

Report Audit Trail Consultation and Engagement Policy

Consultation

This is important as it shows that consultation has been undertaken in the preparation of the report and provides a quick reference point for specific comments, whilst the report will not be publishable if these areas have not been completed by the named persons below. Officers must liaise with the relevant Cabinet Member(s).

Name/Position	Portfolio/Ward/Directorate	Date Sent	Date Received	Comments in para:
Councillor (Select Cabinet Member Name)	Cabinet Member for (Select Cabinet Portfolio)	Click here to enter a date.	Click here to enter a date.	
<i>Shokat Lal</i>	Assistant Chief Executive/ Strategic Director for Choose an item.	03/06/19	Click here to enter a date.	
<i>Paul Stone</i> , Finance	Finance and Customer Services	03/06/19	6/6/2019	Minor changes proposed
<i>Bal Nahal</i> , Legal Services	Finance and Customer Services	03/06/19	5/06/2019	Minor change
<i>Theresa Caswell</i> , Human Resources	Assistant Chief Executive's Office	03/06/19	3/06/2019	No changes
<i>Karen Middlebrook</i> , Procurement	Finance and Customer Services	03/06/19	7/06/2019	Minor addition Joanne Firth
<i>Other officers below</i>				

Report History	
Original discussion with Cabinet Member	Click here to enter a date.
Report deadline	Click here to enter a date.
Date final report sent to Cabinet Member	Click here to enter a date.
Part II Exempt from Disclosure/confidential accompanying report? Delete as appropriate	Click here to enter a date.
Key decision report Delete as appropriate	No
Date first appeared on forward plan	31/05/19
Key decision reasons Delete as appropriate or state N/A	N/A
Background information MANDATORY: Insert headings for a few main public documents you have used or referenced to write this report. This is a legal requirement. For Cabinet reports, insert hyperlinks . Do not list private documents.	
Appendices If appendices are essential to the understanding of the report, list titles here. Ensure that appendices have proper titles.	

Report Title

Consultation and Engagement Policy

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

Shokat Lal, Assistant Chief Executive

Report Author(s)

Jackie Mould, Head of Performance Intelligence and Improvement

Jackie.mould@rotherham.gov.uk

Tel: 23618

Wards Affected

Borough-Wide

Report Summary

The Equalities Peer Review in October 2017 found that a key area for improvement was consultation and engagement. The review found that:

- Residents don't always feel listened to as part of the consultation process
- Feedback is not always provided around the outcome of consultations and how decisions have been made
- There could be more effective engagement with hard to reach groups
- Engagement processes could be more accessible and inclusive – i.e. online surveys are not accessible for many people
- Community engagement results do not appear to be routinely analysed by protected characteristics to better understand the views of the community in finer detail – i.e. whether views differ on issues depending on age, gender, sexual orientation etc.

Due to a series of restructures and efficiency savings within the Council, there was no resource or team in place to provide support and guidance for consultation and engagement activity, and as a result there was a lack of corporate oversight of the consultations taking place throughout the Council and no guidance or standard for service managers to adhere to.

To address these issues, it was agreed by SLT in April 2018 that a new Corporate Consultation and Engagement Group was needed, with key people from each Directorate and relevant service areas. The Group met for the first time in September 2018, and continues to meet on a monthly basis.

It was also agreed that a Consultation and Engagement Policy was required, along with a Toolkit. The purpose of the Policy is to set out guidelines for Council staff to follow when undertaking any type of public consultation and engagement activity. The Consultation and Engagement Toolkit offers a step-by-step guide on the process and has been developed taking on board feedback from both the Equalities group and the Consultation and Engagement group.

Recommendations

That approval is given to Consultation and Engagement Policy and Toolkit

List of Appendices Included

RMBC Consultation Policy
RMBC Consultation Toolkit
Equalities Assessment Screening

Background Papers

The Equalities Peer Review in October 2017

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

No

Consultation and Engagement Policy

Background

- 1.1 Public consultation and engagement is an important part of improving the quality of services provided by Rotherham Council and its partners, and needs to be given a high priority. A modern council engages with its residents and listens to their views to help shape and design services, and inform policy making.
- 1.2 With an increased demand for services coupled with a reduction in public sector budgets, there is a need to change the way in which Council services are delivered. There is now an emphasis to deliver more streamlined services with greater efficiency, with a focus on multi-disciplinary working and increased involvement from communities in shaping local services.
- 1.3 The Equalities Peer Review in October 2017 found that a key area for improvement was consultation and engagement. The review found that:
 - Residents don't always feel listened to as part of the consultation process;
 - Feedback is not always provided around the outcome of consultations and how decisions have been made;
 - There could be more effective engagement with hard to reach groups
 - Engagement processes could be more accessible and inclusive – i.e. online surveys are not accessible for many people; and Community engagement results do not appear to be routinely analysed by protected characteristics to better understand the views of the community in finer detail – i.e. whether views differ on issues depending on age, gender, sexual orientation etc.
- 1.4 The new Policy addresses a number of the Council's strategic objectives, including the Council Plan's priority of being a 'modern and efficient Council,' by contributing to 'responsiveness to local need and accountability to citizens'. It is also conducive with the Thriving Neighbourhoods Strategy, which relates to the Council and residents working together to achieve better outcomes and improve the quality of life in Rotherham.
- 1.5 This Policy sets out the Council's commitment to consult and engage with the public. To enable the Council to engage effectively with our residents we will:
 - Listen, inform and work in partnership with service users and stakeholders, and wherever possible include their views in the shaping, commissioning and delivery of services;
 - Comply with the public sector equality duty;
 - Comply with current legislation around consultation and engagement;
 - Embed a clear and consistent approach to consultation and community engagement;
 - Ensure all staff adhere to the RMBC Standards for Consultation and Engagement when engaging with the public and stakeholders

- Make the best use of resources by building on existing community engagement exercises and share across the Council and partners, as far as possible, the results of community engagement which will help to avoid duplication and consultation fatigue;
- Maintain a corporate overview of consultation and engagement to ensure alignment between different areas of the Council, that the content of consultations are appropriate and that the process meets Equality and Diversity standards; and
- Provide feedback on consultations in a timely manner and in an appropriate format, including how the Council has responded to the findings of consultation activity.

2. Key Issues

- 2.1 The fact that there is no corporate standard or oversight to consultation and community engagement poses a number of risks, including that engagement may not align between different areas of the Council, content of consultations may not be appropriate or the process may not meet Equality and Diversity standards.
- 2.2 There is also a lack of support and guidance around the analysis of findings from consultations and community engagement, which means that the intelligence gathered may not be fully utilised.
- 2.3 It is imperative that these issues are addressed.

3. Options considered and recommended proposal

- 3.1 Only a single option has been developed that meets the Council's duty under statutory consultation requirements, including those around equality duties and the Council's needs in delivery its policy priorities.

4. Consultation on proposal

- 4.1 Both draft versions of the Consultation and Engagement Policy and Toolkit were agreed and signed-off in December 2018 by the Corporate Consultation and Engagement Group, Councillor Alam, the Corporate Equality and Diversity Group, the Assistant Chief Executive Department Leadership Team and the Voluntary Community Sector representatives.

5. Timetable and Accountability for Implementing this Decision

- 5.1 The new Policy will be brought into effect as soon as it is approved.
- 5.2 The Corporate Consultation and Engagement Group will be responsible for overseeing the development, delivery and evaluation of consultation and engagement activity across the Council. This will include providing challenge to consultation and engagement practice where necessary, as well as increasing awareness and understanding of good practice.

6. Financial and Procurement Advice and Implications

- 6.1 The are no direct Financial implications.
- 6.2 There are no direct Procurement implications within this report however engagement activities are should be embedded within all aspects of the commissioning cycle. It should be standard practice to engage service users and stakeholders regularly to seek feedback, opinions and ideas to inform the way we work.

7. Legal Advice and Implications

- 7.1 The Public Sector Equality Duty (Equality Act 2010, Section 149) and Engagement and the Equality Duty apply.
- 7.2 The Equality and Human Rights Commission has published guidance on Engagement and The Equality Duty. This states: “While there is no explicit legal requirement under the general equality duty to engage with people with different protected characteristics, the general equality duty requires public authorities to have an adequate evidence base for their decision-making, and engagement can assist with developing that evidence base. Engaging with stakeholders and employees will help public authorities to base their policies on evidence, rather than on assumptions. The Equality Act 2010 and the Public Sector Equality Duty require all public authorities to have due regard for the need to:
- Eliminate unlawful discrimination, harassment, victimisation, and any other conduct that is prohibited by or under this Act;
 - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Case law from the previous equality duties states that engagement is important in ensuring public authorities understand the impact of their decisions on different people. A failure to engage has been at the heart of findings that a public authority has not complied with its equality duty.

- 7.3 The Council will sometimes have a statutory requirement to consult residents, particularly for issues such as planning, redevelopments or major service changes. Statutory consultations are bound by legal requirements, such as Best Value legislation, and can have strict rules surrounding how they should be conducted. If there is a failure to run a statutory consultation in line with those rules then the Council could be challenged for an action for judicial review so it is important to check the guidelines surrounding specific consultation plans.)

8. Human Resources Advice and Implications

- 8.1 There are no human resource implications.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 None that a specifically relating to children or vulnerable adults, however, consultation on any changes to services directed at the most vulnerable people are likely to engage people with protected characteristics.

10. Equalities and Human Rights Advice and Implications

- 10.1 The need to develop a new policy was identified as part of the Equalities Peer Review and addresses the issues raised.

- 10.2 An Equalities Assessment Screening has been undertaken, which demonstrates how equalities requirements are proposed to be addressed.

- 10.3 Specifically, the Equalities Assessment Screening notes the following:

- The policy is accompanied by a toolkit giving step by step guidance for each consultation and engagement exercise in addition to explaining the overall objectives of the policy.
- The toolkit sets out at 2.7 the requirements of the policy to comply with equalities legislation and detail of protected characteristics. It also makes clear that an equalities assessment is required for each exercise as part of its design.
- A link to equality monitoring requirements is included.
- Advice is provided at 3.8 giving details of support available from Rotherham Equalities Community Reference Group.
- Compliance with the specific equalities provisions in the toolkit, alongside the broader set of advice and good practice will ensure that equalities barriers to engagement will be overcome and an equalities approach is embedded taking forward the public sector equality duty.

11. Implications for Partners

- 11.1 This policy also links with one of the Rotherham Together Partnership's main underlying principals in The Rotherham Plan 2025: 'engaging and involving our communities in everything we do'. In addition, the policy will support the Rotherham Compact

12. Risks and Mitigation

- 12.1 Failure to comply with consultation duties could result in challenges being made against decisions of the Council or the detail of service provision. Challenges could be brought either using statutory provisions or the Council failing to comply with or implement its own policies and procedures. The implementation of the policy and consistent use of the toolkit will mitigate the risk of challenges; and provide assurance if changes are brought.

Accountable Officers

Jackie Mould, Head of Performance Intelligence and Improvement

Jackie.mould@rotherham.gov.uk

Tel: 23618

Approvals obtained on behalf of:-

	Named Officer	Date
Chief Executive		Click here to enter a date.
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	Click here to enter a date.
Assistant Director of Legal Services (Monitoring Officer)	Bal Nahal	05/06/19
Assistant Director of Human Resources (if appropriate)	N/A	Click here to enter a date.
Head of Human Resources (if appropriate)	N/A	Click here to enter a date.

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