

SCRUTINY COMMISSION - 17 NOVEMBER 2004

REPORT OF THE CHIEF EXECUTIVE

DRAFT CONSULTATION STANDARDS

Purpose of Report

1. The purpose of the report is to seek the views of the Commission on a set of Consultation Standards for the Council which were published for public consultation on 20 September.

Background

2. The Local Government Act 1999 places a general statutory duty on local authorities to consult with the public and other interested parties in relation to the duty to secure continuous improvement in their functions. In April 2000, the Council adopted fourteen principles of consultation. This subsequently formed part of the Council's Consultation Best Practice Guidance for Departments.
3. In January 2004 the Cabinet Office published a revised Code of Practice on Consultation for all government departments and agencies. This Code contains six broad criteria:
 - consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy;
 - be clear about what the proposals are, who may be affected, what questions are being asked and the timescale for responses;
 - ensure that the consultation is clear, concise and widely accessible;
 - give feedback regarding the responses received and how the consultation process influenced the policy;
 - monitor the department's effectiveness at consultation, including through the use of a designated consultation co-ordinator; and
 - ensure consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

Policy Framework and Previous Decisions

4. In April 2000 the Council adopted fourteen principles of consultation which formed part of the Council's Consultation Best Practice Guidance. The proposals in this report build on those principles and the publication by the Cabinet Office of Government standards for consultation.
5. The Medium Term Corporate Strategy states that "it is important that the people of Leicestershire can influence decisions affecting the services we provide, and express their views on those services. This will help us to achieve our aim of promoting diversity in the services we deliver. In order to take their views into account we will continue to improve the co-ordination of consultation within the Council and with our partners".

Proposal

6. Using these frameworks, and the National COMPACT Code of Consultation and Policy Appraisal published recently, seven Standards have been developed (set out in Appendix '1') which aim to be shorter, clearer and to strengthen the Council's existing principles of consultation.
7. The draft Standards state that the Council will:
 - a) Consult and involve people widely when planning, developing and delivering our services
 - b) Join with partners to share good practice and avoid duplication
 - c) Ensure that all relevant sections of the community are heard
 - d) Ensure that consultation is accessible to people who take part
 - e) Provide clear and concise information before consulting
 - f) Record all our consultation accurately
 - g) Give feedback to people and show how the consultation has been used to inform our services and policies.
8. Preliminary discussions have also taken place with the voluntary and community sector on assimilating the draft Standard's with the COMPACT's developing Code of Consultation and Policy Appraisal. The essence of the Code can be reflected in the draft Standards. However, more detailed guidance on consulting the voluntary and community sector will probably best be set out in further guidance which supports the Standards of Consultation.

Consultation Plan

9. Given that the Standards outline the Council's commitment to the public on how it will consult and involve them in the development and improvement of services, a robust and inclusive consultation plan has been implemented on the following basis.
10. For staff, the Standards together with a short on-line questionnaire have been published on the Consultation Toolkit. All staff have been alerted via e-mail and an article will appear in this month's edition of Newline to promote the consultation. Paper copies are available for staff without electronic access.
11. For the public, the Standards have been published on the web-site and posters/leaflets have been distributed to all Council Service Shops, Help Points and libraries to publicise the consultation. A letter has also been sent to members of Leicestershire's Voice, the Council's Citizens' Panel, and the media alerted.
12. Partner agencies have been advised of the draft Standards through the Leicestershire Together Partnership and over the next few weeks through the various district Local Strategic Partnerships.
13. A 12 week period of consultation commenced on the 20th September and will end on the 13th December. Following consideration by the Cabinet of comments received a formal launch of the Standards could take place in April 2005. A note of the responses received (over 130) is being prepared and will be circulated to members.

Equal Opportunities Implications

14. The Consultation Standards seek to ensure that when consulting the public the Council works with local communities and uses a variety of ways to increase involvement and participation through involving traditionally excluded groups and by using appropriate skills and techniques to ensure that the needs of different groups of people are taken into account. Ensuring that the consultation is accessible to those who take part by using a variety of formats and jargon free language is also a key part of the Consultation Standards.

Resource Implications

15. Costs of meeting the consultation standards will need to be met within existing corporate and departmental consultation budgets and taken into account as part of the planning of consultation exercises. If service change is proposed as a result of response to consultation exercises, any proposals will need to be considered in the context of the Council's overall priorities as part of the annual and medium term service and financial planning processes.

Circulation Under Sensitive Issues

None.

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Background Papers

County Council Consultation Best Practice Guidance
Cabinet Office Code of Practice on Consultation
National COMPACT Code of Consultation and Policy Appraisal

Appendices

Appendix '1' – Draft Consultation Standards

DRAFT CONSULTATION STANDARDS

Our Commitment to Consultation in Leicestershire County Council

What Does it Mean?

"It is important that the people of Leicestershire can influence decisions affecting the services we provide, and express their views on those services. This will help us to achieve our aim of promoting diversity in the service we deliver. In order to take their views into account we will continue to improve the co-ordination of consultation within the Council and with our partners".¹

To help us to achieve this, **seven** standards of consultation with the public have been developed. These shape the guidance outlined in the Council's Consultation Toolkit. Further advice on how the Council consults its staff, local schools, local district councils, local parish and town councils and the voluntary and community sector (through the Leicestershire COMPACT) can be found in the Toolkit.

Our Consultation Standards

We will:

- 1 Consult and involve people widely when planning, developing and delivering our services**
- 2 Join with partners to share good practice and avoid duplication**
- 3 Ensure that all relevant sections of the community are heard**
- 4 Ensure that consultation is accessible to people who take part**
- 5 Provide clear and concise information before consulting**
- 6 Record all our consultation accurately**
- 7 Give feedback to people and show how the consultation has been used to inform our services and policies**

¹Medium Term Corporate Strategy 2003-2005

Standard 1 - Consult and involve people widely

We will:

- promote a culture of consultation through involving people to achieve greater openness and inclusiveness.
- build consultation into our plans for improving services being sensitive to the resource implications for those taking part.
- where possible, and not subject to other statutory requirements, seek to allow 12 weeks for written consultations on the development of policy in order to maximise participation. If for any reason it is not possible to allow this period of consultation the reasons for this will be made clear in the consultation document.
- bring our consultation activity to the attention of all interested parties and publicise it in ways most appropriate to the people we need to reach.
- ensure that our consultation involves representatives from the relevant community consulting at the closest level to the people affected by any decisions.
- actively listen to the views of the public and other stakeholders.
- consult people at the earliest opportunity and at the right time to give genuine opportunities to influence decisions whilst being sensitive to cultural/religious events.
- have a nominated consultation officer in each Department who will act as an adviser on consultation practice.
- actively involve Council Members so that they may advocate on behalf of the community.
- comply with the requirements of legislation including the Human Rights Act, the Data Protection Act, the Freedom of Information Act and laws relating to discrimination and equality.
- ensure that staff are supported to develop the skills needed to carry out effective consultation.

Standard 2 - Join with partners to share good practice

We will:

- work positively with our partners to support joint consultation activity so that good practice is shared and duplication or repeated consultation with the same people or groups is avoided.
- share information with other relevant partners (in line with data protection) to ensure that the views of local people are used to best effect to improve services.

Standard 3 - Ensure that all relevant sections of the community are heard

We will:

- work with local communities and use a variety of ways to increase communication, involvement and participation e.g. face to face consultation, the Internet, discussion groups and postal surveys.
- show evidence of involving traditionally excluded groups of people in our consultation e.g. young people, Looked After Children, disabled people and black and minority ethnic people.

Standard 4 - Ensure that consultation is accessible to all people who take part

We will:

- use appropriate skills and techniques to ensure that the needs of different groups of people, such as disabled people and people from minority ethnic communities are taken into account.
- ensure that consultation and involvement is accessible to all by using a variety of formats including written, spoken and pictures. This may involve signs and symbols for people with learning disabilities; British Sign Language Interpreters, typetalk and Minicom for profoundly deaf people; language interpreters for people whose first language is not English; large print and Braille for visually impaired people; or guide communicators for those who are deaf/blind.
- use plain, simple, concise, clearly laid out and jargon free communication avoiding technical language (where this is necessary a glossary of terms will be provided).
- use accessible venues and equipment.

- provide or arrange advocacy support for people who request or need it e.g. vulnerable people, people with learning disabilities, Looked After Children/Young People.

Standard 5 - Provide clear and concise information before consulting

We will:

- provide appropriate advance publicity and information about consultation exercises or events.
- provide clear information stating why we are consulting, who will be involved and affected, what any proposals are, time-scales for responses and how the consultation information will be used.
- make consultations open, wherever possible, with no options being ruled out. If services, decisions or proposals cannot be changed we will make this clear from the outset.
- provide contact information for enquiries giving name, address, telephone number and e-mail address details.

Standard 6 - Record all our consultation accurately

We will:

- record consultation faithfully using anonymous quotations wherever possible.
- provide a summary of responses.
- list the groups of people we have consulted and provide these as an annex to consultation documents and reports.
- prepare summary reports, not more than four pages, of consultation documents.
- record all consultation activity on the County Council's Consultation Database.

Standard 7 - Give feedback to people and show how the consultation has been used to inform Council services and policies

We will:

- analyse our information carefully with an open mind paying particular attention to possible new ideas and approaches, the impact of proposals and strength of feeling from people.
- give people feedback on the responses received within three months showing how the consultation results will influence the service or policy. Where timescales for implementation are longer, this may need to be supplemented by further feedback.
- review and evaluate our consultation to test whether the Standards have been followed and to ensure continuous improvement.

Consultation and community involvement will only succeed if supported by good customer care practice.