

Scrutiny Committee

7 June 2016

The Council's approach to consultation

Summary

1. This report considers how the County Council approaches consultation with the public. It explores issues of when and how formal consultation is conducted and seeks to identify learning through the presentation of two case studies focussing on the approaches taken to consultation on children's centres and, more recently, the Fire Service Integrated Risk Management Plan.

Objective of Scrutiny

2. The objective of this scrutiny item is to provide the Committee with an opportunity to consider the County Council's approach to consultation and to identify good practice which will help to inform future consultation exercises.

Scrutiny Focus

3. The scope of this scrutiny has been developed to provide the Committee with information to come to a view on the following key questions:
 - a. What are the key provisions from legislation and case law relating to public consultation?
 - b. In what circumstances would the council undertake a formal consultation exercise as opposed to other forms of informing, engagement, involvement or co-production?
 - c. What guidance is available for staff about:-
 - i. undertaking a formal consultation exercise?
 - ii. undertaking other forms of engagement?
 - d. What are the costs and benefits of conducting internally run consultation as opposed to bringing in someone to undertake this work?
 - e. How do we ensure consultations are of good quality, appropriately focused and representative?
 - f. How does the Council ensure its commitment to engaging with vulnerable and hard-to-reach groups is being delivered in practice?
 - g. How does the Council demonstrate that people's views have been heard?

- h. What do case study examples of recent consultations tell us about what works well and what could be improved:-
 - i. Fire service consultation
 - ii. Children’s Centres consultation
- i. How does the Council gather information to understand what local people value in terms of public services and are there opportunities to improve this?
- j. What are the proposals for public consultation on devolution?

How does this relate to County Council priorities?

4. Our ambition: ‘By 2028 we want Suffolk to be recognised for its outstanding environment and quality of life for all; a place where everyone can realise their potential, benefit from and contribute to Suffolk’s economic prosperity, and be actively involved in their community.’ Source: Suffolk’s Community Strategy 2008-2028 ‘Transforming Suffolk’.

Suffolk County Council’s Corporate Priorities	Link to this Scrutiny
Raising educational attainment and skill levels	✓
Supporting the Local Enterprise Partnerships (LEPs) to increase economic growth	✓
Maintaining roads and developing Suffolk’s infrastructure	✓
Supporting those most vulnerable in our communities	✓
Empowering local communities	✓

- 5. All scrutiny items should consider how well they are delivering against the County Council priorities and Suffolk’s Community Strategy.
- 6. Having considered the information, the Committee may wish to:
 - a. make recommendations to the Cabinet Member for Communities
 - b. make recommendations to the Corporate Management Team
 - c. make recommendations to the Head of Strategic Communications and Customer Service;
 - d. identify areas of good practice;
 - e. make recommendations in respect of consultation arrangements on devolution proposals;
 - f. identify topics which may warrant further scrutiny;
 - g. request further information.

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Background

7. On 9 March 2016 the Committee considered a report at Agenda Item 5, summarising scrutiny development activities which had taken place over recent months, and setting the background for a workshop session. The workshop provided the Committee with information on a range of key strategic issues and activities identified as themes during meetings of the Chairman and Vice-Chairman of the Committee with members of the Corporate Management Team in late 2015. Presentations from officers were followed by table discussions to provide the Committee with an opportunity to consider how it would focus its resources to add greatest value to the work of the County Council and its partners through development of its forward work programme.
8. The Committee received a presentation on the Council's approach to consultation from the Head of Strategic Communications and Customer Service, and Business Development Specialist.
9. The Committee heard that consultations were usually led by Directorates for service specific issues, or could be managed corporately for matters which were organisation wide, such as the budget consultation process, residents' survey, and travel to work survey or where more than one Directorate was involved. There were also occasions when the County Council needed to work with other public sector partners to consult on issues. Around 15% of consultation work was commissioned and around 85% was managed internally. Examples of recent Directorate led consultations included the Children's Centre Survey, the Fire Service Integrated Risk Management Plan Consultation, Adult and Community Services consultation on home care, and other lower level surveys, such as quality of services provided by school nurses.
10. The Committee was informed that formal consultation would usually be undertaken where there was a proposal for change which would impact upon service users, and where there was genuine opportunity to inform the decision making process. In some instances there was a statutory requirement to consult, for example planning consultations, and the schools organisational review. Where there was a statutory requirement to consult, the consultation was usually managed by the lead officer/s within the relevant Directorate with input from the Corporate Communications Team.
11. Following the presentation and questions to officers, the Committee divided into groups to discuss the issues raised in more detail and to consider whether there was an opportunity for scrutiny to add value to this work. Members were concerned to ensure that the resources available to undertake consultation should be used optimally and with a view to informing good decision making. Several members raised concern the public perception is that local authorities are not good at listening and consultations are not always genuine. Members considered consultees could become frustrated when it was not clear how their contributions had been taken into account as part of the decision making process. Members felt it was important for consultees to be clear why they were being asked for their views, and how their contribution would be used. It was considered there was a need to define formal consultation for the purpose of informing decision making, and how this was different from other forms of public engagement or involvement. Members also discussed the development of questions for use in consultations and surveys, and what guidance was available to officers to assist them in this task to ensure the consultation was of good quality. Discussions also covered the approach taken to engaging with "hard to reach" groups.

Main body of evidence

12. The Consultation Institute defines consultation as *“the dynamic process of dialogue between individuals or groups, based upon a genuine exchange of views, with the objective or influencing decisions, policies or programmes of action”*.
13. Research suggests there is no one right way of undertaking good consultation; the approach taken needs to be context-specific. However, the basic principles essentially remain the same as established in a landmark case (R v London Borough of Brent ex parte Gunning (1985)). The “Gunning (also known as Sedley) Principles” were confirmed as applicable to all public consultations by the Court of Appeal in 2001 and can be seen carried through into current legislation and guidance such as the Planning Act 2008 and the Localism Act 2011.
14. The Gunning principles are:
 - Consultation must take place when the proposal is still at a formative stage;
 - Sufficient reasons must be put forward for the proposal to allow for intelligent consideration and response;
 - Adequate time must be given for consideration and response;
 - The product of consultation must be conscientiously taken into account.
15. In January 2016, the Cabinet Office published new guidance “The Cabinet Office Consultation Principles 2016”. There has been some uncertainty as to the scope of these principles and whether they apply to all public bodies or just Whitehall departments. However, they provide a concise guide of issues to consider when undertaking consultation and also reflect the Gunning Principles and other more recent case law relating to public consultation. A copy of the Cabinet Office Principles are attached to this report as **Evidence Set 1**.
16. In “The Consultation Charter (2009), published by the Consultation Institute, for consultation to yield true benefits and assist in the process of evidence based decision making, the Institute suggest seven best practice principles, which can be summarised as follows:
 - Integrity – an honest intention, where the consultor is willing to listen and be influenced when making subsequent decisions;
 - Visibility – all those who have a justifiable right to take part should be made reasonably aware of the exercise;
 - Accessibility – methods of consultation chosen should be appropriate for the audience;
 - Transparency – responses and results should be published (with consent of participants and taking into account Data Protection legislation).
 - Disclosure - it is important to provide for reasonable disclosure of relevant information on both sides, eg areas where decisions have effectively already been taken or where a representative body responds on behalf of its members, the presence of any significant minority opinions.
 - Fair Interpretation – objective collation and assessment of responses. Where weighting is used it should be disclosed to participants and decision-makers relying on the consultation output.

- Publication – participants have a proper expectation that they will see the output and outcome of the process within a reasonable time after the conclusion of the exercise.
17. **Evidence Set 2** has been provided by officers of the County Council’s Corporate Communications Team and Business Development Team, and is appended to this report. The report is provided to address the key areas for investigation set out in paragraph 3.
 18. Officers from the Suffolk Fire and Rescue Service and Children and Young People’s Services have been invited to present details of recent consultation processes in relation to the Fire Service Integrated Risk Management Plan, and Children’s Centres. A copy of the presentations are attached as **Evidence Set 3** and **Evidence Set 4**.
 19. The Committee is also invited to consider and comment on the consultation pages on the County Council’s website at: <https://www.suffolk.gov.uk/council-and-democracy/consultations-petitions-and-elections/consultations/>

Glossary

EIA – Equality Impact Assessment

Supporting Information

Information about consultations can be found on the County Council’s public website, under “Council and democracy” – “Consultations, petitions and elections”; (see: <https://www.suffolk.gov.uk/council-and-democracy/consultations-petitions-and-elections/>).

“Involve” website; available at: <http://www.involve.org.uk/>

Involve (1 October 2012); How to Consult – Great Guides; Available from: <http://www.involve.org.uk/blog/2012/10/01/how-to-consult-great-guides/>

The Consultation Institute website: available at: <http://www.consultationinstitute.org/>

