



Integration Joint Board

30<sup>th</sup> January 2019

This Report relates to  
Item 9 on the Agenda

# Framework for Planning and Delivering Effective Consultation

*(Paper presented by Rod Edgar)*

*For Approval*

<b>Approved for Submission by</b>	Julie White, Chief Officer
<b>Author</b>	Rod Edgar, Communication and Engagement Manager, Dumfries and Galloway Health and Social Care
<b>List of Background Papers</b>	Not Applicable
<b>Appendices</b>	<b>Appendix 1</b> – Framework for Planning and Delivering Effective Consultation <b>Appendix 2</b> – National Standards for Community Engagement <b>Appendix 3</b> – Direction to NHS Dumfries and Galloway and Dumfries and Galloway Council

## **SECTION 1: REPORT CONTENT**

**Title/Subject:** Framework for Planning and Delivering Effective Consultation

**Meeting:** Integration Joint Board

**Date:** 30<sup>th</sup> January 2019

**Submitted By:** Rod Edgar

**Action:** For Approval

### **1. Introduction**

- 1.1 This Report introduces a draft Framework for Planning and Delivering Effective Consultation and sets out the potential advantages to be gained from adopting said Framework.

### **2. Recommendations**

#### **2.1 The Integration Joint Board is asked to:**

- **Note the requirements set out within the draft Framework that consultation work is carried out in line with national standards as set out in Appendix 2, and in accordance with established legal standards, as detailed within Appendix 1.**
- **Agree to the adoption of the Framework to help ensure that these standards are being achieved, that support is in place for those undertaking this work, and with this Framework to be adopted on a 12 month trial basis – with a review taking place towards the end of the trial.**
- **Agree to the creation of a Consultation Working Group to oversee the consultation work, and to delegate authority to the Health and Social Care Communication and Engagement Manager to further develop the Framework.**
- **Note ongoing work through the Community Planning Partnership Working Group aimed at harmonising approaches to consultation across agencies in Dumfries and Galloway, the potential for closer partnership working within this area, and the possibility of seeing a common framework established.**

### **3. Background**

- 3.1 Consultation can be carried out because there is a statutory requirement, or it can be conducted on a voluntary basis. In either respect, there are national standards which apply, as well as legal standards, established through case law. Failure to meet these standards can jeopardise the outcomes of the consultation work, risk reputational damage to the organisation and impact on other pieces of consultation work. At present, there is no Framework within the Partnership to help guide consultation work and ensure it is carried out in line with these standards.

### **4. Main Body of the Report**

- 4.1 National Standards for Community Engagement have been set out by The Scottish Government, and have been formally adopted by organisations including Dumfries and Galloway Council. Ten standards are set out, with a higher level of expectation when carrying out public consultation that these standards will be achieved.
- 4.2 The cases of Regina v Brent London Borough Council, ex parte Gunning (1985) and Moseley v Haringey London Borough Council (2014) saw legal challenges made around approaches to consultation. These cases have resulted in legally established principles around consultation.
- 4.3 Challenge can be made by any individual over the manner in which a consultation has been carried out, and can be mounted legally.
- 4.4 There are examples of public consultation work undertaken in Dumfries and Galloway within recent months which have experienced challenges.
- 4.5 Defending a challenge can have significant implication for time and resources.
- 4.6 A successful challenge against consultation work could mean that outcomes are deemed invalid, that the organisation undertaking the consultation suffers reputational damage, and that resources have been employed to no effect and that other consultation work may be negatively impacted.
- 4.7 Work has been undertaken by Dumfries and Galloway Council to improve approaches to consultation, including commissioning training from The Consultation Institute for staff and the creation of a Consultation Framework.
- 4.8 A number of people within Dumfries and Galloway Health and Social Care Partnership have undergone this training and two workshops have been commissioned from The Consultation Institute.
- 4.9 A Report by The Consultation Institute on the workshops collected feedback from participants which included comments about potential benefits from an agreed, well defined framework.
- 4.10 At present the Partnership does not have its own framework to support the development of consultation in line with national standards, as set out in Appendix 2.

## **5. Conclusions**

- 5.1 A Framework for Planning and Delivering Effective Consultation could provide support to those undertaking this work, deliver a coordinated approach to consultation and help ensure that this work is carried out in accordance with national standards and legal principles.
- 5.2 A draft Framework for Planning and Delivering Effective Consultation has been established and could continue to be refined and developed with the intention of reviewing its effectiveness towards the end of a 12 month trial period.
- 5.3 The Framework could be supported by the creation of a Consultation Working Group which would oversee this work.

## **SECTION 2: COMPLIANCE WITH GOVERNANCE STANDARDS**

### **6. Resource Implications**

- 6.1 Implementation of the consultation Framework would have resource implications for the Health and Social Care Communications Department in terms of staff time with the requirement to establish a Working Group to oversee the consultation work. This would require a committee to meet for two hours at least every second month.

### **7. Impact on Integration Joint Board Outcomes, Priorities and Policy**

- 7.1 The objectives of the consultation Framework support and complement work around the nine National Health and Wellbeing Outcomes particularly in regard to Outcome 9 – *Resources are used effectively and efficiently in the provision of health and social care services*

### **8. Legal & Risk Implications**

- 8.1 There are no immediately identifiable legal or risk implications arising from the implementation of the Framework. The Framework is intended to reduce existing risks.

### **9. Consultation**

- 9.1 Consultation has taken place with Alexandra Little, Strategic Planner and graduate of The Consultation Institute training

### **10. Equality and Human Rights Impact Assessment**

- 10.1 This is not required at this time.

### **11. Glossary**

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