

West Berkshire Council Consultation Policy 2013

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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