Item: 15

Policy and Resources Committee: 19 February 2019.

Community Consultation and Engagement Policy.

Report by Executive Director of Corporate Services.

1. Purpose of Report

To consider the adoption of a new Council policy for community consultation and engagement.

2. Recommendations

The Committee is invited to note:

2.1.

That, in 2010, the Council adopted the Community Consultation and Engagement Guide, which is published and regularly updated by The Orkney Partnership.

2.2.

That a need has been identified for a formal Council policy on community consultation and engagement to complement the Guide.

It is recommended:

2.3.

That the Community Consultation and Engagement Policy, attached as Appendix 1 to this report, be approved.

3. Background

3.1.

The Orkney Partnership's "Community Consultation and Engagement Guide" was first published early in 2010 and adopted by the Council in September 2010. The Guide is maintained and regularly updated by The Orkney Partnership and its current iteration is available here.

3.2.

The Community Consultation and Engagement Guide provides useful information on national standards, good practice and publicly available resources, but is not a formal Council policy.

3.2.1.

A gap has been identified in the Council's governance materials for a policy document which sets out the Council's own position on community consultation and engagement, to complement both the Partnership's Guide and the Council's Communications and Engagement Strategy 2018 to 2021, which was approved in December 2017.

4. Community Consultation and Engagement Policy

4.1.

The Community Consultation and Engagement Policy, attached as Appendix 1 to this report, has been drafted in consultation with the Consultation and Engagement Officers' Group. It was considered by the Corporate Management Team before being sent to Orkney Opinions, the Council's public consultation group, together with a short consultation paper. A summary of the 38 responses received is attached as Appendix 2 to this report. Feedback from all stages of the consultation process has been incorporated into the policy.

4.2.

The draft policy includes a Policy Statement setting out the Council's aims and intentions with regard to community consultation and engagement, including a commitment to Scotland's <u>National Standards for Community Engagement</u>. It also covers the Council's governance framework, equality requirements and corporate resources for consultation and engagement.

4.3.

The draft policy makes specific reference to peripherality – living on the edge – which is acknowledged in Orkney to be an equality issue especially relevant to islands. The policy states that the Council undertakes isles-proofing as a standard requirement of equality impact assessments on any matters concerning the isles, including consultation as appropriate.

4.4.

Also of note is a reference to a report commissioned by the Council from Voluntary Action Orkney in 2017 to 2018. That report considered the scope for the use of the third sector to support public bodies in consultation and engagement. An example of good practice in this area was Voluntary Action Orkney's management of the Orkney Partnership's Place Standard consultation of 2016 to 2017, which informed the Locality Plan for the Non-Linked Isles 2018 to 2021.

5. Equalities Impact

An Equality Impact Assessment has been undertaken and is attached as Appendix 3 to this report.

6. Corporate Governance

This report relates to governance and therefore does not directly support and contribute to improved outcomes for communities as outlined in the Council Plan and the Local Outcomes Improvement Plan.

7. Financial Implications

7.1.

There are no new financial implications associated with the proposals in this report.

7.2.

There is a cost to the Council in carrying out consultations which has become part of the normal business activity of the Council. The cost to the Council of not carrying out an appropriate consultation can however far outweigh the cost of the consultation exercise. If the Council is unable to introduce a charge or change a service or is at risk of having to reverse a service change as a result of not consulting, or not consulting appropriately, the financial implications can be significant.

8. Legal Aspects

A local authority's legal duty to consult may be imposed by statute or common law. In relation to the latter, a duty arises where a legitimate expectation of consultation can be said to apply, such as where the authority has, as a matter of practice, consulted on the relevant type of proposal in the past, where the proposal would have a material impact on others, or where the nature of the relationship with the consultee would create unfairness if there were to be inadequate consultation. The proposals in this report will support compliance and best practice.

9. Contact Officers

Gillian Morrison, Executive Director of Corporate Services, extension 2103, Email gillian.morrison@orkney.gov.uk.

Anna Whelan, Strategy Manager, extension 2160, Email anna.whelan@orkney.gov.uk.

10. Appendices

Appendix 1: Draft Community Consultation and Engagement Policy.

Appendix 2: Summary of responses to Orkney Opinions survey on the draft Community Consultation and Engagement Policy.

Appendix 3: Equality Impact Assessment.



Community Consultation and Engagement Policy

All our written information can be made available, on request, in a range of different formats and languages. If you would like this document in any other language or format please contact Corporate Services on 01856 873535 or email corporateservices@orkney.gov.uk.

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1. Introduction

The purpose of community consultation and engagement is to involve individuals, community organisations, service users, community planning partners and wider stakeholders in decision-making processes to inform and shape policy, arrive at better decisions and sustain the services that matter most locally. Effective consultation and engagement ensure that the widest possible range of local views inform service delivery and outcomes. Orkney Islands Council is fully committed to this principle, which underpins our Community Consultation and Engagement Policy.

2. Policy Statement

Our aim is to be:

An accessible council which is well informed about the issues that matter to Orkney's individuals and communities, including those seldom heard.

To help us achieve this outcome we will:

- Build and maintain relationships with communities, ensuring that they are at the heart of our decision making.
- Empower individuals and communities by giving them a stronger voice and greater influence over council decisions that affect them.
- Continuously learn from those who use our services.
- Pursue best practice to improve our community engagement.

3. National Standards for Community Engagement

The Council adheres to Scotland's National Standards for Community Engagement:

Theme.	Standard.
Inclusion.	We will identify and involve the people and organisations that are affected by the focus of the engagement.
Support.	We will identify and overcome any barriers to participation.
Planning.	There is a clear purpose for the engagement, which is based on a shared understanding of community needs and ambitions.
Working Together.	We will work effectively together to achieve the aims of the engagement.
Methods.	We will use methods of engagement that are fit for purpose.
Communication.	We will communicate clearly and regularly with the people, organisations and communities affected by the engagement.
Impact.	We will assess the impact of the engagement and use what we have learned to improve our future community engagement.

The National Standards for Community Engagement provide us with clear principles and detailed performance descriptions that everyone involved can use as a benchmark to achieve the highest quality results and the greatest impact. Commissioned by the Scottish Government, the Standards were launched in 2005 and incorporated into the Orkney Partnership's Community Consultation and Engagement Guide, which was adopted by the Council in 2010. The Standards were revised and reissued in 2016 to reflect the growth of

community empowerment in Scotland, notably the Community Empowerment (Scotland) Act 2015. The current edition of the Partnership's Community Consultation and Engagement Guide incorporates the 2016 Standards.

4. Governance Structure

The Council's Policy and Resources Committee is the scrutiny body responsible for good governance in relation to the consultation and engagement policy framework. Where policy changes are being proposed by services which affect service users, it is the responsibility of the relevant service to undertake consultation and engagement activity in line with this policy. The relevant service committee has the responsibility of ensuring that feedback from consultation and engagement activities has been taken into account by the service in the formulation of such policy changes. The Senior Management Team (SMT) has oversight of corporate practice in consultation and engagement.

The Consultation and Engagement Officers' Group (CEOG) reports to the SMT on several workstreams relating to the co-ordination of consultation and engagement activity, sharing best practice and corporate training. CEOG is chaired and managed by the Strategy Manager and based in Corporate Services.

The CEOG maintains a central register of consultation and engagement activity: planned, current and completed. This will be located on the Council's Electronic Data and Records Management System (EDRMS) when it comes on stream. Co-ordination is a standing item on the agenda of CEOG meetings.

5. Levels of Community Engagement

The five levels listed below are standard benchmarks for progressive degrees of community engagement from informing to empowering communities. The table gives examples of relevant Council resources at each level for staff and stakeholders.

Level.	Description.	Relevant Council policy, projects and resources.
Inform.	Organisations have lots of information that they need to share with the public. The information should be objective to assist the public in understanding issues, alternatives, opportunities and solutions.	Communications Strategy. Website. Social media feeds.
Consult.	Organisations should consult with the public and interested groups to obtain feedback on analysis, alternatives, opportunities and/or solutions.	Community Consultation and Engagement Policy and Guide. Orkney Opinions. SmartSurvey. Place Standard.
Involve.	The involvement of the community in making decisions is key to good community engagement. Both parties must understand each other's concerns and aspirations throughout the process.	Balance the Budget. Community Conversations

Collaborate.	Decisions, including the development of alternatives, are made in partnership between local people and organisations.	Participation Requests Policy.
Empower.	The community are empowered to take action and make final decisions to improve the quality of life in the area.	Empowering Communities. Community Asset Transfer Policy.
		Community Choices (Participatory Budgeting) activity, e.g. Your Island Your Choice.

6. Equality Requirements in Statute, Case Law and Good Practice

6.1. Public Sector Equality Duty

The Equality Act 2010 protects individuals and groups from discrimination on the basis of the following 'protected characteristics':

- Age.
- Disability.
- Sex.
- Gender reassignment.
- Marriage and civil partnership.
- · Pregnancy and maternity.
- Race.
- Religion or belief.
- Sexual orientation.

Section 149 of the Act places a 'public sector equality duty' on local authorities to have due regard to the need to:

- (a) eliminate discrimination,
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, and
- (c) foster good relations between persons who share a protected characteristic and persons who do not share it.

Recent <u>case law</u> has established that where a local authority has insufficient information to understand the likely impact of a change in policy on persons who share any of the protected characteristics, the local authority must acquire further information, including through consultation, in order to comply with the public sector equality duty.

6.2. Equality Impact Assessment

Reports to Council committees which propose new policy, or changes to existing policy, are always accompanied by an Equality Impact Assessment drawn up in accordance with the Council's template and guidance. An Equality Impact Assessment considers whether a policy decision would impact disproportionately on persons who share one or more of the

protected characteristics, compared with persons who do not. Changes in policy include significant reductions in service budgets, even where a decision has yet to be made on exactly which services are to be cut.

Officers writing an Equality Impact Assessment are prompted by the template to consider whether they have enough information to make a policy recommendation and, if not, to identify who they should consult in order to acquire the necessary information. It is important to start work on an Equality Impact Assessment at the beginning of a policy development process, so that any information requirements are highlighted in time to consult the relevant stakeholders.

Equality Impact Assessments relating to Council policy are published on the Council website. Guidance and advice for staff on equality impact assessment is available from the Equalities Officer on 01856 873535 extension 2155.

6.3. Socio-economic Duty

The Fairer Scotland Duty is a part of the Equality Act 2010 which applies only in Scotland, and came into force in April 2018. It places a legal responsibility on particular public bodies in Scotland, when making strategic decisions, to actively consider ('pay due regard' to) how they can reduce inequalities of outcome caused by socio-economic disadvantage.

Socio-economic disadvantage means living on a low income compared to others in Scotland, restricting ability to access basic goods and services. The socio-economic duty is especially relevant to policy decisions on budgets and service cuts where these might disproportionately affect people on low incomes.

The Council's Equality Impact Assessment template includes socio-economic disadvantage as a characteristic to be considered alongside the protected characteristics. Officers drawing up new policy, or changes to existing policy, should give due regard to socio-economic impacts and consult with service users as necessary.

6.4. Engaging with seldom-heard groups

The Council aims to engage with all members of Orkney's communities, including those whose voices are seldom heard and are sometimes referred to as "hard to reach". Seldom heard groups may include persons who share one or more of the protected characteristics, or who experience socio-economic disadvantage, but may also be people who find it difficult to engage because they live on one of the non-linked isles, or who simply prefer to keep themselves to themselves. Whatever the barrier may be, it is important to find a way to consult seldom heard groups, both to meet the public sector equality duty and to ensure that Council services meet the needs of all service users.

In 2008, the Orkney Partnership commissioned the report, "Towards a strategy for consulting with minority & equalities groups and individuals in Orkney" (L C Littlejohn, June 2008), which identified local examples of good practice and made a number of recommendations. In 2018, the Council commissioned the report "Engaging with hard-to-reach people and communities, Good practice in the use of Third Sector agencies" (Gary Amos, Voluntary Action Orkney, June 2018), which highlighted some national and local examples of good practice, including the use of third sector agencies. Both of these reports, along with individual advice as required, are available from the Equalities Officer on 01856 873535 extension 2155.

6.5. Peripherality and island-proofing

Peripherality – living on the edge – is acknowledged in Orkney to be an equalities issue. Residents of the isles, or the more remote parts of the Orkney Mainland, have geographical barriers to engagement with the Council. These may be the availability or cost of transport, and/or the length of time required to travel. Orkney's more remote communities are also the least well served by broadband and mobile communications.

The Islands (Scotland) Act 2018 makes provision for the island-proofing of public policy where it disadvantages islands, compared with the Scottish mainland. The Council similarly makes provision in equality impact assessments for isles-proofing: report writers make a specific assessment of any policy decisions which might have a differential impact on the isles, compared with the Orkney mainland. This will include consultation where necessary.

7. Corporate Resources for Consultation and Engagement

Council managers are encouraged to make use of the following corporate resources to support their consultation and engagement activity.

7.1. Consultation and Engagement Officers' Group

This working group comprises Council officers with a professional interest in consultation and engagement. The membership includes representatives from all Directorates, plus specialist officers including the Equalities Officer. Members of the group meet quarterly to co-ordinate Council activity in consultation and engagement, plan surveys for Orkney Opinions (see 7.3 below), organise training and share best practice. By planning and co-ordinating activity, the group helps to prevent duplication of effort by officers and consultation fatigue among consultees.

Any Council officer planning a consultation or engagement exercise should contact their Directorate's representative on the CEOG in the first instance. Contact details are maintained by the Administrative Support Manager for Corporate Services on 01856 873535 extension 2164.

7.2. Community Consultation and Engagement Guide

The Orkney Partnership's Community Consultation and Engagement Guide, appended to this Policy, details the ways and methods the Council uses to provide a coordinated and consistent approach to involvement, consultation, engagement and empowerment of people and communities throughout Orkney. It is intended as a practical resource to support the planning and delivery of all community engagement activities. The Guide can be used to develop engagement processes, and details the stages required to ensure successful engagement.

7.3. Orkney Opinions

Orkney Opinions is the Council's public consultation group (sometimes called a citizens' panel). The group was established as a pilot in the financial year 2017 to 2018, and the pilot period was subsequently extended by the Policy and Resources Committee for a further year to end of March 2019.

Orkney Opinions had 150 members at August 2018, with initial recruitment done by random sampling of the open electoral register. The CEOG invites additional targeted groups to join as required to maintain the demographic balance and geographical range of the group.

Services may use Orkney Opinions for short consultations, which are compiled into surveys and issued periodically by post or online as preferred by individual members. Survey responses are compiled into reports to the consulting services and SMT, and feedback is provided to members of Orkney Opinions firstly on the survey results, and secondly on subsequent action undertaken by the Council.

7.4. SmartSurvey

The Council commissions an online survey facility for use by all services conducting consultations. The current provider is SmartSurvey. Services may choose to issue a complete survey directly, or a smaller part-survey via Orkney Opinions. Advice on the preparation, issue and processing of surveys is available from the Administrative Support Manager for Corporate Services on 01856 873535 extension 2164.

7.5. Place Standard

The Place Standard is a national consultation tool that has been jointly developed by NHS Scotland, Architecture Design Scotland and the Scottish Government. It has been designed to allow for fact finding on a range of service areas that are contained within 14 themes and prompt questions. The Place Standard is a useful way to identify and prioritise local needs within a place.

In the winter of 2016 to 2017, the Orkney Partnership and Orkney Health and Care used the Place Standard as the main consultation method in the development of Locality Plans. It is anticipated that the Council and the Orkney Partnership will be using the Place Standard again on a regular basis. More information about the Place Standard can be found at https://placestandard.scot/.

7.6. Training

The CEOG offers training to Council staff in the National Standards for Community Engagement, best practice, and recent developments in consultation and engagement. A half day of short presentations by members of the CEOG is made available periodically via the Council's Learning and Development section, part of HR and Performance.

Appendix 1 – Community Consultation and Engagement Guide

The Guide can be found on the Orkney Partnership's website here.

8. Document Control Sheet

Review / approval history.

Date.	Name.	Position.	Version Approved.
5 March 2019.	General Meeting of the Council.		Version 1.0.

Change Record Table.

Date.	Author.	Version.	Status.	Reason.

Summary of responses to Orkney Opinions Survey 7, on the Draft Community Consultation and Engagement Policy

A total of 38 responses were received, representing a return rate of 25.68%.

When asked about the policy statement "An accessible council which is well informed about the issues that matter to Orkney's individuals and communities, including those seldom heard", 81% of respondents felt that the statements meaning was clear, with 15.8% feeling that it was not clear.

In asking respondents about whether the council is succeeding in its aim to be "An accessible council which is well informed about the issues that matter to Orkney's individuals and communities, including those seldom heard", 57.1% felt that it was not entirely succeeding, with 22.9% feeling it was not succeeding in this aim, and 20% feeling that the council was succeeding. Some of the comments made in regard to this question demonstrated a belief that officers of the council were conducting business decisions without taking the views of the public into consideration. One respondent wondered why the public could not sit in on council meetings, but members of the public can indeed sit in on council committee meetings (apart from items taken in private for reasons such as commercial sensitivity or relating to individuals' employment), so this perhaps needs to be made clearer to the public.

Only a few respondents confirmed that they had participated in recent engagement activities at the levels 3 (Involve), 4 (Collaborate) or 5 (Empower) - such as Balance the Budget (5 people), Community Conversations (5), Your Island Your Choice (4) and Making a participation request (3). In connection with this, respondents were asked about their interest in participating in future engagement activities at the levels 3 (Involve), 4 (Collaborate) or 5 (Empower), to which 52.8% confirmed that they were either possibly or definitely interested.

In terms of the preferred terms used to describe people and groups who can be difficult to make contact with, the majority (63.9%) preferred the use of the term "seldom heard", with 22.2% preferring "hard to reach" and 11.1% preferring "easy to ignore". An alternative suggestion was "person/group with a restricted communication path".

Twenty comments were left in relation to the question asking for any suggestions for how we might better consult and engage with 'seldom heard' people and groups in Orkney; these included:

- Liaising with professional groups who are in direct contact with seldom heard individuals.
- · Web chats.
- Communications / segments on Radio Orkney, articles in the Orcadian and on the Council website.
- Posters in shops.
- Direct invites to individuals and groups and reducing jargon.

When asked for further comments on the policy, some felt that it was a good idea but difficult to implement as reduced budgets and time may mean that it is not adhered to by officers.



Equality Impact Assessment

The purpose of an Equality Impact Assessment (EqIA) is to improve the work of Orkney Islands Council by making sure it promotes equality and does not discriminate. This assessment records the likely impact of any changes to a function, policy or plan by anticipating the consequences, and making sure that any negative impacts are eliminated or minimised, and positive impacts are maximised.

1. Identification of Function, Policy or Plan		
Name of function / policy / plan to be assessed.	Community Consultation and Engagement Policy.	
Service / service area responsible.	Corporate Services / Strategy.	
Name of person carrying out the assessment and contact details.	Anna Whelan, 01856873535 extension 2160. anna.whelan@orkney.gov.uk.	
Date of assessment.	29 January 2019.	
Is the function / policy / plan new or existing? (Please indicate also if the service is to be deleted, reduced or changed significantly).	New. The Council has previously adopted the Consultation and Engagement Guide maintained by The Orkney Partnership. The current document is a formal Council policy to which the Guide is appended.	

2. Initial Screening	
What are the intended outcomes of the function / policy / plan?	The policy sets out the Council's aims, commitments, governance framework and corporate resources for community consultation and engagement. It references the statutory guidance and best practice which the Council follows, including national standards, equality considerations and engagement with seldomheard groups.
Is the function / policy / plan strategically important?	Yes. Effective community consultation and engagement is essential, both to the Council's reputation and to the achievement of its strategic priorities. It ensures that the widest possible range of local views inform service delivery and outcomes.

State who is, or may be, affected by this function / policy / plan, and how.	Community organisations, service users, community planning partners, individual Orkney residents and any other stakeholders which the Council may choose to consult or engage with.
How have stakeholders been involved in the development of this function / policy / plan?	The policy was drafted in consultation with the Council's Consultation and Engagement Officers' Group. It was considered by the Corporate Management Team in December 2018 before being issued to the Council's public consultation group, Orkney Opinions, in early January 2019. Being regular consultees, this group of residents was ideally placed to comment on the draft policy. 38 responses were received, and these have been taken into account in the final draft of the policy.
Is there any existing data and / or research relating to equalities issues in this policy area? Please summarise. E.g. consultations, national surveys, performance data, complaints, service user feedback, academic / consultants' reports, benchmarking (see equalities resources on OIC information portal).	There is a great deal of information published online on consultation and engagement with people sharing protected characteristics under the Equality Act 2010, and with seldom-heard groups. Recommended sources of local and national guidance and resources are listed in sections 8 and 9 of the Orkney Partnership's Community Consultation and Engagement Guide. The Council commissioned a report from Voluntary Action Orkney early in 2018 on the use of third sector organisations in engaging with hard-to-reach groups, which has helped to inform the draft policy.
Is there any existing evidence relating to socio-economic disadvantage and inequalities of outcome in this policy area? Please summarise. E.g. For people living in poverty or for people of low income. See The Fairer Scotland Duty Interim Guidance for Public Bodies for further information.	Effective community consultation and engagement helps to mitigate socio-economic disadvantage and inequalities of outcome, by ensuring that everybody's voice is heard. For example, participatory budgeting (PB) can enable local people to decide for themselves where public money should be spent. A local example was the Orkney Partnership's 2016-17 Place Standard consultation and associated PB project, "Your Island, Your Choice", which generated a high degree of public engagement and helped to inform the Locality Plan for the Non-Linked Isles. Many of the PB projects selected for funding contributed towards the mitigation of local socio-economic disadvantage. A second cycle of "Your Island, Your Choice" is now under way.
Could the function / policy have a differential impact on any of the following equality areas?	(Please provide any evidence – positive impacts / benefits, negative impacts and reasons).

Race: this includes ethnic or national groups, colour and nationality.	Yes. The policy should impact positively on all equality groups by promoting best practice in engaging with them.
2. Sex: a man or a woman.	Yes. The policy should impact positively on all equality groups by promoting best practice in engaging with them.
3. Sexual Orientation: whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.	Yes. The policy should impact positively on all equality groups by promoting best practice in engaging with them.
4. Gender Reassignment: the process of transitioning from one gender to another.	Yes. The policy should impact positively on all equality groups by promoting best practice in engaging with them.
5. Pregnancy and maternity.	Yes. The policy should impact positively on all equality groups by promoting best practice in engaging with them.
6. Age: people of different ages.	Yes. The policy should impact positively on all equality groups by promoting best practice in engaging with them.
7. Religion or beliefs or none (atheists).	Yes. The policy should impact positively on all equality groups by promoting best practice in engaging with them.
8. Caring responsibilities.	Yes. The policy should impact positively on all equality groups by promoting best practice in engaging with them.
9. Care experienced.	Yes. The policy should impact positively on all equality groups by promoting best practice in engaging with them.
10. Marriage and Civil Partnerships.	Yes. The policy should impact positively on all equality groups by promoting best practice in engaging with them.
11. Disability: people with disabilities (whether registered or not).	(Includes physical impairment, sensory impairment, cognitive impairment, mental health) Yes. The policy should impact positively on all equality groups by promoting best practice in engaging with them.
12. Socio-economic disadvantage.	Yes. The policy should impact positively on all equality groups by promoting best practice in engaging with them.
13. Isles-proofing.	Yes. The policy should impact positively on isles residents as it includes guidance on peripherality and island-proofing as an equalities issue to be considered in the development of policy, including consultation as necessary.

3. Impact Assessment	
Does the analysis above identify any differential impacts which need to be addressed?	No.
How could you minimise or remove any potential negative impacts?	Not applicable.
Do you have enough information to make a judgement? If no, what information do you require?	Yes.

4. Conclusions and Planned Action		
Is further work required?	No. The Council continually shares good practice and organises training via the Consultation and Engagement Officers Group. This group will assume ownership of the new policy and maintain, promote and update it as required.	
What action is to be taken?	Not applicable.	
Who will undertake it?	Not applicable.	
When will it be done?	Not applicable.	
How will it be monitored? (e.g. through service plans).	The Consultation and Engagement Officers Group reports periodically to the Senior Management Team.	

Date: 7 February 2019

Signature:



Name: ANNA WHELAN (BLOCK CAPITALS).

Please sign and date this form, keep one copy and send a copy to HR and Performance. A Word version should also be emailed to HR and Performance at hrsupport@orkney.gov.uk