

Individual Decision

The attached report(s) will be taken as
Individual Portfolio Member Decision(s) on:

Monday, 4th March, 2013

Ref:	Title	Portfolio Member(s)	Page No.
ID2588	West Berkshire Council Consultation Policy 2013	Councillor Roger Croft	1 - 28



This page is intentionally left blank

Individual Executive Member Decision

Title of Report:	West Berkshire Council Consultation Policy 2013
Report to be considered by:	Individual Executive Member Decision
Date on which Decision is to be taken:	4 th March 2013
Forward Plan Ref:	ID 2588

Purpose of Report: To present the updated Consultation Policy 2013

Recommended Action: To approve the Consultation Policy 2013 for individual decision.

Reason for decision to be taken: Recent legal challenges to local authority decisions across the country have focussed on identifying weaknesses in councils' consultative processes. This update seeks to strengthen our 2010 policy, taking account of the implications of the outcomes of these legal proceedings.

Other options considered: n/a

Key background documentation: West Berkshire Council Consultation Policy 2013
Document outlining feedback to consultation and Council's response.

Portfolio Member Details	
Name & Telephone No.:	Councillor Roger Croft - Tel (01635) 868638
E-mail Address:	rcroft@westberks.gov.uk

Contact Officer Details	
Name:	Jason Teal
Job Title:	Research, Consultation and Performance Manager
Tel. No.:	01635 519102
E-mail Address:	jteal@westberks.gov.uk

Implications

Policy: This strengthens our consultation policy, providing guidance to service managers on the key principles to adhere to in undertaking consultative activities.

Financial: There may be financial implications in relation to individual exercises in adhering to the principles laid out in this policy.

Personnel: n/a

Legal/Procurement: Recent legal challenges to local authority decisions across the country have focussed on identifying weaknesses in councils' consultative processes. In recognising the potential for this to occur in West Berkshire this update seeks to strengthen our current 2010 policy, taking account of the implications of the outcomes of these legal proceedings.

Environmental: n/a

Property: n/a

Risk Management: As per comment in legal section above.

Equalities Impact Assessment: EIA1 and 2 completed and attached.

Consultation Responses

Members:

Leader of Council: No response received

Overview & Scrutiny Management Commission Chairman: No response received

Ward Members:

Opposition Spokesperson: No response received

Local Stakeholders: As detailed in appendix

Officers Consulted: All Heads of Service, Service Managers.

Trade Union: n/a

Is this item subject to call-in?	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval	<input type="checkbox"/>	
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>	
Delays in implementation could compromise the Council's position	<input type="checkbox"/>	
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months	<input type="checkbox"/>	
Item is Urgent Key Decision	<input type="checkbox"/>	
Report is to note only	<input type="checkbox"/>	

Supporting Information

1. Introduction

- 1.1 Undertaking effective consultation and research is essential in making sure decisions are based on sound and reliable information. Where an exercise is embarked upon, the point to consider is that it must be carried out fairly.
- 1.2 This Consultation Policy sets out the key principles, or our 'commitment to consultation' to be applied in undertaking consultation exercises. In applying these, the Council will be able to ensure that:
- We make it clear the purpose of an exercise and how it feeds into the decision-making process.
 - Sufficient information is provided and accessible to participants to inform their response.
 - Everyone has the opportunity to contribute and have their views heard.
 - Appropriate methods are used.
 - Sufficient time is provided to respond, and for consideration of key findings.
 - The results are used to inform the decision-making process
 - Key findings are fed back to participants.
- 1.3 Applying these principles in designing and carrying out consultative activity will help minimise the risk of successful legal challenges to any consultations we undertake to inform the decision-making process.
- 1.4 To note, the policy does not set out 'how to' conduct exercises – this is covered in the consultation toolkit – but the more generic principles to be applied in undertaking exercises.

2. Equalities Impact Assessment Outcomes

- 2.1 The draft policy was published inviting comment 22/10/12 – 7/12/12. It was posted on the Council's Consultation Finder database, disseminated through the Council's Facebook page and Twitter account. Feedback was invited from the Disability and Equality Scrutiny (DES) Board. Additionally all community panel members who had provided an email were written to inviting their input to the draft policy (~900 emails). 20 responses were received from individual residents, with a further response received from Thatcham Town Council.
- 2.2 All feedback is provided as an appendix to this paper, along with the Council's response to each substantive point, highlighting where the policy has been subsequently amended.
- 2.3 *Amendments to the draft policy have been highlighted using track changes. These will be removed for the final version.*

Appendices

Appendix A – Equality Impact Assessment – Stage 1

Appendix B – Equality Impact Assessment – Stage 2

Appendix C – West Berkshire Council Consultation Policy 2013-01-09 (amendments track changed)

Appendix D - Document outlining feedback to consultation and Council's response.

Equality Impact Assessment – Stage One

Name of item being assessed:	Draft Consultation Policy 2012
Version and release date of item (if applicable):	
Owner of item being assessed:	Jason Teal
Name of assessor:	Jason Teal
Date of assessment:	1 st October 2012

1. What are the main aims of the item?
<p>The aim of the consultation policy is to ensure that appropriate and robust information is collated to support a process of informed and transparent planning and decision-making. The policy seeks to ensure that:</p> <ul style="list-style-type: none"> ▪ consultation is planned effectively; undertaken at the appropriate stage in the decision-making process and that; results are used effectively to inform policy development and service delivery; ▪ robust and appropriate research / consultation methods are used in collating information and feedback; ▪ appropriate information and time is provided in support of any consultative exercise; ▪ the views of interested / affected parties are elicited; ▪ consultation results are available to be shared effectively across the organisation and the wider community; ▪ the Council meets its statutory duties to consult with regard to consultation.

2. Note which groups may be affected by the item, consider how they may be affected and what sources of information have been used to determine this. (Please demonstrate consideration of all strands – age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation)

Group Affected	What might be the effect?	Information to support this.

Further comments relating to the item:
<p>The policy sets out broad principles for officers to consider in developing a consultative exercise. One of the principles is to ensure that any exercise is inclusive and proactively seeks the views of all potentially seldom heard groups. The policy does not provide the 'how to' consult – this guidance is provided in the consultation toolkit – but simply the principles to adhere to in ensuring that the process of consulting is as encompassing and robust as feasible. Ultimately this policy is a positive step for all groups with protected characteristics because it sets out our commitment to consult and in doing so encourages the elicitation of the evidence and views of all protected groups.</p>

3. Result (please tick by clicking on relevant box)	
<input type="checkbox"/>	High Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input checked="" type="checkbox"/>	Medium Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input type="checkbox"/>	Low Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input type="checkbox"/>	No Relevance - This does not need to undergo a Stage 2 Equality Impact Assessment

For items requiring a Stage 2 equality impact assessment, begin the planning of this now, referring to the equality impact assessment guidance and Stage 2 template.

4. Identify next steps as appropriate:	
Stage Two required	Yes
Owner of Stage Two assessment:	Jason Teal
Timescale for Stage Two assessment:	Policy to be consulted on over the course of the autumn 2012 where implications for different groups will be drawn out.
Stage Two not required:	

Name: Jason Teal

Date: 2nd October 2012

Equality Impact Assessment Template – Stage Two

Name of item being assessed:	West Berkshire Council Consultation Policy 2013
Version and release date of item:	v.2
Owner of the item being assessed:	Jason Teal
Name of assessor:	Jason Teal
Date of assessment:	10/01/13

1 What are the main aims of the item?

Undertaking effective consultation and research is essential in making sure decisions are based on sound and reliable information. Where an exercise is embarked upon, the point to consider is that it must be carried out fairly. Our Consultation Policy sets out the key principles, or our 'commitment to consultation' to be applied in undertaking consultation exercises. In applying these, the Council will be able to ensure that:

- We make it clear the purpose of an exercise and how it feeds into the decision-making process.
- Sufficient information is provided and accessible to participants to inform their response.
- Everyone has the opportunity to contribute and have their views heard.
- Appropriate methods are used.
- Sufficient time is provided to respond, and for consideration of key findings.
- The results are used to inform the decision-making process
- Key findings are fed back to participants

2 What research will you undertake to inform this assessment?

(for example, who, how and when will you consult? What existing information is available either internally or externally? Are there complaints, comments received that will inform this assessment? Are there any local groups you can talk to? Etc)

Use this space to set out your activity.

The draft policy was published inviting comment 22/10/12 – 7/12/12. It was posted on the Council's Consultation Finder database, disseminated through the Council's Facebook page and Twitter account. Feedback was invited from the Disability and Equality Scrutiny (DES) Board. Additionally all community panel members who had provided an email were written to inviting their input to the draft policy (~900 emails). 20 responses were received from individual residents, with a further response received from Thatcham Town Council.

3 What are the results of your research?

Note which groups may be affected by the item, consider how they may be affected and what sources of information have been used to determine this.

(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)

Group Affected	What might be the effect?	Information to support this.

Further Comments relating to the item:

The policy sets out broad principles for officers to consider in developing a consultative exercise. One of the principles is to ensure that any exercise is inclusive and proactively seeks the views of all potentially seldom heard groups. The policy does not provide the 'how to' consult – this guidance is provided in the consultation toolkit – but simply the principles to adhere to in ensuring that the process of consulting is as encompassing and robust as feasible.

No counter points were put forward from the feedback received – aside from a comment to be mindful of being too reliant on electronic communication. Ultimately, it is felt this policy is a positive step for all groups with protected characteristics because it sets out our commitment to consult and in doing so encourages the elicitation of the evidence and views of all protected groups.

4 What actions will be taken to address any negative effects?

Action	Owner	By When?	Outcome

5 What was the final outcome and why was this agreed?

(Was the item adjusted, rewritten or unchanged?)

Feedback did not suggest that any substantive changes to the principles were necessary. More minor points of clarity or emphasis have been incorporated.

6 What arrangements have you put in place to monitor the impact of this decision?

Exercises would be evaluated on an individual basis in order to ensure that the principles remained appropriate and proportionate. The policy would be reviewed on a triennial basis to ensure it remain salient and robust.

7 What date is the Equality Impact Assessment due for Review?

As part of the triennial review of the Consultation Policy.

Signed: Jason Teal

Date: 10/01/13

Please now forward this completed template to the Principal Policy Officer (Equality and Diversity) for publication on the WBC website.

This page is intentionally left blank

West Berkshire Council Consultation Policy 2013

Our commitment to consultation

Aim and objectives

Why do we consult?

What do we mean by consultation?

Key principles to consider when consulting

Clarity of purpose

Relevant information

Inclusive

Appropriate methods

Sufficient time

Using the results

Feeding back

The role of councillors

Officers' roles and responsibilities

Our commitment to consultation

West Berkshire Council is committed to making sure decisions are evidence-based, taking into account the views and experiences of residents and service users. This is expressed explicitly in our Council Strategy where we ensure all our services are designed around those who need them and ensure collecting customer feedback is meaningful and used effectively.

Within a relatively small unitary authority such as West Berkshire Council, time and resources are inevitably tight and we need to use them effectively. This Consultation Policy seeks to ensure that West Berkshire Council meets its 'duty to consult' and that all consultation undertaken by the Council is effective, appropriate and transparent.

It aims to put our resources and expertise to best effect through: promoting best practice in all our consultative activities; ensuring the coordination of consultative activities; ensuring the sharing of knowledge and experience; and ensuring evidence feeds into the decision-making process and is used by members and managers to shape policy and provision.

This Consultation Policy sets out the key principles, or our 'commitment to consultation' to be applied in undertaking consultation exercises. These are to ensure:

1. We make it clear the purpose of an exercise and how it feeds into the decision-making process.
2. Sufficient information is provided and accessible to participants to inform their response.

3. Everyone has the opportunity to contribute and have their views heard.
4. Appropriate methods are used.
5. Sufficient time is provided to respond, and for consideration of key findings.
6. The results are used to inform the decision-making process
7. Key findings are fed back to participants.

Aim and objectives

This policy aims to ensure that appropriate and robust information is collated to support a process of informed and transparent planning and decision-making.

The objectives of the policy are therefore to ensure that:

- consultation is planned effectively; undertaken in a timely manner at the appropriate stage in the decision-making process and that; results are used effectively to inform policy development and service delivery;
- robust and appropriate research / consultation methods are used in collating information and feedback;
- appropriate information and time is provided in support of any consultative exercise;
- the views of interested / affected parties are elicited;
- consultation results are available to be shared effectively across the organisation and the wider community;
- the Council meets its statutory duties to consult with regard to consultation.

The principles contained in this policy are supported by our consultation toolkit (published at westberks.gov.uk/consultation) which provides a wealth of information on how to plan, organise and run consultation exercises, the legal requirements, how to engage groups that are harder to reach, methods to use, how to feed back results and evaluate exercises.

This policy does not supersede any statutory requirements – for example in the planning arena or in relation to social care – whose processes would take precedence and should be adhered to, over the principles set out within this policy.

Why do we consult?

West Berkshire Council exists to ensure that quality services are delivered and to lead the community - representing the interests of people in West Berkshire, both now and in the future. Our mandate to do this stems directly from the democratically elected status of our councillors and in order to achieve both, West Berkshire Council is committed to listening to local people and translating those views into action.

Nationally, the Department for Communities and Local Government's recently revised Best Value Statutory Guidance (2011), restates that local authorities are under a *Duty to Consult*. This states that in "making arrangements ... in the way in which its functions are exercised ... authorities must consult with representatives of council tax payers, those who use or are

likely to use services provided by the authority and those appearing to the authority to have an interest in any area in which the authority carries out its functions”.

The General Equality Duty requires public authorities to have an adequate evidence base for their decision-making and places a duty on the local authority to have due regard to the need to eliminate discrimination and promote equality of opportunity. As such, the Council’s equality impact assessments form the basis from which evidence about the impact of changes in service provision is gathered and presented.

A genuine commitment to improving consultation and engagement is not driven solely by legislation. There is a direct correlation between how well informed and involved people feel and how satisfied they are with the Council and the services it provides. Good quality consultation demonstrates that involving people builds capacity within communities, leads to better, more appropriately delivered services and a council more closely connected to its communities.

Equally, effective consultation forms part of the evidence base up on which decisions are made. It provides an input into:

- planning, prioritising and delivering better services, to give current and potential users what they need and make the best use of limited resources;
- identifying problems early so they can be addressed before they escalate;
- demonstrating a commitment to transparent and accountable decision-making;
- setting performance standards relevant to users’ needs;
- informing Equality Impact Assessments (EIAs) as part of the decision-making process to ensure all strands of equality are taken into account.

What do we mean by consultation?

The term ‘consultation’ is often used to refer to a whole range of contacts between the Council and communities. In fact, ‘consultation’ is only one element within the wider field of community involvement. It can be useful to think of consultation on a spectrum of involvement where, at one end, information is simply provided, to the other end, where considerable influence is devolved to (for example) community groups and organisations.

UN INVOLVED	➔	➔	➔	FULLY INVOLVED
Provide information Let people know what is planned	Consult Provide information and use the feedback to inform the subsequent decision	Decide together Elicit and accept other people's ideas, then work up the solution together	Act together Decide together what is best, then come together to deliver it	Support others Help others to do what they want – i.e. through grants, advice and support.

It is useful to distinguish between two subtle differences in information typically gathered under the term ‘consultation’.

On the one hand, a clear objective of an exercise may be to consult on interested / affected parties' views on a proposal. Opinion could be elicited on two levels:

- Feedback could be elicited on the proposal as a whole. This approach would be adopted to determine (e.g.) the extent of support for a proposal.
- Alternatively, views could be sought in relation to specific elements of the proposal. This would capture more specific issues around the design or implementation of the proposal and would be geared more towards the practicalities of the proposal.

On the other, information may be more specifically seeking to elicit information regarding people's behaviour or experience. Primarily, this kind of research is used to determine how effective something is, or its implications - for example, in evaluating a function or intervention. A lot of this 85

kind of evidence may be gleaned through existing case data already held, although could be augmented through asking recipients / service users directly.

This kind of research exercise need not directly and explicitly inform a decision, but for example, be used to monitor or evaluate a policy or service. Therefore although a lot of the principles contained in this policy around clarity of purpose, appropriate methods, feeding back will be relevant, these kind of research exercises would fall outside of the remit of this policy in terms of feeding into a decision-making process.

Key principles to consider when consulting

Undertaking effective consultation and research is essential in making sure decisions are based on sound and reliable information. Poor consultation will lead to misleading results which can be just as damaging, if not more, than having none at all. Similarly, consultation for its own sake is a waste of public money, resources and consultees' time.

Where an exercise is embarked upon, the point to consider is that it must be carried out *fairly*.

We strive to ensure consistently high standards of consultation across all service areas. This includes effective planning, setting clear objectives, using appropriate methods and timescales and making maximum use of results and feeding back what has happened as a result to participants.

Consultation exercises – as with any other project - needs careful planning and resourcing. At the planning stage, it is essential to identify those areas where there is a gap in our understanding: in essence, asking the question, 'what do we know already and what do we yet need to determine in order to fully inform the decision?'. This could, for example, be the impact on individual recipients or service users, how stakeholders may respond to the changes in their day to day activities, any areas where the proposal could be strengthened or refined, how stakeholders may help in implementing the changes, or views on the principles or proposal as a whole.

A thorough investigation of the available information that has already been collected should be undertaken prior to proceeding with any consultation. This will include as a minimum a search of *Consultation Finder* and partners' websites, for any similar consultations or any planned future consultations that could also be used to gather the information needed.

From this point, the aims, objectives and purpose of the exercise can be easily articulated, the type of information required more easily identified (be it objective behavioural or

subjective opinion) and a project plan, or programme of activity drawn up, mapping out consultees and deciding on the most appropriate approach(es) to eliciting feedback.

To be clear, there are no general rules as to the kind or amount of consultation required. By the nature of each proposal or issue, the appropriate approach to eliciting feedback will vary depending upon the circumstances which call for it. Therefore it is neither feasible, nor possible to lay out prescriptively a one size fits all approach. The consultation toolkit however, provides guidance and advice on ensuring that exercises are carried out in an appropriate and robust manner.

There are however a number of key, general principles that should be applied in running exercises to ensure they are undertaken in a fair manner.

Our 'commitment to consultation'	
Clarity of purpose	<p><i>As a first step we will identify what decision or action plan the proposed consultation will feed into. If the consultation does not explicitly inform a decision to be taken, or we are unable to act on the results, then we will not consult. In essence, in informing the decision-making process we will only undertake consultative activity when the views of the decision-maker are provisional upon the outcome of that process.</i></p> <p><i>We will be clear about the purpose and scope of each consultation exercise that we undertake. Any consultation will contain a clear statement describing why it is being carried out and how the results will be used. The questions posed will make it clear what feedback is being sought and how it will be used to inform the decision.</i></p> <p><i>It will be clear to consultees what the timeframe for the decision-making process is, what may be influenced by responding to the consultation - and what cannot.</i></p>
Relevant information	<p><i>We will provide sufficient information to enable consultees to properly understand the proposal and respond to it. In launching an exercise, it should be clear what the proposals are, who may be affected, what questions are being asked and the timescale for responses.</i></p> <p><i>We will be clear about the basis on which a proposal has been considered - and will thereafter be considered. Those consulted should be aware of the criteria that will be applied when considering proposals and what factors will be considered 'decisive' or 'of substantial importance' at the end of the process.</i></p> <p><i>Relevant information which could appropriately be provided as part of the consultative process would include:</i></p> <ul style="list-style-type: none"> ▪ <i>the preferred proposed action (if relevant) and the factual information upon which it is based;</i> ▪ <i>sufficient reasons for what is proposed, and any assumptions underlying the proposals, so as to permit intelligent consideration and response;</i> ▪ <i>information on possible alternatives to any proposal considered – whether it has been discounted / less preferred (and on what grounds); sufficient information as to the basis or criteria by which the proposal will be considered so as to enable those participating in the consultation exercise to do so on an informed basis;</i> ▪ <i>any relevant quantitative or qualitative information used to monitor usage / uptake / impact to date and which would be used to monitor the impact moving forward</i>

	<p><i>How much information needs to be provided will be dependant on the issue being consulted on and the audience from whom views are being elicited. Where the group to be consulted are particularly expert, then greater detail may be required. However, even if not expert, information will need to be published in a form which consultees can understand.</i></p>
Inclusive	<p><i>Everyone who will be affected should have the opportunity to have their views heard. We will ensure we have taken all reasonable steps to ensure all directly affected and interested parties have been made aware and have been offered the opportunity to participate.</i></p> <p><i>We will consider all stakeholders in our consultations, taking account of particular 'seldom heard' groups and including for example all businesses affected, and we will seek to consult through existing networks and voluntary and community organisations wherever possible. Part of the planning of any consultation will include a 'stakeholder mapping' exercise to ensure all relevant groups have been accounted for.</i></p> <p><i>In addition, all consultations will be registered and disseminated through the <u>Consultation Finder</u> database.</i></p>
Appropriate methods	<p><i>We will consult using the most appropriate methods (both electronic and more traditional) for the aims of the exercise and the audience being consulted to ensure that all groups can participate fully.</i></p> <p><i>Any consultation will pay attention to the timing and location of events, including access requirements, and the provision of information in different formats.</i></p> <p><i>We will use plain English and ensure consultation documents are jargon free to allow participants to fully and easily understand the issues and questions.</i></p>
Sufficient time	<p><i>We will allow sufficient time for planning, carrying out, responding to, analysing and considering responses.</i></p> <p><i>Adequate time will be given in which consultees can reasonably be (a) made aware of the consultation (b) consider the proposals and (c) respond.</i></p> <p><i>The amount of time provided will vary and be dependant on a range of factors, including ensuring that people have enough time to comment and should allow for those who take a little longer to respond (e.g. due to disability).</i></p> <p><i>A minimum of 6 weeks will be allowed to elicit feedback (which should realistically be extended if running over (e.g.) summer holidays). Equally, more time will be appropriate if a consultation raises very complex issues or involves a large volume of materials to read in order to be properly informed of the issues.</i></p>
Using the results	<p><i>We consult in order to make sure we are aware of the span of views on an issue: to draw out key, substantive points. Issues considered can be difficult, sometimes contentious and the decisions to be taken not easy.</i></p> <p><i>We will make it evident how feedback and evidence elicited has been taken into account in the final decision-making process. A clear audit trail will highlight key, substantive points which have emerged from the consultation, which have been highlighted and presented to the decision-maker to consider.</i></p>

	<p><i>For varying reasons, the authority may not be able to accommodate or act on all concerns and issues raised, although the point is to ensure these are explicit in informing the decision. In feeding back therefore, we will demonstrate how we have considered all concerns and explain the rationale for the ultimate decision taken.</i></p> <p><i>As well as part of supplementary documents informing the decision (i.e. through the Executive agenda), key findings will also be published on <u>Consultation Finder</u>. This should also include information on how improvements or changes have been made as a result of the feedback.</i></p>
Feeding back	<p><i>Key findings should be published and distributed in a timely and appropriate fashion – typically within 3 months of the close of the exercise. Due consideration will be given to who should receive a copy and the most suitable medium for publication. All consultees should receive a summary of the findings and be directed to where they can access a fuller version, if desired.</i></p> <p><i>All consultees will be fed back to in an accessible format and aim to do this on both the results of the consultation and how they will be used. Occasionally, the results of a consultation will be outweighed by other evidence or considerations and in such cases a clear and honest explanation of the decisive factors should be included in the feedback.</i></p> <p><i>In any subsequent evaluation of the policy or service delivery proposal, the results of this should be made available so that the actual impact of the proposal is evident.</i></p>

The role of councillors

Elected members are often very active in many spheres of the community and have a significant role to play in consultation. As decision-makers, they use consultation to inform the judgements they make. This may involve balancing competing priorities, or balancing consultation findings with other factors (i.e. resources available). It is important that members explain the way in which consultation has been used to influence a decision or why certain views cannot be accommodated.

As local representatives, members use consultation to tap into the views of the residents they serve, in order to help them represent their views more effectively. This role also involves responding effectively to consultation and ensuring that all relevant groups have been involved. The day-to-day contact members have with people in their ward is a form of consultation in itself and is a valuable way of keeping the Council informed of local concerns at a ward level.

Elected members are also themselves consultees. Individual ward members should be consulted on proposals which will affect the area they represent. Members are often a key group whose views should be sought as part of an exercise and the same good practice principles apply here as to any other stakeholder group.

Councillors will take an overview role, monitoring the effectiveness and appropriateness of consultation activities and ensuring they are receiving the information they need. They also use research and consultation to monitor the performance of the Council or individual services over time.

Portfolio holders will have a special interest in any consultations affecting their specific remit and should be involved in the design and scoping of the consultation exercise and kept informed of its progress. Portfolio holders and ward members will also have an active role in disseminating and communicating the findings of the consultation and how this has been used to inform any subsequent decisions and policies.

Officers' roles and responsibilities

Service managers are responsible for ensuring that all Council employees understand and apply the consultation process outlined in this policy and that there is sufficient time and resource allocated to undertake the exercise effectively and meaningfully.

All consultation exercises should have a lead officer identified and responsible for planning, designing and undertaking the exercise and disseminating the findings. This will include ensuring the principles and commitments to consult in this policy are adhered to. The range of tools and resources to assist are available through westberks.gov.uk/consultation.

The Research, Consultation and Performance team in the Strategic Support Unit provides an oversight and advisory role in research and consultation exercises in accordance with the Council's Consultation Policy. In doing so, the team can:

- advise on issues to consider when planning consultation, for example: design of questions; who to consult; what methods to use;
- provide training and support to make sure consultation activities are planned, to a high standard and in line with the Council's Consultation Policy;
- signpost to consultation contacts and consultee groups (including the Community Panel);
- provide information on best / good practice;
- provide training and support for using *Consultation Finder* and access to the online survey software;
- identify opportunities for joint / partnership working on consultation activities with neighbouring councils and other organisations.

As well as providing advice and guidance to help services apply the consultation process the team is responsible for:

- updating the Consultation Policy and resources on consultation;
- managing the Consultation Finder database;
- promoting consultation best practice throughout the Council.

Research, Consultation and Performance team
Strategic Support Unit
December 2012

Feedback on 2012 draft West Berkshire Council Consultation Policy

Do you agree with the stated policy aim and objectives? Are there any additional objectives which you feel should also be incorporated? Are there objectives you do not agree with?	
<ul style="list-style-type: none"> It all seems straight forward to me and I cannot think of anything else that perhaps might need to be incorporated. However, the only worry I have - are the public's comments really taken into consideration in the final decision making process? I would hate to waste my thoughts on a subject that had previously been decided merely to satisfy a "consultation process". 	<p>Noted. One of the main thrusts of the policy is to make it plain and transparent how views elicited have been incorporated into the decision-making process. The principles 'clarity of purpose' and 'using the results' emphasise this point.</p>
<ul style="list-style-type: none"> Agree with stated policy aims and objectives. 	
<ul style="list-style-type: none"> I agree with the aims and objectives and see no reason for change. 	
<ul style="list-style-type: none"> I agree with aims & objectives 	
<ul style="list-style-type: none"> Yes 	
<ul style="list-style-type: none"> Yes, agree with aims and objectives 	
<ul style="list-style-type: none"> Yes 	
<ul style="list-style-type: none"> The policy aims have been comprehensively stated. I wonder, however, whether the duty to promote equality is being overstated versus the duty to deliver services at "Best Value". 	<p>The general equality duty is referred to on the third page and the role of consultation is emphasised in ensuring that any potential detrimental and unintended impact is taken account of. The general equality duty and the delivery of effective services are mutually supporting.</p>
<ul style="list-style-type: none"> Agreed but would add after "consultation is planned effectively": 'and in a timely manner'. 	<p>Noted. Incorporated to help strengthen this point.</p>
<ul style="list-style-type: none"> I agree with the stated aim and objectives. I can't think of any missing objectives. 	
<ul style="list-style-type: none"> Agreed 	
<ul style="list-style-type: none"> The stated policy aim and objectives are clear and I agree with them. 	
<ul style="list-style-type: none"> It is unclear to me at what level and type of decision making the 	<p>The policy makes it clear that the purpose of eliciting views is to ensure that</p>

<p>consultation procedure will be used. Also the procedure itself will take time to complete, thus slowing down the decision making process, and could also be perceived as a reason for delaying decision making. At what point does someone say “we need to consult”.</p>	<p>decisions are based upon the most comprehensive and complete information and evidence available. Any consultative activity is therefore undertaken in order to fill in any gaps in information needed to fully inform a decision. This can only be determined on an individual basis.</p> <p>Similarly, the design of any exercise is dependant on the type of information being elicited (quantitative or qualitative) and the individuals / groups whose input is being sought. As such, it is impossible to be prescriptive as to the need for - or type of - consultative activity required, other than ascribing these general principles.</p>
<ul style="list-style-type: none"> • Agree 	
<ul style="list-style-type: none"> • Feedback: When residents take part in a consultation, they should be entitled to a written response to the points they make; in particular, if a point is rejected, they should be told why it has been rejected. 	<p>Noted. To be clear however, the principle ‘feeding back’ covers the minimum requirements: a summary of the key findings published online and sent directly to respondents. As part of this, the policy also states that it should be evident how feedback and evidence elicited has been taken into account.</p> <p>Where consultations elicit a large number of responses it may not be an expedient use of available time and resource to respond on an individual basis. As part of the analysis of responses and summarising feedback – particularly those of a more complex nature - issues and responses would be brought together and categorised on a thematic basis. This would be summarised into a ‘key findings’ document and it would be on that basis, responses to key points would be made. This summary, as a minimum, would be then be sent directly to respondents.</p> <p>For exercises which elicit a relatively small number of responses however (such as this), it may be reasonable for points to be addressed individually.</p>
<ul style="list-style-type: none"> • Yes 	
<p>The policy lists 7 principles which define the Council’s ‘commitment to consultation’. Are there any other principles that the Council should also consider applying when undertaking consultation activities. Are any of these which you do not think important or relevant.</p>	
<ul style="list-style-type: none"> • I think the policy has been well prepared and written. Hopefully the 	<p>Noted.</p>

<p>“sensible” feedback really will be given due consideration.</p>	
<ul style="list-style-type: none"> No others to add. 	
<ul style="list-style-type: none"> Maybe there should be a final one about continuous improvement. So it might say something like, ‘We will look at our consultation methods at the end of every project to see if there are lessons to be learned about how we can consult more effectively in the future.’ 	<p>Noted. The intention of the consultation policy is aid ensuring a comprehensive and robust evidence base and as such is centred around the decision-making process. The evaluative stage of the process is important. However, is not considered critical to the policy’s primary focus and therefore has not been referred to explicitly within the policy. Guidance on evaluating exercises is explicitly provided in the supporting consultation toolkit.</p>
<ul style="list-style-type: none"> No 	
<ul style="list-style-type: none"> I agree with the 7 principles and do not wish to see others added 	
<ul style="list-style-type: none"> It is difficult to strike a balance between an overly heavy approach and one which simply provides the appropriate degree of focus. What you have here is a good and practical approach – which should be more than adequate for most purposes. I'd suggest the key issue is making sure those without direct involvement with the Council get to know that matters are up for consideration and input. Apart from the Council using its best endeavours to communicate directly with any party it recognises, which it appears to do well, there seems to be no real interest by the local media, particularly the press, in publishing Council matters. Ironically, by doing so they may find circulation increased! 	<p>We will continue to explore effective means of communicating: working with the local media as well as through alternative mechanisms.</p> <p>In terms of citizens more directly being made aware of what is going on across the Council, our Consultation Finder database allows residents to register an interest in a field (eg. transport, education, social care etc) as well as by locality. This then notifies users when a relevant exercise is published.</p> <p>Equally, all consultations registered on Consultation Finder are promoted through the Council’s Twitter and Facebook pages.</p> <p>The Council is currently developing a Communications Strategy which will look to develop how we can communicate more expediently and effectively.</p>
<ul style="list-style-type: none"> No changes required 	
<ul style="list-style-type: none"> The bullet points below seem to miss objective 3 if it is intended that they echo or expand on the 7 objectives. The objectives themselves look comprehensive. In 7, you refer to “findings” being fed back to the participants. It would be better to commit to showing how the results have affected the decision making process. This would give participants the motivation to contribute if they thought that the results could affect decision making. 	<p>Noted. The ‘using the results’ principle states that ‘we will make it evident how feedback and evidence elicited has been taken into account in the final decision-making process.’</p>

<ul style="list-style-type: none"> • Agreed, the feeding back section is very welcome. 	
<ul style="list-style-type: none"> • I am happy with the seven principles as stated. 	
<ul style="list-style-type: none"> • A reasoned argument in the consultation for any proposal is welcome. However it will help create a fuller and more meaningful consultation if there is a For and Against section in the consultation, much as we frequently see a Yes and No background to any major proposal in the media. 	<p>This is a helpful suggestion. Whilst is perhaps too prescriptive for the purposes of the general principles in this policy, this will be included as part of the supporting guidance in the next update of the consultation toolkit.</p>
<ul style="list-style-type: none"> • No they all seem relevant 	
<ul style="list-style-type: none"> • There is no option to appeal. If you seek someone’s opinion, and the decision goes against them because the decision maker has misunderstood the argument then surely they would expect to be allowed to re-submit. If this is not done it is bound make people disgruntled, will become disengaged with the whole concept. 	<p>For consultations on more complex issues then there would ordinarily be a number of means of feeding back: written, public meetings, roadshows, workshops etc. As part of this there would be opportunities to meet and discuss any substantive points with the consultor.</p> <p>At the end of the consultation, all responses would be collated, analysed and distilled into a summary report, capturing all key, substantive points. This would be presented as part of the evidence base to inform the ultimate decision.</p> <p>On the basis of this, if a consultee feels that their argument or point has been misinterpreted or not taken adequately into account then this can be taken up with the service area, raised with the relevant elected member, or ultimately through the Council’s complaints process.</p>
<ul style="list-style-type: none"> • The exercise should only be undertaken when meaningful choices are available – no point in being consulted about generic stuff such as “we intend to improve our performance” 	<p>Noted. Consider this as being addressed as part of the ‘clarity of purpose’ principle.</p>
<ul style="list-style-type: none"> • Follow-up: When a decision is made, following a consultation, that is expected to lead to an improvement in a service provided by the Council, there should be a follow-up exercise perhaps 12 or 24 months afterwards, to measure the actual improvement achieved. 	<p>Noted. This relates to a wider point about evaluation of service design or delivery. Quality and progress in service delivery is routinely captured within service areas and is reviewed periodically to ensure the council continues to deliver targeted, effective and efficient services.</p> <p>Evaluations of substantive changes to policy or services would be routinely built in to any periodic reviews. This is however beyond the scope of the consultation policy as a means of informing decision-making.</p>

<ul style="list-style-type: none"> • Lot of thought gone into it. Seems comprehensive. 	
<p>Within each of the principles we have set out how these should be applied in undertaking consultations. Do you have any comment on how we might also consider applying these principles.</p>	
<ul style="list-style-type: none"> • With my limited knowledge, I think how you are consulting the public seems about right. You are adhering to time frames yourselves, you are asking for responses with a generous deadline and presumably you have sufficient time to consider the feedback. 	
<ul style="list-style-type: none"> • My concern is about how you engage people in the first place. If you genuinely wish to make people feel “involved” and “well-informed” , then you need to address the ‘them and us’ attitude which is prevalent both in national and local government. I suspect this attitude stems from lack of knowledge – when we don’t understand a complex subject we often dismiss it as “boring” (or we don’t want to admit our ignorance about something we feel everyone else understands). Also, there is a feeling of powerlessness – ie.” I’m just one individual, they won’t listen to me”. The subject of local government should be included in the school syllabus – with councillors visiting schools and students perhaps engaging in roleplay to make it more relevant to them. I wish you would include a few pages on your website that would explain how the system works – I mean an interactive type where you present possible scenarios/ problems and how they can be addressed – and then point people to these pages. You could include a leaflet in the annual rates letter to cut down on cost. If you don’t engage as many people as possible then you will only have the views of the minority of residents who don’t represent the concerns of the majority. 	<p>These are all helpful points.</p> <p>The Council strives to involve service users - and residents more generally - in the services it provides. There are a range of representative, service user and community groups across the district which the Council regularly works with in the more formative stages of policy / service development. More generally, there a number of ways of being aware of what consultations the council is launching through Consultation Finder (described above), social media and the Community Panel.</p> <p>West Berkshire also has a well established network of parish planning groups whereby local communities define and develop how they would like to see services and facilities provided in their local areas.</p> <p>The suggestion for a simple guide to local government is useful and has been raised with the web team.</p>
<ul style="list-style-type: none"> • I have no comment. 	
<ul style="list-style-type: none"> • When it says “everyone is consulted” it should be made clear who these groups are at the consultation stage 	<p>Noted. The principle of ‘inclusivity’ states that ‘everyone who will be affected should have the opportunity to have their views heard’. Part of the planning of any consultation will include scoping out who and which groups</p>

	should be directly. This has been strengthened in the policy.
<ul style="list-style-type: none"> • Agree and fully appreciate the role of the Councillors. This is really key to their role. Appreciating the politics around this, it might be worth adding something to their best practice guidelines, suggesting they need a more formal mechanism which can demonstrate how they gauge support and involvement from their electorate. 	Noted – although this is beyond the scope of the Consultation Policy. Have forwarded this suggestion to the appropriate team.
<ul style="list-style-type: none"> • A commitment to more active feedback to stimulate more participation in future consultations. I am not suggesting that this should be a plebiscite. 	Noted. It is considered this is covered through the ‘feeding back’ principle.
<ul style="list-style-type: none"> • No 	
<ul style="list-style-type: none"> • No comment. I am happy with the document as it stands. 	
<ul style="list-style-type: none"> • “Clarity of purpose” There is no mention of any mechanism for the transparency of the consultation/no consultation decision process and its result. Although seemingly laudable, the statement: “In essence, in informing the decision making process we will only undertake consultative activity when the views of the decision maker are provisional upon the outcome of that process” appears to my simple eyes to leave it up to the “decision makers” to even decide on the actual consultation process. In the event of no consultation being chosen, where do the public get to see the reasons behind that decision? Especially in the event of that process perhaps culminating in a change to the council service that may or may not have been foreseen by the “decision makers”. They are only human after all. 	<p>Noted. The aim of any consultation is to develop the evidence base so that decisions are based on the most comprehensive and salient information available. Any substantive decision made in the authority is subject to a series of checks and balances as it proceeds through the executive cycle. Ultimately, all key decisions are presented and made in public, along with the supporting, documentary evidence upon which they are based. These are therefore open to public scrutiny and more formally through the Overview and Scrutiny Commission.</p> <p>Should it be felt that decisions are not being made on a robust evidence base then there is recourse through the service area, elected members or the Council’s complaints process.</p>
<ul style="list-style-type: none"> • “Feeding back” The same applies here. Accountability is only mentioned in the preamble and nothing in the principles shows an accountability for the decisions made. If, for instance, a service is changed which is in opposition or is different to that which is discussed in the consultation, then there should be some feedback to allow the results of the consultation and its effect on the decision making process to be evaluated. How else do you propose to get rid of “bad” decision makers otherwise? Again, they are only human. Consultation should be a visible working tool and not just a convenient show case 	Noted. The point of the summary of findings would be to highlight the key, substantive points made respondents and to ensure they have been explicitly considered as part of the decision-making process. The policy makes it clear it should be evident how these have been considered. To be clear however, consultations are not the same of referenda and the point of the exercise is to ensure that decision-makers are appraised of the impact of a decision on those affected, or their more subjective views.

for public involvement.	
<ul style="list-style-type: none"> No 	
<ul style="list-style-type: none"> Relevant information: This should include: how the effects of a proposal are to be measured; the available data on those measures. 	Noted. Implicitly this should be covered in any relevant supporting information, although have amended to make more explicit.
Is there anything else you would like to comment on, that you have not had the opportunity to do so above?	
<ul style="list-style-type: none"> [Thatcham Town Council] considered the West Berkshire Council Draft Consultation Policy 2012 and thought that it was a well written paper and they welcomed the six week consultation period. The Members came up with two suggestions which they felt may further enhance the consultation process: Would it be possible to attach an appendix of consultation where they are statutory? Not everyone one has access to a computer/internet, so other ways of consultation should be available to cover this. 	<p>Noted.</p> <p>We will collate and publish a list of statutory consultations for the period 2013/14.</p> <p>Although pursuing electronic means as a cost effective and increasingly conventional way of disseminating information, we are of course mindful that not everyone has access to the internet and continue to utilise more traditional forms of communication.</p>
<ul style="list-style-type: none"> Whilst general rules are intended to provide guidance on the way consultation is undertaken, the document is silent on 'weighting' of responses. There is a hint of this in the 'general principle: inclusive' - taking account of 'seldom heard groups' and specific reference to 'all businesses affected'. Reference is made to the status of elected members, presumably District Councillors. Parish and Town Councillors are also elected members, also representing their local communities. The guidance should be explicit on the status of representations from this group and allow for weighting of such, where appropriate. 	Noted. This comment is of a more technical nature and as such is better suited to the more general consultation toolkit. That said, it is difficult to be prescriptive on what weighting to ascribe to directly affected or interested groups as this would be dependant on the salience of the issue under consideration.
<ul style="list-style-type: none"> I think you have made every effort to satisfy probably instructions from Central Government. You have given the subject a lot of thought - I hope my comments help. 	Noted, with thanks
<ul style="list-style-type: none"> In my opinion the document is very long and wordy – I believe vast swathes could be cut out and condensed into a succinct and 'to the point' document. It seems to be more of a discussion document than a policy document. I also believe a contact telephone number or enquiry email address or contact point should be on the document. 	<p>The document has been consciously drafted as a succinct and easy to read document setting out the background, issues to consider and key principles. It currently stands at less than 10 pages.</p> <p>The policy will be posted on our westberks.gov.uk/consultation webpages -</p>

	with all relevant contextual and contact information and links. This web address is cited as a footnote throughout the policy.
<ul style="list-style-type: none"> • Syntax / grammatically there are some errors / inconsistencies. NB you need to either take off all the full stops in the bullet pointed areas or put them on all the sentences / bullet points – currently you have a mixture of both. 	Noted, with thanks.
<ul style="list-style-type: none"> • Under ‘aims and objectives’ should not the statutory obligations be the first point? 	We do not agree with this. We cite these objectives and principles as we believe these are the correct manner in which to effectively conduct our business, not simply because we have an statutory obligation to do so. As such, these reasons are given primacy.
<ul style="list-style-type: none"> • Should something not be mentioned about the consultation hopefully leading to ‘better use of resources and potential cost savings’? 	Noted, however this is referred to under the first bullet on page 3: Effective consultation ... provides an input to ... making the best use of limited resources.
<ul style="list-style-type: none"> • The consultation policy seems fine in principle. I imagine most consultees would like to know how the views received are taken into account in practice. Some quantified feedback would be helpful For example: how many respondents; % in favour of x, percentage in favour of y etc. If consultation is to be worthwhile, respondents need to see in practice how their views have been taken into account and that policy has been changed to reflect their views. 	Noted. If a quantitative exercise be conducted then part of the summary of responses would be to provide an numerical analysis on the basis of questions posed.
<ul style="list-style-type: none"> • No 	
<ul style="list-style-type: none"> • Taking 'dipstick' soundings from ad hock residents seems to be a valid method – if only testing! Worth noting that some groups are really nothing more than politically convenient shells. That means any response is likely to be of a very restricted nature. 	Noted. The policy states that ‘everyone who will be affected should have the opportunity to have their views heard.’
<ul style="list-style-type: none"> • Following the return and analysis of responses it would be valuable is a very brief “executive summary” could be provided to those who replied or all recipients of the survey. With possibly a simple graphical representation of those supporting, opposing or offering comments. 	<p>As per above, the summary of responses would capture and synthesise all the key, salient points. The content of the summary would depend on the nature of the exercise – be it quantitative or qualitative.</p> <p>As a minimum, the policy states that all respondents should be sent a copy of the summary with information on where they can get further information should they wish.</p>

<ul style="list-style-type: none"> No 	
<ul style="list-style-type: none"> I'm afraid your email left me in a frame of mind you probably didn't expect. Is it actually the case that in the midst of the rampant turmoil in local and central Government, what has reached the top of some 'TO-DO' list is to launch a consultation about your consultation policy? Did you consult anyone about this? Maybe you should hire some consultants who could tell you if they knew of anyone who could borrow your watch off you in order to tell you what the time is. I'm afraid I couldn't find any footage of Nero consulting on the subject of flame-retardent stringed instruments, so I leave you with this: http://www.youtube.com/watch?v=CSid-p0Xlk0&t=6m25s [Hitchhiker's Guide to the Galaxy - B-Ark Management Consultants] Hoping that you may be able to reach out to some of your staff or service users and find possibly more directly active outlets for your department's time and undoubted talents. I remain, Sir, humbly, one of the people who pays your wages, 	<p>It is considered necessary to update our consultation policy to ensure we have a robust framework for officers to ensure exercises are targeted, designed appropriately and to ensure that decisions are based on appropriate and robust evidence and information available.</p> <p>It is considered appropriate to elicit the views of residents across the district to ensure that the principles are salient and meet the needs and expectations of communities across West Berkshire.</p> <p>Historically, we believe our processes and past policies to be relatively robust and as such this is seen as a relatively straight-forward updating exercise.</p>
<ul style="list-style-type: none"> No 	
<ul style="list-style-type: none"> I'm not sure where it fits within the structure of this document, but I can't find any reference to the fact that any consultation framework needs to allow for it to be part of an iterative process. i.e. that the findings of one consultation may cause some fundamental change to the thing being consulted on, and therefore mean it needs to be changed, and the proposal issued again in modified form for a new consultation. The process cannot (always) be simply "Create proposal", "Consult on it", "Make decision" There needs to be a feedback loop to allow "Modify proposal" and "Further Consultation" before "Make Decision". 	<p>This is a good point. Fundamentally, the process being described is the more formative, developmental aspect of policy / service development prior to any formal consultation taking place where the involvement of stakeholder groups would ordinarily be sought. There is, of course, scope to amend a scheme / policy / service as a result of the evidence that comes to light as a result of the consultation.</p>
<ul style="list-style-type: none"> It goes without saying that West Berkshire must ensure that this consultation process is not seen as a sham whereby comments are gathered , then ignored so that the proposal goes ahead having been "consulted". 	<p>Noted</p>
<ul style="list-style-type: none"> I think there should be some mention of the speed of consultations. 	<p>The minimum 'window' proposed is 6 weeks. This is to allow adequate</p>

<p>There is a perception among many people that Councils are slow to make decisions, long consultation procedures will just make this worse.</p>	<p>opportunity and space in which consultees can reasonably be (a) made aware of the consultation (b) consider the proposals and (c) respond. This has been our policy for a number of years and we have had no feedback that this does not provide sufficient time.</p> <p>It is felt that reducing this as a general principle however would lead to instances whereby consultees may feel too hurried and squeezed to submit a considered response.</p>
<ul style="list-style-type: none"> Some of the consultations have been very good – these are the ones where there are choices and preferences. The generic, apple pie and motherhood consultations are worse than useless – we EXPECT people to work harder and try to do better – this should not be a matter for consultation 	<p>Noted. The ‘clarity of purpose’ principle states that it is made clear what information is sought and how this will be used to inform the decision-making process.</p>
<ul style="list-style-type: none"> Above and beyond everything else is the importance of managing this process. Very wise to consult, that is unarguable. But then comes the critical issue of managing that data and all that input. The council management is paid to use their judgement to manage. A lot of the input you will get will be from well meaning but impractical people ,some will come from lunatic fringe, most will come from common sense sources with some value. But committees design camels not racehorses! The great thing about advice is that it can always be ignored! 	<p>Noted.</p>