

CONSULTATION

Consultation is a formal process for the council to find out what residents think about proposals that would affect them, such as significant changes to a service, or the redevelopment of a local area. The responses received during a consultation are considered and inform the final decision, taken by officers or Elected Members.

Councils sometimes have a statutory requirement to consult their residents and this is especially true for issues such as planning, or redevelopments. Statutory consultations are bound by legal requirements, such as Best Value legislation, and can have strict rules surrounding how they should be conducted.

If you fail to run a consultation in line with the rules you could be liable for a judicial review so it is important to make sure that you check the guidelines surrounding your specific consultation plans.

For more detailed information, refer to the LGA Guidance Code of Practice on Consultations.

On the participation ladder, consultation sits under 'Done for residents'.

<https://resources.depaul.edu/abcd-institute/publications/Documents/Workbooks/Participatory-Community-Building-Guidebook-2020-1.pdf>

CONSULTATION PRINCIPLES

Consultations are different from other kinds of participation as the process is bound by more formal rules. You might use another kind of participation, like engagement or co-production, to help you to develop the proposals in your consultation.

The Council has a duty to consult on plans that make a significant change to service provision impacting on residents, such as service reduction or a service being stopped; if there is a statutory duty to consult outlined in law, or; if there is a reasonable expectation for consultation, for example if a consultation has been done on a similar issue in the past.

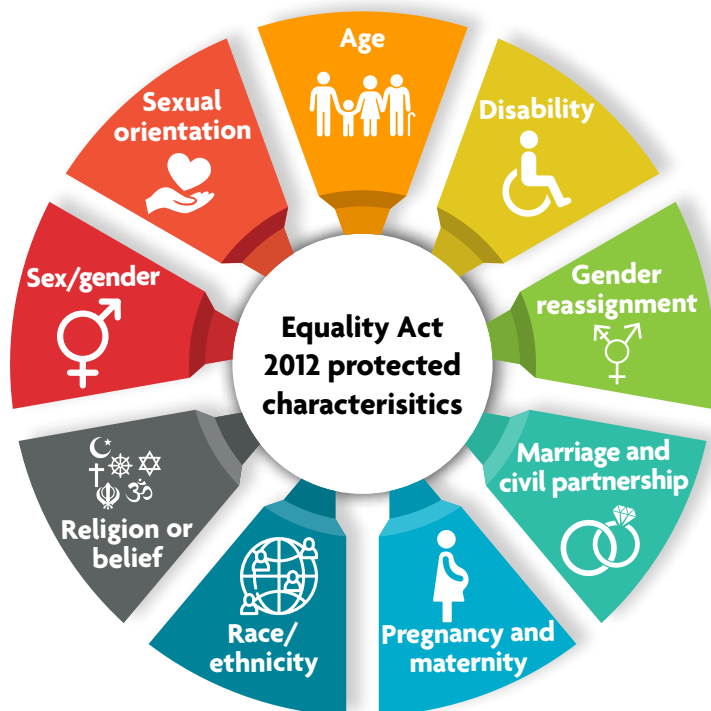
Services will need to complete an Equalities Impact Assessment (EQIA) before the consultation to determine the impact your proposal will have on different groups of residents. The EQIA will help focus the methods and communications plan used during the consultation period and will be updated using the consultation results at the end of the consultation. You can find more information on EQIA here: <https://onesourceict.sharepoint.com/sites/Intranet/Policy/Pages/EqIA/Equality-Impact-Assessment-Introduction.aspx>

The Gunning Principles

Consultations legally must align with the four Gunning Principles. The council is at risk of judicial review if we don't adhere to these principles during a consultation:

1. Proposals are still at a formative stage: a final decision has not been made or predetermined
2. There is enough information to give 'intelligent consideration': information must be available, accessible and easy to understand so that consultees can give an informed response
3. There is adequate time for consideration and response: the consultation period will be different depending on the issue, but there must be enough time for consultees to respond
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.

The protected characteristics in the Equality Act 2010 are:



PLANNING YOUR CONSULTATION

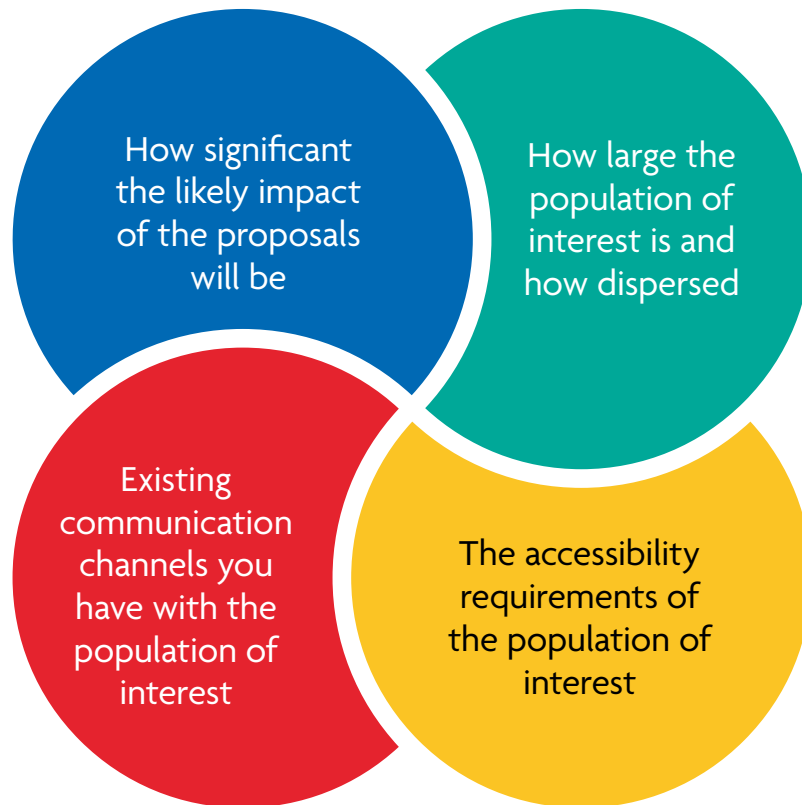
Services should leave around 6 weeks for planning and designing a consultation. During this time a consultation plan and associated materials should be developed, which you will usually need to get signed off at CMT and Cabinet Briefing. In some cases, you may need to also build in time to have the decision to consult approved at a Cabinet meeting. At this early stage, services should contact Policy/Research, Communications and Legal for advice and guidance.

A consultation plan should include:

- **Background to the consultation:** what is the context of this consultation? Why are you having to make this decision? Have you already done some engagement work to help you arrive at this point?
- **Key stakeholders to involve:** are there specific groups of residents to involve? Are there any groups or organisations you can invite to take part? Also think internally, like different services and Elected Members
- **Consultation options: what proposals are you consulting on?** You should try to give detail of what is changing and any financial information associated with different proposals. It's good practice to offer more than one proposal option where possible and also allow respondents to make their own proposals
- **Consultation period:** how long will you give people to respond? Depending on your context, most consultation will run for between 4 weeks and 12 weeks. Legal can advise on this.
- **Aims and objectives:** what do you hope you get out of the consultation and how will you do this
- **Reporting:** is it possible to estimate how long it will take you to analyse and report on your results? This will help to plan any decision making processes, e.g. what date you plan to take results to Cabinet
- **Consultation methods:** what methods are you using? A survey, public meetings, workshops? Wherever possible you should offer more than one way for people to respond
- **Budget:** This budget will depend on your consultation plan: in smaller scale consultation you may need to budget for materials such as posters and paper questionnaires; for a larger consultation you may need to budget for long term advertising costs and multiple public meetings. In some cases, an independent agency might need to be commissioned to conduct all or parts of the consultation which will result in additional costs.
- **Communications plan:** how will you inform residents about your consultation and encourage them to take part? Talk to the Communications Team about this as early as possible

PLANNING YOUR CONSULTATION

The methods you use will depend on a range of factors, including:



It is good practice to use multiple methods to ensure you are hearing views from across the population of interest.

This may include:

- focus groups
- drop-in sessions at key locations
- online and paper questionnaires
- commissioning a representative survey

Look at the Inclusivity module for more information about how to make your consultation inclusive and accessible

Prerequisites for delivery

1. Proposals fully formulated and at a formative stage
2. Draft EQIA (Meaning population of interest identified and protected characteristic groups are understood as far as possible from existing evidence)
<https://onesourceict.sharepoint.com/sites/Intranet/Policy/Pages/EqIA/Equality-Impact-Assessment-Introduction.aspx>
3. Methods to notify population of interest of consultation established
4. Sufficient background information compiled to enable population to give 'intelligent consideration'
5. Advice and guidance received from Policy/Research, Communications and Legal.

During the consultation

Monitor response numbers

If low, do you need to do some more promotion?

If high, do you need to re-assess how long it will take to analyse your results?

Start thematic analysis of open questions

Analysing open questions takes time, so you can start thematic analysis during the consultation

Don't make any decisions

You can't make a decision until the consultation is over and you have considered all responses

If in doubt, ask Legal

After the consultation

Analyse your results

Analyse the responses you received. If relevant, highlight differences in opinion between groups.

Time taken for this will depend on how many people respond and the kind of questions you have asked e.g. open questions take longer to analyse than closed questions.

Write your summary report

Summarise your results in a report and show how you have considered the responses

For example, you could include a table with the main points raised during the consultation and your response to these points.

Make recommendations

A consultation is not a referendum: you do not have to go with the most popular option in a consultation but your recommendations need to take account of the consultation responses.

MILESTONES IN A CONSULTATION PROCESS

The table below shows the main milestones that are relevant for most consultations. Discuss your consultation with Legal for advice on whether or not you need to take your results to Cabinet for a decision.

Stage	Action
Planning	Contact Research, Communications and Legal teams for advice
	Draft consultation plan
	Sign off consultation plan from CMT and Cabinet Briefing
	Draft EQIA
	Develop consultation materials e.g. questionnaire
	Develop communications plan and communications materials
	Keep Lead Member informed throughout the planning process
Consultation Period	Monitor responses, updating Lead Member and Director as required
Analysis and Reporting	Analysis of responses and summary report produced
	EQIA updated, taking into account the consultation responses
	Consideration of consultation responses included in Cabinet Report
	Full EQIA and summary report to be attached as appendices to Cabinet Report

MILESTONES IN A CONSULTATION PROCESS

The table below shows the main milestones that are relevant for most consultations. Discuss your consultation with Legal for advice on whether or not you need to take your results to Cabinet for a decision.

TIME REQUIRED

Planning: at least 6 weeks

Consultation period: 4 – 12 weeks

Analysis and reporting: entirely dependent on how many responses received, the kind of questions you have asked and what your reporting requirements are

Cabinet reporting: if your final decision needs to be taken at Cabinet, contact

Democratic Services for lead in times



NUMBER OF PARTICIPANTS

Depends on methods used and your target population. Generally, you want a lot of people to respond to your consultation to help you make an informed decision.

RECRUITMENT AND SAMPLING

Usually with a consultation, anyone with an interest should have an opportunity to respond. The characteristics, demographics, accessibility needs, and the 'distance' groups are from those implementing the project (e.g. seldom heard groups) need to be considered when selecting a recruitment and sampling strategy.



See the Sampling and Recruitment module for more information.



NUMBER OF OFFICERS

Depends on methods used.

At the very least you will require one or more officers to coordinate the consultation period, provide analysis of the responses, and coordinate the reporting, response, and decision making.

BUDGET

Depends on methods used but needs to be agreed during the early planning stages. Main considerations are:

Research methods used, e.g. if an external research supplier is commissioned to recruit participants, deliver focus groups, or carry out a representative survey.

Communication channels used e.g. printing costs for posters, hard copy questionnaires



STATUTORY REQUIREMENTS

If a consultation is not conducted properly it can be challenged through a Judicial Review. Therefore you always need to take to Legal about your specific consultation to receive specific advice. You will always need to consider:

Gunning Principles outlined above

Service/project specific requirements such as legislation and regulations

APPENDIX: CONSULTATION CHECKLIST

The questions below will help you with planning your consultation.

- ☐ **1. Who is the Lead Officer, including job title?**
- ☐ **2. Who is the Lead Member?**
- ☐ **3. What are you consulting on?**
 - What are the proposals?
 - Who are the main groups of residents that will be affected by any proposals?
- ☐ **4. Will your consultation abide by the Gunning Principles?**
 - 'Conscientious consideration' must be given to the consultation responses before a decision is made. Do you have a process in place for decision makers to provide evidence that they took consultation responses into account?
 - Are your proposals still at a formative stage? i.e. a final decision has not been made or predetermined
 - Will you be able to give enough information to consultation participants to enable them to give 'intelligent consideration'? i.e. information must be available, accessible and easy to understand so that consultees can give an informed response
- ☐ **5. Have you discussed the consultation with Senior Officers in your department and your Lead Member?**
- ☐ **6. What are the key dates when a decision need to be made by? What are the dates for relevant CMT, Cabinet Briefing and Cabinet meetings?**
- ☐ **7. Have you built in an adequate time for consideration and response: the consultation period will be different depending on the issue, but there must be enough time for consultees to respond**
- ☐ **8. Have you had advice from Legal?**
- ☐ **9. Have you had advice from the Communications Team? Contact Head of Communications and Campaigns,
Mark Mcadam**
- ☐ **10. Have you had advice from Policy/Research? Contact Head of Policy, Noel Hatch**
- ☐ **11. Have you drafted an Equalities Impact Assessment for the proposed changes? Check the intranet:**
<https://onesourceict.sharepoint.com/sites/Intranet/Policy/Pages/EqIA/Equality-Impact-Assessment-Introduction.aspx>

CASE STUDY:

HOUSING ALLOCATIONS

POLICY CONSULTATION

Context	Action
Context	<p>The Council has a waiting list for residents who have applied for social housing and residents on this list are prioritised according to their level of need. We were proposing some changes to how residents are prioritised to better reflect need in the borough.</p>
The approach	<p>There is a statutory requirement to consult with housing providers on any changes to the allocations policy but we went beyond our legal obligation by undertaking a much wider consultation with residents, including households in social housing, those on the housing waiting list and anyone else with an interest. This was because we believed it was important that people on the waiting list had a say in how they were being prioritised. The decision to consult had to be approved by Cabinet, so a paper was written and presented outlining the need for the consultation and the consultation plan.</p> <p>The aim of the consultation was to understand what people on the housing list and residents more generally think about our proposals. Key activities were:</p> <ul style="list-style-type: none"> • An online and paper survey promoted through various channels, including letters being emailed or mailed directly to all households on the waiting list • An email inbox for questions or requests for paper copies of the questionnaire • Telephone interviews and virtual focus groups will be held with groups of residents from the groups most affected by the proposed changes, by invitation only. (online due to Covid-19 restrictions) These groups were identified in the EqIA, and the focus groups <p>The consultation period ran for 12 weeks. Consultees included: people on the housing waiting list; residents in social housing; local residents generally; social landlords; groups representing people with disabilities, carers and care leavers; and any interested community organisations. This list was expansive as the Council is keen to understand a broad range of perspectives.</p> <p>To ensure the consultation was comprehensive and independent, we commissioned an external agency to conduct the consultation on our behalf. We did this through the usual procurement process. This was needed mainly because of the large number of households on the waiting list as we would not have the capacity in-house to manage the mail out or analysing results.</p> <p>Over 2,600 people completed the online questionnaire, 8 interviews were completed and 6 online focus groups were held.</p>

Outcome	<p>The views of residents were presented in a summary report, alongside recommendations. These recommendations were considered by senior officers and final recommendations presented in a Cabinet paper for Elected Members to make a final decision.</p> <p>From the focus groups, residents were grateful for having the opportunity to listen to the changes to the policy as well as being heard on their opinions about the proposals. Many felt frustrated at not knowing enough about the current policy and process, and being left in the dark on where they were on the waiting list in terms of priority. There was a significant amount of misunderstanding about both the overall purpose and the specific policies of the Housing Register.</p>
Lessons learned	<ul style="list-style-type: none"> • We needed to plan the focus groups carefully to take account of cultural sensitivities, especially as this is quite a personal topic and involved discussing personal circumstances. • We listened to advice from the research agency about adding in some telephone interviews to attract people whose first language was not English and so may struggle to take part in a group discussion • We also learnt that there is a lot of misunderstanding about the allocations policy, so any changes should be accompanied by a good communications plan to ensure people on the waiting list understand how they will be prioritised • In this context, it was responsible to pay for an external agency as they were able to conduct a consultation that was more wide-ranging and comprehensive than we could have managed in house