

TITLE	Consultation and Engagement Review
FOR CONSIDERATION BY	Overview and Scrutiny Management Committee on 16 November 2022
WARD	Non specific
LEAD OFFICER	David Allen Communications, Engagement and Marketing Manager

OUTCOME / BENEFITS TO THE COMMUNITY

Improved consultation and engagement will lead to better decision-making and service design which benefits service users and all residents. It will also enhance the council's reputation for listening and responding to residents.

RECOMMENDATION

That the Committee consider current consultation and engagement practice and provide input to support future development and improvement.

SUMMARY OF REPORT

This report summarises some of the key issues faced in consulting and engaging residents and stakeholders in a meaningful way to seek input from the committee on future service development.

Specific issues outlined in the report are:

- Accessibility and inclusion
- Accurate and appropriate information
- Use of consultation findings
- Timing of consultation and engagement
- Consultation design and delivery
- Potential need for a formalised Consultation and Engagement Protocol

Background

The council's consultation states: Local authorities have a statutory obligation to consult on a range of specific issues of local and national interest. Wokingham Borough Council is keen to exceed its statutory obligations and consult effectively with local residents, businesses and other stakeholders on issues which affect them, to ensure

they are involved in the planning, implementing and monitoring of the services offered by the Council.

Most of the council's public consultation is administered by the Communications, Engagement and Marketing team and managed through the Engage Wokingham Borough online platform, although there is no cross-council policy requirement for this.

Why we consult:

The overriding reason to consult residents is to help decision-making. There are issues on which we are statutorily required to consult and issues on which we would choose to consult but in both cases consultation findings should be used to inform decisions. Decisions on which we must consult on include those with a set statutory requirement such as Traffic Regulation Orders. Planning Applications and on service design in adult and children's services. We must also consult residents and/or stakeholders on decisions where there is a 'legitimate expectation' that we do so.

The Local Government Association states that legitimate expectation applies:

- When there has been a clear promise of consultation
- Where official guidance or policies imply a promise to act in a particular way
- Where there is a withdrawal of a benefit with significant impacts to be considered
- Where the nature of the relationship would create unfairness if there were to be inadequate consultation.

How we consult:

All public consultation we carry out must adhere to the four 'Gunning Principles' which have been established through common law. These are:

1. Proposals are still at a formative stage

A final decision has not yet been made, or predetermined, by the decision makers

2. There is sufficient information to give 'intelligent consideration'

The information provided must relate to the consultation and must be available, accessible, and easily interpretable for consultees to provide an informed response

3. There is adequate time for consideration and response

There must be sufficient opportunity for consultees to participate in the consultation. There is no set timeframe for consultation as the length of time given for consultee to respond can vary depending on the subject and extent of impact of the consultation

4. Conscientious consideration must be given to the consultation responses before a decision is made

Decision-makers should be able to provide evidence that they took consultation responses into account. It is important to note that this requirement does not mean local authorities are bound by any consultation findings – consultations are not referenda – but that findings must be considered as part of decision-making

Analysis of Issues

Accessibility and inclusion:

To participate fully on Engage Wokingham Borough, residents are required to register with a valid email address. This has been cited as a barrier to participation but there are sound reasons for the requirement and no resident has to register to take part in any specific consultation. The benefits of requiring registration are:

1. Supporting the development of genuine two-way engagement: openness/transparency is a key to building trust and mature dialogue and part of being transparent is being identified (it is difficult if not impossible to have a fully trusting dialogue with an unidentified person).
2. Registration limits the possibility of multiple responses from the same person: Following technical improvements to Engage, it is now possible to limit any registered user to one response per consultation. Multiple responses could still be submitted through hard copies and/or through multiple registrations.
3. Registration allows us to contact respondents (subject to their agreement) in connection with responses they have provided. Examples have included respondents reporting service issues such as missing food waste caddies and one occasion of potential abuse in the home.
4. Registration allows (subject to agreement) respondents to be kept updated on the progress through long-term engagement.

In addition, there is now no requirement for residents to register to participate in any individual survey as hard copies and other alternative channels are provided, including bespoke sessions for target groups (such as with CLASP or the Youth Council), support to complete surveys at libraries and via telephone.

Accurate and appropriate information:

In line with Gunning Principle 2 (*there is sufficient information to give 'intelligent consideration'*) the Council aims to provide the right level of information in each consultation so they are open and accessible to all. The Council's consultation service attempts to meet this requirement with clear, easy-to-understand language (in line with the council's Customer Excellence programme), by providing an appropriate level of information and alternative format (such as Easy Read).

There are challenges with this when presenting complex issues (such as the Local Plan) and, in these areas, practice is to provide different levels of detail so that respondents select how much information to read before responding.

Use of consultation findings:

In line with Gunning Principle 4 (*conscientious consideration must be given to the consultation responses before a decision is made*) all consultation findings are provided

to services to analyse and utilise in service design and decision making. For major decisions that are considered by the Executive, a summary of the findings is included in the Executive report.

However, *conscientious consideration*, is not the same as automatic agreement with a majority of respondents because consultations are part of intelligence gathering to support good decision making rather than being a decision making process in themselves.

Timing of consultation and engagement:

In line with Gunning Principles 1 and 3 (Proposals are still at a formative stage and there is adequate time for consideration and response) we should always carry out consultation at an early stage of decision making and ensure there is time for all stakeholders and residents to participate.

To meet this requirement, services considering major decisions are encouraged to adopt a three-step process to consultation:

- Early engagement – this is informal engagement to get an understanding of residents' and stakeholders' priorities, general preferences and principles on an issue
- Detailed consultation – this is still informal but is an opportunity to ask about specific proposals, ideas or changes that could be implemented
- Formal consultation – this is a required, formal consultation generally involving a survey on a set of specific proposals or a specific policy / strategy (at this stage we would have these in draft form available for review) and the survey would ask views on those

Practice in this area in the past has been inconsistent with some consultations taking place too late in the decision-making process.

Consultation design and delivery process:

In line with Gunning Principle 2 (*there is sufficient information to give 'intelligent consideration'*) consultations should have clearly defined objectives that can be easily understood and set what respondents can and cannot influence. Surveys should also be designed to ask clear, meaningful questions that support the consultations objectives.

Current practice is for these objectives to be agreed by the relevant service area in collaboration with appropriate Executive member(s).

Detailed design work on the consultation or engagement process (including survey design and the promotion / publicising of the consultation) is generally provided by the CEM team in collaboration with service areas and, where appropriate ward members and/or outside organisations. Relevant Executive Members and directors / assistant

directors then approved final versions of the consultations and accompanying communications.

Potential need for a formalised Consultation and Engagement Protocol / Code of Practice

Current engagement and consultation practice across the Council varies. There is not a single set of guiding principles or protocol that all service areas must adhere to. This allows for a great degree of flexibility in the way consultations are carried out but also results in a different experience for residents depending on the consultation.

It also means that the Council is not consistently following best practice and, therefore, does not always have the best intelligence from consultations possible when making decisions or designing services.

An agreed set of principles or protocol would remove this inconsistency and provide a clear set of standards that residents could expect the council to adhere to.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces unprecedented financial pressures as a result of; the longer term impact of the COVID-19 crisis, Brexit, the war in Ukraine and the general economic climate of rising prices and the increasing cost of debt. It is therefore imperative that Council resources are optimised and are focused on the vulnerable and on its highest priorities.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	0	NA	NA
Next Financial Year (Year 2)	0	NA	NA
Following Financial Year (Year 3)	0	NA	NA

Other financial information relevant to the Recommendation/Decision
None

Cross-Council Implications
Improved consultation and engagement will lead to better decision-making and service design which benefits service users and all residents.

Public Sector Equality Duty
Due regard to the Public Sector Equality Duty is taken in the consultation and engagement process.

Climate Emergency – *This Council has declared a climate emergency and is committed to playing as full a role as possible – leading by example as well as by exhortation – in achieving a carbon neutral Wokingham Borough by 2030*

Consultation with residents and stakeholders is a key element in the implementation of the Council's Climate Emergency Action Plan

Reasons for considering the report in Part 2

None

List of Background Papers

None

Contact Dave Allen

Service Chief Executive

Telephone No Tel: 0118 974 6066

Email david.allen@wokingham.gov.uk