policy change is being considered. Good practice here also helps protect the reputation of the organisation.

### 4. Policy Principles

- 4.1 To achieve the Council's aim of engaging with communities effectively you **must** access the support of the Community Engagement Team at the earliest possible opportunity. The Team will help you to decide how to proceed and what types of engagement activity will best suit you and your consultees needs.

The Team will work with you to ensure that:

- the purpose, scope and objectives of any engagement (or consultation) are clearly stated at the outset, informed by an Equality Impact Analysis, where required, and clarification of the stage that the service development or commissioning activity has reached so far
- accessible engagement methods and tools are utilised to match audience needs and engagement objectives, with guidance and supporting documents made available to ensure robust and auditable practice
- engagement activities are delivered within time-frames that are proportionate and realistic, enabling stakeholders to contribute with sufficient time to provide considered responses
- engagement activities are widely advertised and promoted including publicising feedback within 12 weeks of a consultation closing
- staff are provided with the specialist training, development and support they need to get the job done well
- continual improvement is achieved by keeping pace with current engagement and consultation research and good practice, developing case law and guidance, and by evaluating engagement activities along with the support and advice provided

4.2 It is **essential** to consider the Gunning Principles when undertaking a **consultation** exercise and good practice to bear these and the Brown Principles in mind when planning and running engagement. A link to more detailed information can be found in Appendix three, but the key Gunning principles are:

- consultation must take place when the proposal is still at a formative stage
- sufficient reasons must be put forward for the proposal to allow for intelligent consideration and response
- adequate time must be given for consideration and response
- the product of the consultation must be conscientiously taken into account

4.3 Brown Principles (due regard):

- decision-makers must be aware of their equality duties
- the due regard duty must be fulfilled before and at the time of decisions
- analysis must be rigorous
- the duty to have due regard cannot be delegated
- the duty is a continuing one
- it is good practice to keep an adequate record

4.4 If relevant to the service area the Care Act, for example, stipulates that if a change to an adult care service is significant, will have a considerable impact upon people, or has been consulted upon before (or a commitment to do so has been demonstrated) consultation should take place.

4.5 This policy will follow Lincolnshire County Council's risk governance and assurance structure and processes. Day to day responsibility for risks associated with this policy and

provision of consultation/engagement advice and support to services across the whole council will rest with the Directorate Management Team and the Public Health Consultants, who are ultimately accountable for the risk and related control environment within Public Health. They are responsible for ratifying the directorate risk register and any directorate risk policies in line with the corporate risk appetite, as laid out in the (currently draft) Public Health Risk Management Policy and Process Guide.

- 4.6 To ensure all of the above is achieved/followed you **must** seek specialist advice and support for engagement and consultation as early as possible in service development/commissioning processes (including legal advice from the Legal Service, if required).

## **5. The law with regard to engagement and consultation**

- 5.1 Whilst there is no legal duty to *engage* with communities (therefore no legal risk), it is a positive thing to do as it builds relationships over time and ultimately leads to better policies, strategies and services. It also offers greater freedom and flexibility for the consultor and the consultee than consultation.
- 5.2 Consultation can also be seen as a matter of good practice because of the difficulty in identifying definitively whether a legal obligation exists. This is because the law of consultation is based on the principles of fairness and legitimate expectation. Therefore, the question of legal obligation will often be a risk assessed judgment that may best be managed by carrying out a consultation.
- 5.3 There is no general duty on local authorities to consult when they are considering changes to services or policies. In fact the courts recognise a large degree of autonomy in public bodies, not least because public bodies are often seeking to balance a number of competing or conflicting interests and because of the impact on decision-making if everything had to be the subject of consultation. The courts have identified a number of circumstances where consultation will be required. However, they are still developing and are a matter of judgment in every case. These circumstances fall into two categories: firstly, where there is a statutory duty to consult and secondly, where the courts will imply a duty to consult from the Council's general obligation to act fairly.
- 5.4 Where a consultation is carried out it must be done properly in accordance with the principles laid down by the courts. The potential for challenge means that the Council is keen to accurately describe its proposals and establish, in written audit trails, the information it has provided and the responses it receives. The Council must also demonstrate it has given proper consideration to public and stakeholder views when reaching a decision.
- 5.5 The law allows consultation to take place on a preferred option as long as any other options that have been considered are included with clear reasons for their rejection.

- 5.6 Where there is uncertainty about the legal obligation to consult, the Community Engagement Team will advise whether further guidance should be sought from LCC Legal Services.
- 5.7 Further references can be found in section four above and in Appendix three. Additional terms are explained in Appendix four at the end of this policy document.

## **6. Roles and Responsibilities**

- 6.1 The Council has a specialist Community Engagement Team which provides support and advice to LCC staff from all director areas and elected members on the need for planning and delivery of **all** engagement (including consultation activities). The team draws on many years of experience on the varying methods of engagement, carrying out and advising on consultation working with service areas across the authority.

The support and advice provided is designed to help services ensure that good quality engagement occurs, avoiding duplication and contributing to improving community confidence in the Council. It seeks to ensure a consistent and inclusive approach across all of our services and any service considering undertaking engagement or consultation activity **must** contact the Community Engagement Team at the earliest opportunity.

- 6.2 In return it is expected that the service area responsible for the engagement/ consultation will carry out activities included in the Quality Assurance Process, (QAP, see Appendix one) to ensure that the consultation or engagement activity is of the best possible standard and achieves what it aims to do.
- 6.3 The QAP serves to ensure standards are met with 'sign off' required at each stage of consultation and engagement from the formation of the idea, to development and through activity to completion. Supporting documentation sits against key stages of the QAP process. For consultation activities, 'sign off' from the service area's Portfolio Holder will be required at Stage 6.

## **7. Process**

- 7.1 The QAP was developed to support effective delivery of the Community Engagement Strategy Objectives and this Policy's principles. The Community Engagement Team encourages all members of staff who are undertaking engagement or consultation activities to follow this process.
- 7.2 The engagement or consultation advice process, captured on the QAP diagram overleaf, follows 16 key steps supported by key templates. Each step identifies the activities that will take place and the supporting documents you may need to use, depending on the scale and scope of the piece of work. After each step has been completed, the CET will ensure sign off with you at the right time. Once signed the documents provide a record of decision making throughout your consultation.

- 7.3 Whilst the Community Engagement Team can support and advise you with your engagement, when planning any activity it is important that you consider and identify any resource requirements. This could include securing venues, identifying a member of staff responsible for collating and analysing feedback, staffing your consultation or engagement event or activity, and the production of any materials and postage. The CET has planning templates and references and can guide you through this part of the process as well.
- 7.4 With regard to questionnaires or survey development, the Community Engagement Team will advise on the content, wording or format of your questionnaire but are not able to extract and analyse SNAP data, however the team can connect you with Corporate Business Support who undertake this activity. Business Support colleagues will produce a data analysis report from completed SNAP survey forms. However, this does not include interpretative analysis that would need to be undertaken within your service.

For more information on any of the above please contact the CET via [consultation@lincolnshire.gov.uk](mailto:consultation@lincolnshire.gov.uk)

The QAP is available at appendix one overleaf.





**The Community Engagement Team role to support officers with:**

- advice and support in the development of consultation planning (including a consultation pack - a useful resource which provides guidance and templates to aid the consultation process)
- advice and support on appropriate wording to ensure surveys/questionnaires are in plain language and are fit for purpose
- advice and support to test the survey/questionnaire
- connections with organisations carrying out similar consultation or working with similar audiences – enabling joint working and sharing of results
- advice and support in the completion of Equality Impact Analyses
- facilitation at workshops or engagement activities
- access to Lincolnshire Consultation Community - contacts for people within the community who want to be informed/consulted about issues that may interest or affect them
- access to Community Engagement Community of Practice which enables sharing of experience, ideas and learning
- dissemination of training information so that colleagues are able to deliver engagement/ consultation activity themselves
- ensuring consultation adheres to relevant legal precedents (where required working closely with Legal Services) including Gunning and Brown Principles.
- providing a contact point to help individuals and external organisations contact the relevant member of staff within LCC
- raising an issue on behalf of an individual or external organisation with the relevant member of LCC staff by such methods as forwarding e-mails or setting up a meeting
- facilitating responses to queries by making a 'reminder' contact with a member of staff if they do not respond to an individual or external organisation

## Useful references

Policies, guidance and legal principles (both national and local) will influence the way this policy is delivered. Case law is continually developing, but the key legal principles governing the Council's engagement and consultation activity are included below. Full details are available through the links below:

**Central Government Cabinet Office Consultation Principles (revised 2016)** - [www.gov.uk/government/publications/consultation-principles-guidance](http://www.gov.uk/government/publications/consultation-principles-guidance)

**Gunning Principles** - [www.adminlaw.org.uk/docs/18%20January%202012%20Sheldon.pdf](http://www.adminlaw.org.uk/docs/18%20January%202012%20Sheldon.pdf) and also at: <http://www.nhsinvolvement.co.uk/connect-and-create/consultations/the-gunning-principles>

**Equalities legislation such as the Brown Principles** - [http://www.equalityhumanrights.com/sites/default/files/documents/PSD/technical\\_guidance\\_on\\_the\\_public\\_sector\\_equality\\_duty\\_england.pdf](http://www.equalityhumanrights.com/sites/default/files/documents/PSD/technical_guidance_on_the_public_sector_equality_duty_england.pdf)

**Lincolnshire County Council's Customer Charter** - <http://www.lincolnshire.gov.uk/local-democracy/how-the-council-works/key-plans-and-strategies/customer-service-charter/49249.article>

### Guidance relating to decommissioning and service change

As well as general guidance there is some specific legal opinion regarding the need for engagement and consultation as part of any programme to review commissioning of services that might lead to de-commissioning decisions. The key points of this guidance include:

- The setting of a budget is not authority for the actions that underpin that budget
- Consultation on the budget is unlikely to be sufficiently specific to meet any consultation responsibility in relation to an individual proposal that underpins the budget
- It is lawful for the Council to set a budget and then consult on individual proposals provided certain conditions are met
- The budget represents a limit that the Executive cannot exceed. It does not require the Executive to spend the money allocated by the full Council in the budget
- There is not anything fundamentally unlawful in consulting on changes which would lead to expenditure being incurred which is below the current budget

## Glossary of Terms

Term	Definition
Community	Individuals, residents, groups and organisations (of interest or geography) of Lincolnshire
Community Engagement Team	The team that supports and advises LCC staff and elected members to deliver effective, inclusive and legally sound engagement and consultation
Consultation	The opportunity to have a say on a specific issue at a given time using a set of planned methods within a planned process
Consultor	Person leading consultation or engagement exercise to establish answers to their questions
Engagement	Ongoing dialogue with individuals, groups and organisations to ensure they influence decisions that affect them
Feedback	Letting people know in good time how their views and ideas have contributed to decision making around implementing a change or improvement
Equality Impact Analysis (EIA)	Must be completed to inform dialogue so that stakeholders and decision makers are aware of the potential positive and negative impact(s) of proposals on the protected characteristics of service users or citizens
Gunning and Brown Principles	Legal principles, developed through case law to explain how consultation should be carried out inclusively, transparently and fairly
Information	Facts and figures provided clearly and accessibly to help people understand an issue and make informed contribution and comment
Quality Assurance Process (QAP)	A written process against which the engagement and consultation activity can be assessed to ensure it has met appropriate criteria and will be effective and legal

**Supporting documents** (please note that the links to these documents will not work if viewing a pdf version of the document):



Consultation  
Guidance v1.0 270416.docx



Community  
Engagement Quality /



Consultation How to  
sheets v1.0 270416.docx



Engagement Plan  
template v1.0 270416.docx



Stage 1 Scoping  
Agreement v1.0 270416.docx



Stage 2 Areas of  
responsibility v1.0 270416.docx



Stage 3 Evaluation  
Form v1.0 270416.docx



EIA template  
v1.0.docx



Consultation activity  
template v1.0 270416.docx



Engagement Matrix  
Tool template v1.0 270416.docx



You said we did table  
template v1.0 270416.docx

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<https://www.lincolnshire.gov.uk/residents/community-and-living/equality-and-diversity/interpreting-and-translating/>

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