

Pre-consultation & Engagement Best Practice Guide

Introduction

The need for organisations to engage with the public is enshrined in law (Health & Social Care Act 2012 and the Care Act 2014). The guidance also reinforces the importance for organisations to work closely with Healthwatch. The more recent NHS Five Year Forward View and the Sustainability & Transformation Plans also reminds organisations that during any change process, it is vital that you bring the public along with you on the journey.

During our work on Consultations, it has become clear that the area that organisations often struggle with is the early engagement with patients and the public. This is known as pre-consultation engagement and is a legal requirement before any formal consultation process can take place. During our work to scrutinise consultations, poor pre-consultation engagement was the main area vulnerable to legal challenge via judicial review.

We have worked with providers and commissioners across Kent to discuss the barriers and challenges they face around effective engagement. We have compiled this guide to summarise the benefits of engagement but also to remind you of your responsibilities to engage with the public effectively.

What is engagement?

The NHS Constitution sets out the rights of patients, public and staff. It outlines the NHS commitments to patients and staff, and the responsibilities that the public, patients and staff owe to one another to ensure that the NHS operates fairly and effectively. There are three specific rights that relate to people being involved in their healthcare and in the NHS.

1. You have the right to be involved in planning and making decisions about your health and care with your care provider or providers, including your end of life care, and to be given information and support to enable you to do this.

2. You have the right to an open and transparent relationship with the organisation providing your care.

3. You have the right to be involved, directly or through representatives, in the planning of healthcare services commissioned by NHS bodies, the development and consideration of proposals for changes in the way those services are provided, and in decisions to be made affecting the operation of those services.

This document talks about how organisations can ensure they fulfil point 3.

What are the financial implications?

The National Endowment for Science Technology and the Arts (Nesta) calculate that better consultations, that are conversations and encourage co-design, together with schemes that encourage peer support, could deliver savings of 7% for Clinical Commissioning Groups - that's on average over £21 million per CCG or £4.4 billion across England. The same benefits will apply to Local Government too.



What is good engagement?

The following statements outline what your organisation should be doing to support good engagement and meet your responsibilities.

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| <ul style="list-style-type: none"> • The organisation has made a public commitment to working in a partnership between patients/users, carers the public and professionals • Decision making is routinely informed by patient/user, carer and public feedback: • Proposals for new services or improvement include a demonstration of how they have been developed in partnership with patients/users, carers, public and professionals • The governing body or elected membership ensures the views of patients and the public have been taken into account before any decision is finalised • The organisation is working to a strategy and action plan to support high quality public and patient/user | <p>engagement. The strategy and action plan have been developed with public/users and patients.</p> <ul style="list-style-type: none"> • The organisation understands the makeup of the community it serves: diversity of the patient/user, carer and public is recognised and valued with evidence of targeted effort to engage people in the development and improvement of services • There are staff allocated to engaging with patients and public who have the appropriate knowledge, skills and resources • Engagement is developed as an ongoing conversation and relationship with patients/users and public, not started or revisited only when a consultation might be needed • The organisation uses the existing patient and public feedback it | <p>receives effectively. The organisation understands what engagement activity is happening within its services.</p> <ul style="list-style-type: none"> • Partnerships with specific community groups and organisations are developed, supported and utilised effectively • Frontline staff are encouraged, supported and trained to engage with patients and users on specific service changes • The organisation uses a wide range of methods; not only 'events' but visits to community groups, focus groups, surveys etc. • The organisation regularly reviews its engagement action plan, adapting it with learning from successes and challenges. |
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Healthwatch Kent, providers and commissioners across Kent agreed the following guiding principles for effective engagement:

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| <ul style="list-style-type: none"> ✓ Be open and honest from the top down, involve people in identifying the issues and the solutions ✓ Help people to feel confident to communicate the truth ✓ Set out the parameters - not just financial - health and care pressures and politics too ✓ Make the financial case for patient and public engagement ✓ Ensure there is clinical leadership and involvement in your engagement ✓ Understand why you are engaging with people and what you are asking people | <ul style="list-style-type: none"> ✓ Make time and make it part of your day job. All organisations need someone trained and responsible for engagement ✓ Know and understand the range of methods to use depending on the need and audience ✓ Utilise existing networks and share intelligence with others ✓ See the 'big picture' of engagement and use existing patient experience feedback ✓ Build the evidence from the bottom up - starting from an honest place delivering the truth, recognise the value of qualitative data | <ul style="list-style-type: none"> ✓ Use the right language ✓ Join together across the County, commissioners and providers, health and social care ✓ Don't forget front line staff as an essential link for patient and public engagement ✓ Demonstrate the difference it makes ✓ It should be a continuous relationship not a one off conversation ✓ Be prepared to act upon what you hear |
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Healthwatch Kent does not provide legal advice around consultations. We do provide a free one-off Engagement Healthcheck to give a critical friend review of how your organisation is engaging with patients and public.

If you need any more information get in touch with us on **0808 801 0102**
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