

CONSULTATION PROCESSES
(Report of the Overview and Scrutiny Panel (Social Well-Being))

1. INTRODUCTION

- 1.1 At its meeting held on 7th December 2010, the Overview and Scrutiny Panel (Social Well-Being) decided to establish a Working Group to review the Council's consultation and engagement policies, procedures and practices with a view to making recommendations on possible improvements to the current process. In addition, the Working Group was asked to determine whether the approach to consultation is consistent across the Authority. The suggestion for the study emerged following recent consultations, which had resulted in concerns being raised over the approach the Council had taken.
- 1.2 Councillors B S Chapman, Mrs P A Jordan, P G Mitchell, P D Reeve and R J West and Mr R Coxhead were appointed to the Working Group and asked to make recommendations on possible improvements to the existing consultation process. Councillor R J West was appointed as the Working Group's *rapporteur*. The Working Group has met on six occasions.
- 1.3 Prior to establishing the Working Group, initial discussions were held at the September 2010 Panel meeting with the Policy and Strategic Services Manager and the former Executive Councillor for Resources and Policy. Since then, the Policy and Strategic Services Manager has been in attendance at Working Group meetings and Members are grateful for the assistance and support they have provided in the course of the investigations to date. In addition, Mr P Boothman, Independent Member of the Council's Standards Committee and member of the public has addressed the Working Group and drawn attention to matters which he felt should be considered by Members. These views have largely been incorporated within the Working Group's investigations and similarly, Members are grateful for the contributions that have been made in this respect.
- 1.4 The purpose of this report is to present the findings of the study.

2. BACKGROUND

- 2.1 As alluded to earlier, the study emerged following concerns raised by members of the public at the perceived weaknesses in the procedures employed by the Council during recent consultations. In addition, Members have received a number of adverse reactions from the public to decisions, which have been taken following public consultation exercises. Moreover, there is some evidence of public perception that the Council does not listen to or consider the views of local residents. The latter is suggested by a survey undertaken through District Wide in January 2010. Whilst Members doubt that this finding is representative of views generally in the District, they are of the view that it supports the justification for the study.

- 2.2 During the planning stages of the study, clear and demonstrable links to the Council's former Corporate Plan, "Growing Success" were identified. The Council Aim "To Improve Our Systems and Practices" contains the specific objectives "to enable Councillors to carry out their leadership role effectively" and "to be good at communicating with and listening to people and organisations". Since then, the Council has approved a new Council Plan at its meeting on 20th April 2011. The Panel has acknowledged that communication with local residents is of increasing importance, particularly in the context of recent developments concerning Localism and the Big Society. The Panel is, therefore, encouraged to note the adoption of "Working in Partnership to Support Strong Communities" as one of six Council priorities contained within the new Council Plan.

3. REMIT OF THE WORKING GROUP

- 3.1 The remit of the Working Group was to review and update the Council's policies and procedures relating to consultation and engagement, including a review of their implementation. The conclusions reached by the Working Group were endorsed by the Panel at its meeting on 7th June 2011.

4. CONSULTATION EXAMPLES – CASE STUDY REVIEWS

- 4.1 The Working Group has undertaken investigations into previous consultations undertaken by the Council, namely the following:-

- Budget Consultation (July 2010);
- Huntingdon West Area Action Plan (May 2009);
- Finding Sites for Gypsies and Travellers. Issues Consultations: Principles and Processes (January 2009), and
- Huntingdonshire Sustainable Community Strategy: Consultation with Young People in Huntingdon (July 2007)

Budget Consultation

- 4.2 The Working Group has discussed, at length, the validity of the methods employed by the Council to undertake the July 2010 budget consultation exercise. The Council commissioned Research for Today (RFT), formerly known as Market Research UK (MRUK), to undertake this work.

Note: MRUK has previously assisted the Council with various consultations over the years. By way of background, the Working Group has been informed that RFT had agreed a County-wide schedule of prices for undertaking consultations, which has realised savings compared with the cost of entering into contracts with external companies for individual pieces of work. Given that the current agreement is due to expire shortly, Members have been informed that Policy Officers in Cambridgeshire have been engaged in discussions on whether they might collaborate to provide the same service internally at a further reduced cost to Cambridgeshire Councils.

- 4.3 Whilst they are encouraged to note that varying forms of consultation have been used during the Budget Consultation, Members of the Working Group have expressed concern at the sample size used for the “in-home” survey and the implications of this for the statistical reliability of the reported findings. Members have been advised that the methodology used to undertake the “in-home” surveys had a high level of reliability. The Working Group has received a submission to this effect from RFT.

Note: RFT have expressed the opinion that a sample of 250 is comparable to other examples where small samples have been used by other authorities. They have also said that the random representative sampling method employed for the “in-home” surveys are proportional to District Ward populations and that the socio-economic breakdown of the sample group compares well to Census data collected in 2001.

- 4.4 However, Members of the Working Group have expressed the view that the sample size of 250 is not sufficient to represent the views of the population, particularly given the significance of the consultation in assisting the Council in setting its Budget for 2011/12 and future years. Furthermore, the Working Group has questioned the random representative sampling method that has been used by RFT when conducting the “in-home” surveys and commented that a stratified sampling method should have been employed as this will more accurately reflect the socio-economic profile of the District.
- 4.5 Members have also questioned whether appropriate representations from vulnerable and disabled residents have been received during the consultation exercise. Online/questionnaire surveys have been used to augment the qualitative research, though they have not altered the findings. **The decisions subsequently reached by the Council reflect the responses provided by the public during the consultation. The Working Group believe that, Officers should use appropriate sampling techniques in future consultations undertaken by the Council, to ensure that the views elicited accurately reflect those of the wider population. It is, however, recognised that cost will also need to be taken into account.**

Huntingdon West Area Action Plan

- 4.6 The Working Group has found that this consultation represents a good example of a consultation undertaken by the Council. **Particular attention has been drawn to a Consultation Summary document that has been produced, which analyses the consultation responses received. The summary document includes a description of the processes undertaken, the materials used and Officer responses to the comments made.**

Gypsies and Travellers

- 4.7 Having considered the consultation, the Working Group’s attention has been drawn to feedback from members of the public on the organisation of public events. During their investigations consideration has been given to responses from the Council to individual complaints which have been received. In so doing, the Working Group has commented on the need to ensure that

reasoned communications are maintained with residents at all times. It is for these reasons, therefore, the Working Group has proposed a recommendation (paragraph 5.14) relating to the need to ensure that reasoned dialogue is held at all times throughout the consultation process.

5. FINDINGS TO DATE

- 5.1 During their investigations, the Working Group has identified a number of findings, which are designed to improve the Council's current consultation processes. Members of the Working Group have been informed by the Policy and Strategic Services Manager that the Council's Consultation and Engagement Strategy and associated Guidance will be reviewed at some point during 2011 to take into account recent developments concerning Localism and its impact upon Huntingdonshire. With a view to preventing the Strategy and Guidance from being reviewed on two separate occasions, the Working Group has decided that the Cabinet's views should be sought on the proposed recommendations thus far. A wider review of the Strategy and Guidance will then be undertaken.

Recommendation: Owing to their interests in the study, it is suggested that the Working Group should be party to the wider review of the Consultation and Engagement Strategy and associated Guidance as and when it commences.

- 5.2 The paragraphs below provide an outline of the Working Group's findings.

(a) Role of the Council's Policy and Research Team

- 5.3 At the September 2010 Panel meeting, Members were apprised of the role of the Policy and Research Team in offering advice and guidance to internal service departments on consultation and research methodologies. In 2008, the Council adopted the Consultation and Engagement Strategy and accompanying Guidance on consultation methods and accessibility requirements. These documents are primarily used as tools to assist departments on the choices they make when undertaking consultation exercises.
- 5.4 The existence of a Consultation Calendar and Database act as further internal aids, enabling Officers to view past and present consultations. Both can be accessed via the Council's Intranet and are monitored by the Policy and Research Team. The Policy and Strategic Services Manager has informed Members that it is the responsibility of all service departments to populate the Calendar and Database. Members have also been informed of inconsistencies across the Council's service departments in utilising the system, and that as a result, there are some gaps in the information that is currently available.

Recommendation: Officers should be encouraged wherever possible to utilise the Consultation Calendar and Database during any consultations that they undertake and to populate these resources accordingly.

Recommendation: A Consultation Plan should be developed which includes an outline of all consultations that were forthcoming over the course of the year. The Plan should include details such as whether or not there is a legal obligation to undertake the consultation and an indication of key dates during the consultation process.

(b) Pre-Consultation Considerations

5.5 It has been suggested that it would be useful to introduce a requirement that the benefit/value and options (if they are suggested) of undertaking consultation exercises are formally assessed prior to their commencement. It has been acknowledged that some consultations are undertaken because there is a legal requirement to do so, however, there is some discretion over whether and how others take place.

Recommendation: Before a consultation is undertaken, a rigorous assessment of the methodology to be employed, including the questions and options proposed for a consultation, should be undertaken by the relevant Executive Councillor(s) and Head(s) of Service together with local Ward Members and the relevant Overview and Scrutiny Panel. Authorisation to proceed should be obtained at a senior level within the Council before commencement.

5.6 This is intended to ensure that engagement is proactive and will prevent consultation from taking place that replicates information that the Council already has.

5.7 The Working Group has expressed the view that there is a need for more involvement and proactive engagement by Members before consultations, particularly where the public are asked to suggest options. As part of the assessment, an opportunity to consider the terms of any proposed consultations should be provided to all Members.

Recommendation: The relevant Members and/or Overview and Scrutiny Panel should be invited to participate in a qualitative debate with the relevant Executive Councillor(s) and Head(s) of Service during the initial planning stage of the consultation.

5.8 This will ensure rigour in the planning process and assist with the justification for the consultation.

- 5.9 Following their discussions with Mr P Boothman, the Working Group's attention has been drawn to the need to ensure that the title of the Council's consultations appropriately reflect the nature of the consultation in question, with clear reference being made to the Ward(s) that will/would be affected. The Working Group has concurred with this view and indicated that matters such as this would be addressed as part of the initial planning stage of the consultation.

(c) Publicity and Promotion

- 5.10 The Working Group has concluded that during the Budget Consultation there was evidence of publicity, however, there was no publicity activity after the consultation had closed. The Working Group has decided that publicity should be a key theme that runs throughout the consultation process, and should be considered more extensively prior to the consultation launch as well as after the consultation has closed. This should be in addition to any publicity that is undertaken during the period for which the consultation is open for public comment, to include more transparency in respect of consultation timescales.

Recommendation: The Council should publicise more effectively the expectations of consultations prior to their commencement together with the reasons why a chosen course of action has been taken.

Recommendation: Following a consultation exercise, where there are options, the selection of options chosen and the Council's reasons for doing so should be published. This will largely depend upon the subject matter in question.

Recommendation: Publicity methods should include the Neighbourhood Forums established in Huntingdonshire. Member involvement during this part of the process is particularly important as they will be able to assist with identifying target audiences for the consultation.

- 5.11 These recommendations are further supported by the Council's Customer Service Strategy "Customer Insight", which was adopted in 2008 and has an aim "to be good at communicating with and listening to people and organisations". Members also wish to place on record the loss of the circulation of hardcopies of Districtwide as it was felt that the magazine acted as a useful vehicle for publicising forthcoming Council consultations.

(d) Consultation

- 5.12 The Working Group considers communication to be a vital part of the consultation process.

Recommendation: Consultations should incorporate all relevant sectors of the community, including those in isolated rural areas as well as the vulnerable and disabled on a methodologically sound basis. Where consultation is not practical, Ward Members should be asked to supply a balanced input.

5.13 Whilst reference to rural isolation is made within the Council's current Guidance, the Guidance does not specify how these sectors of the community can be included within consultations. It is therefore suggested that these points be borne in mind as part of the wider review of the Strategy and Guidance.

5.14 The language used in the course of consultations has been discussed by the Working Group. It is felt that the language currently employed during consultations is too technical for the public to understand and that material should therefore be written/presented using plain English.

Recommendation: Where appropriate, reasoned dialogue should be held at all times with residents, whether verbally or through written correspondence, to help instil trust and confidence in the consultation process.

(e) Post-Consultation Considerations

5.15 It has already been said that the outcome of consultations, once they have been closed, should be subject to analysis and reported to the relevant Overview and Scrutiny Panel, before a decision is taken. Once a decision has been taken, the reasons for and against any proposals should be effectively publicised. This will add value to the current process and demonstrate that the views elicited have been taken into account.

Recommendation: An evaluation of each consultation exercise should be undertaken as part of the Council's consultation process. The evaluation should include a detailed description of the processes undertaken, an outline of the materials used and Officer Responses to the comments made.

5.16 Members have commented that the evaluation document will provide a sound evidence base and assist with the justification for the final consultation outcome.

(f) Other Matters

5.17 Other matters that have been raised during the course of the Working Group's investigations include the structure of the questions posed within consultation documents and the level of responses to postal surveys. Both of these are already referred to within the current Guidance but the Working Group have

suggested that these matters should be further reviewed as part of the wider review of the Strategy and Guidance.

6. CONCLUSION AND RECOMMENDATIONS

6.1 The Panel has recognised that there is a need for the Council's current consultation processes to be improved. A number of suggestions to improve the current practices employed by the Council have been made for inclusion within the wider review of the Consultation and Engagement Strategy and associated Guidance which is scheduled to commence at some point during the current year. The recommendations made have been considered in terms of their ability to support the objectives of the new Council Plan and to meet the challenges presented by recent developments concerning Localism and the Big Society and have been endorsed by the Overview and Scrutiny Panel (Social Well-Being) at their meeting on 7th June 2011. The Cabinet is, therefore, recommended:

- (a) to endorse the suggestion that the Consultation Processes Working Group should be party to the wider review of the Consultation and Engagement Strategy and associated Guidance which is due for commencement during 2011 by the Head of People, Performance and Partnerships; (paragraph 5.1)**
- (b) to encourage Officers wherever possible to utilise the Consultation Calendar and Database during any consultations that they undertake and to populate these resources accordingly; and (paragraph 5.4)**
- (c) to endorse, in principle, the following recommendations for inclusion within the wider review of the Council's Consultation and Engagement Strategy and Guidance:-**
 - (i) that a Consultation Plan be developed which includes an outline of all consultations that are forthcoming over the course of the year. The Plan should include details such as whether or not there is a legal obligation to undertake the consultation and an indication of key dates during the consultation process; (paragraph 5.4)**
 - (ii) that before a consultation is undertaken, a rigorous assessment of the methodology to be employed, including the questions and options proposed for a consultation, should be undertaken by the relevant Executive Councillor(s) and Head(s) of Service together with local Ward Members and the relevant Overview and Scrutiny Panel. Authorisation to proceed should be obtained at a senior level within the Council before commencement; (paragraph 5.5)**
 - (iii) that the relevant Members and/or Overview and Scrutiny Panel be invited to participate in a qualitative debate with**

the relevant Executive Councillor(s) and Head(s) of Service during the initial planning stage of the consultation;
(paragraph 5.7)

- (iv) that the Council should publicise more effectively the expectations of consultations prior to their commencement together with the reasons why a chosen course of action has been taken;** (paragraph 5.10)
- (v) that, following a consultation exercise, where there are options, the selection of options chosen and the Council's reasons for doing so should be published. This will largely depend on the subject matter in question;** (paragraph 5.10)
- (vi) that publicity methods should include the Neighbourhood Forums established in Huntingdonshire;** (paragraph 5.10)
- (vii) that consultations should incorporate all relevant sectors of the community, including those in isolated rural areas as well as the vulnerable and disabled on a methodologically sound basis. Where consultation is not practical, Ward Members should be asked to supply a balanced input;** (paragraph 5.12)
- (viii) that, where appropriate, reasoned dialogue should be held at all times with residents, whether verbally or through written correspondence, to help instil trust and confidence in the consultation process; and** (paragraph 5.14)
- (ix) that an evaluation of each consultation exercise should be undertaken as part of the Council's consultation process. The evaluation should include a detailed description of the processes undertaken, an outline of the materials used and Officer Responses to the comments made.** (paragraph 5.15)

BACKGROUND DOCUMENTS

- Notes of the meetings of the Working Group held on 15th December 2010, 18th January, 16th February, 1st and 21st April and 2nd June 2011.
- Report and Minutes of the Overview and Scrutiny Panel (Social Well-Being) held on 6th July, 7th September, 5th October and 7th December 2010.
- Consultation Processes Working File held by Democratic Services Section.
- Consultation Calendar and Database available on the Council's Intranet - Head of People, Performance and Partnerships – Central Services Directorate).
- Consultation and Engagement Strategy 2008 and associated Guidance on Methods and Accessibility.
- Customer Service Strategy: "Customer Insight".

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