



Community Engagement Policy

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EDMS have made every effort to ensure this policy does not unlawfully discriminate on the grounds of any protected characteristics of: age, disability, gender reassignment, race, religion/belief, gender, sexual orientation, marriage/civil partnership, pregnancy/maternity. EDMS has a zero-tolerance approach to unfair discrimination on the basis of spent criminal convictions, Trade Union membership or non-membership and employment or belonging to any other organisation. In addition, EDMS will have due regard to advancing equality of opportunity between people from different groups and foster good relations between people from different groups. This policy applies to all individuals working at all levels and grades for EDMS, including senior managers, directors, employees (whether permanent, fixed-term, zero hours or temporary), or any other person associated with EDMS. All of our policies can be provided in alternative formats and languages.

Introduction

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 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.

Purpose

The purpose of this policy is to explain what EDMS 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.

The policy covers all forms of community engagement, across all service areas and geographical parts of the country. This policy cannot provide legal advice or definitive answers on all questions relating to engagement and consultation, but it does provide clarity on the type of support and advice available to all staff wishing to undertake such activity.

Duties of Key People

Medical Director:

The Medical Director is ultimately responsible for ensuring that EDMS is compliant with all aspects of the law. Accountability for ensuring that EDMS fulfils its legal requirement rests with the Medical Director who may delegate to a nominated officer within our organisation. The Clinical and Risk Senate will receive reports either directly or through the management team

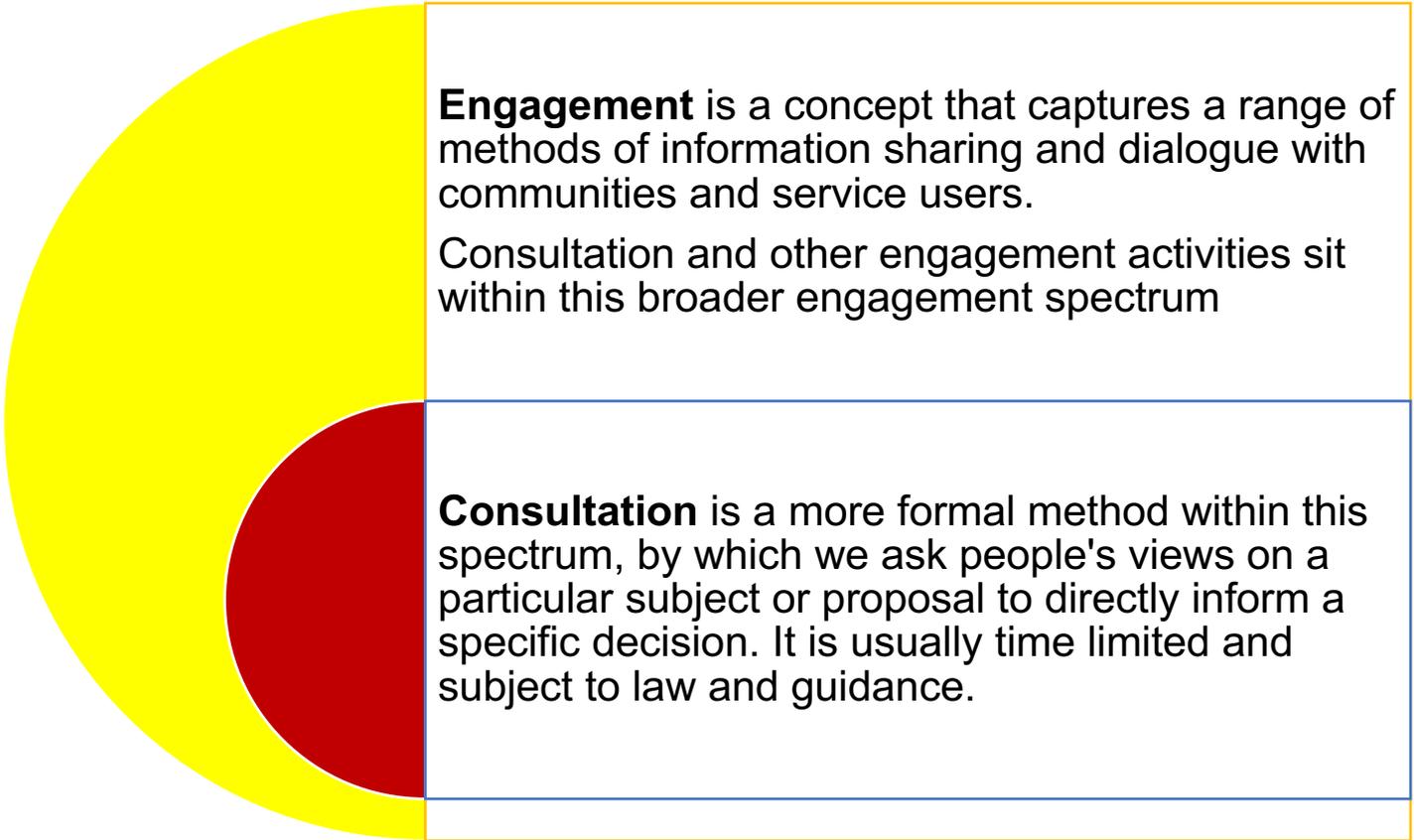
Staff and all other persons working with or for EDMS:

All staff, have a responsibility to read, understand and take full responsibility to adhere to the requirements of this policy and its appendices

Definitions

For the purposes of this Community Engagement Policy 'community' refers to individuals, residents, groups or organisations (whether voluntary, public or private).

There can be confusion around the difference between engagement and consultation. The following diagram demonstrates that consultation sits within the broader concept of engagement, beneath which are boxes that include definitions of the terms:



Engagement

As an activity, 'engagement' is defined as on-going, regular dialogue, it includes simple conversations, but also 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.

The law with regard to engagement and consultation

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 service and those who are engaged than consultation.

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.

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 EDMS is 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 ever 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 EDMS's general obligation to act fairly.

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. EDMS must also demonstrate that it has given proper consideration to public and stakeholder views when reaching a decision.

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.

The GDPR was introduced in 2018 and all consultation and engagement must comply with the law regarding, for example consent, processing and storage of data.