

## Scrutiny Committee

**7 June 2016**

### The Council's approach to consultation

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#### Introduction

1. This report, along with the two accompanying case study presentations answers the questions raised by the key Scrutiny Focus document. For ease of reading each question is answered in turn.

#### Scrutiny Focus – Questions Raised

##### What are the key provisions from legislation and case law relating to public consultation Officer Recommendations?

2. While there have always been statutes imposed on specific consultation requirements, for example on proposed school closures, it was not until 2009 that there was any clear guidance. This was provided through the implementation from 1 April 2009 of s.138 of the Local Government and Public Involvement in Health Act 2007 which placed a new general duty on all local authorities to take such steps to involve the public in decision making regarding its services.
3. As a result, even if the eventual decision is that consultation is not required for a specific change, it is still necessary for every local authority, before starting the decision-making process, to consider whether public consultation is appropriate.
4. Prior to this, guidance and general principles had been laid out by Lord Woolf MR in R v North and East Devon HA ex p Coughlan [1999] EWCA Civ 1871 aimed at all Local Authorities' consultations. He set out three essential features:

- “To be proper, consultation must be undertaken at a time when proposals are still at a formative stage”
  - “It must include sufficient reasons for particular proposals to allow those consulted to give intelligent consideration and an intelligent response”
  - “The product must be conscientiously taken into account when the ultimate decision is taken.”
5. Due to the diverse nature of local government there are numerous other legal requirements, dependent on the service in question. We would expect the service leading the consultation to research this and we would then apply this with consideration to the areas discussed above.

**In what circumstances would the council undertake a formal consultation exercise as opposed to other forms of informing, engagement, involvement or co-production?**

6. To decide if a formal consultation is required, we would consider the areas detailed above and in addition ask the questions:
- a) “Will the proposed changes impact on the users of that service?”
  - b) “Can the public influence any changes required to that service?” – i.e. is there actually a choice on offer.
7. If the answer to both of these questions is yes, we would then recommend that a formal consultation is undertaken. There are also circumstances where, although there is no choice but to change a service, a consultation may be carried out so that the authority can understand how service users will be affected.
8. In addition to this there are occasions when formal consultation is deemed mandatory by a separate body, such as the School Organisation Review, where Suffolk moved from a three to two tier education system.

**What guidance is available for staff about undertaking a formal consultation and other types of engagement?**

9. At present there is currently no formal guidance on undertaking consultation or other types of engagement within the County Council. We would always expect Directorates to seek advice and guidance from the Communications Team when undertaking more formal consultations, who in turn would recommend seeking advice on content from the relevant Business Development Specialist.
10. There is guidance on using Survey Monkey. The ‘Survey Monkey five step guide’ is designed to help when writing a survey and was created as part of a review of Survey Monkey usage at the end of 2015. This can be found on the Council’s internal website at: <https://suffolknet.sharepoint.com/sites/myscc/myjob/communications/Pages/TemplatesAndGuidelines.aspx> or a copy can be made available by the report author upon request.

## **What are the costs and benefits of conducting internally run consultation as opposed to bringing in someone to undertake this work?**

11. **Costs** – These will vary depending on the nature of the consultation undertaken, however it is always likely that these will prove lower than employing an external contractor to undertake the work. As an example, the costs for the Children's Centre Consultation were estimated to be £8,135.85, broken down as follows:-
  - Officer Time – (estimated £4-5k)
  - Printing costs of promotional material including hard copies of surveys (£777)
  - Design of easy read version of survey (£605)
  - Translation costs - Polish; Portuguese; Lithuanian; Bengali, Kurdish; Russian; Tagalog/Filipino; Turkish; Latvian. (£1,753.85)
12. We tend to bring in outside organisations to undertake certain parts of our consultation rather than to facilitate the entire process. This usually involves undertaking phone/postal/online surveys or some qualitative work such as focus groups.

### **Internal Resource v External Supplier Benefits and Negatives**

13. **Cost** – Always likely to be cheaper to use an internal resource although calculating this can be difficult as much of the expenditure is on staff time. As a rough estimate, outsourcing could cost 50% to 100% more than undertaking the work ourselves
14. **Internal knowledge of organisation and who to bring on board to help** – Even by bringing in an external supplier you are likely to end up doing some of this yourself. Therefore using an external resource will often still require quite sizeable support from staff. Therefore the cost of any externally commissioned consultation is in reality always greater than just the cost quoted by the provider.

**Internal knowledge of Suffolk geography, knowledge of previous consultations** – Staff have greater experience of what works well in Suffolk and what doesn't. Having knowledge of where response rates tend to be low and what we have done in the past to overcome this.

**Response time** – Quite often there is a need to react to a situation that arises whilst the consultation is live. This can be easier to meet internally as there are less links in the chain.

**Capacity** – There is sometimes a lack of capacity internally to undertake some elements of a consultation. There are areas that, to date, we would always look to use an external contractor, such as telephone surveys or surveys required at short notice - a key advantage of using an external provider.

**Expertise** – External suppliers provide very broad experience of consultations from their previous work.

**Prestige** – Depending on the consultation this can be a key factor in maximising responses to high level strategic work. This can increase overall

response levels and, particularly in the business sector, bring responses from organisations that an internally lead piece of work may not.

**Lead time** – When a procurement process needs to be undertaken this can both slow the process down and take up considerable officer time.

**Technical knowledge** – Whilst internally this has improved over the last few years we are still in a position where an external supplier would bring far greater technical knowledge and experience.

### **How do we ensure consultations are of good quality, appropriately focused and representative?**

15. These three factors are in many ways interlinked.
  - The way the questions are framed, ensuring they are easily understood and that there is no ambiguity.
  - Consideration is always given to who the key audience is for any consultation. This could mean providing a predominately paper based approach to survey responses if it is felt this would suit the targeted audience.
  - The level of response compared with the expected level of response
  - The diversity of the respondents, surveying as widely as possible across all demographic groups.
  - The insight the results provide and the ability to use the results in helping to drive good decision making.
16. An 'Equality Impact Assessment' (EIA) will look at many of these areas and provide a steer as to whether adequate efforts have been made or if more needs to be done. It is good practice for projects which will greatly impact the public and therefore require a public consultation to go through the EIA process.

### **How does the Council ensure its commitment to engaging with vulnerable and hard-to-reach groups is being delivered in practice?**

17. When undertaking corporate consultations we always look to provide the documents and information in a variety of formats aimed at specific audiences as well as the majority of people.
18. We are able to measure the success of this work through the demographic information we receive from completed surveys and other feedback.
19. We keep in regular contact with the authority's Equality and Diversity officer to ensure we are adhering to current legislation and good practice.

### **How does the Council demonstrate that people's views have been heard?**

20. The consultation process will form one part of the information the authority uses to inform decision making. Evidence that respondents' views have been heard is demonstrated by showing that the consultation has informed the eventual decision.
21. An important message here is that the public's view, provided by the consultation, is one factor in the decision making process. Demonstrating that

this has occurred is considered an essential part of consultation good practice and we would discuss with those managing the process how best they do this.

**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**

22. This question will be addressed through presentations and discussion at the meeting. Copies of the presentations are included with this report.

**How does the Council gather information to understand what local people value in terms of public services and are there opportunities to improve this?**

23. There are numerous consultations that take place during the year to aid this process. These include Residents' Survey, Budget Consultation and Travel to Work Survey. '

**Residents' Survey** – This gathers residents' views on services provided by the County Council by asking which services they consider important, what most needs improving and what individuals think of their area as a place to live. This is a new piece of work for 2016 and the intention is that this would be repeated on a regular basis, using the same questions, to monitor how these views change over time. Results are on a scale that enable district level analysis and analysis by demographic and Mosaic groups.

**Travel to Work Survey** – This is sent to employees of several organisations in Suffolk. It is focused on how people get to work and the modes of transport used. This is one of the largest annual surveys we undertake and regularly returns over 4,000 responses.

**Budget Consultation** – The annual consultation process on future budget spend by the authority. It is timed to coincide with the drafting of each year's budget and asks for views on 'where' (and 'where not') it is appropriate to make cuts to service budgets.

**What are the proposals for public consultation on devolution?**

24. We are currently working closely with partners in Norfolk and Cambridgeshire to plan a piece of work over the next few months.
25. At the time of writing we are still waiting the outcome of strategic meetings between these partners. A verbal update can be provided to the Committee at its meeting on 7 June if further information is available.

