



CABINET – 17 SEPTEMBER 2021

PUBLIC ENGAGEMENT PRINCIPLES

REPORT OF THE CHIEF EXECUTIVE

PART A

Purpose of the Report

1. The purpose of this report is to share and seek approval for two key documents that have been developed as part of the Council's approach to public engagement; the recently developed Consultation and Engagement Principles document, and the Consultation Institute's Charter.
2. These documents, and the work that has led to them, reflect the lessons of the pandemic as well as feedback received from officers, the public and Members over the last 12 months. They also respond to the need to consider the planned engagement activity for autumn/winter 2021, and to consider the future approach more generally.
3. The Consultation and Engagement Principles document is attached as Appendix A to this report, and the Consultation Institute's Charter is appended as Appendix B.

Recommendations

4. It is recommended that the Cabinet:
 - (a) Approves the Council's Consultation and Engagement Principles;
 - (b) Agrees that the Council should become a signatory to the Consultation Charter.

Reasons for Recommendation

5. The Consultation and Engagement Principles update the Council's approach to involving members of the public in decision making, reflecting key lessons from the pandemic and broader changes in the way that local authorities nationally are involving residents.

6. By becoming a signatory to the Consultation Institute's Charter it will provide validation of the Council's high standards of consultation from the UK's national body for best practice and case law in this field.

Timetable for Decisions (including Scrutiny)

7. The Scrutiny Commission received a report on 12 July and its comments are set out in paragraphs 28 and 29 below.

Policy Framework and Previous Decisions

8. The documents and developments in this report align with the Council's Communities Strategy, and the Great Communities outcome of the Strategic Plan.

Resource Implications

9. There are no resource implications arising from this report.

Circulation under the Local Issues Alert Procedure

10. None.

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PART B

Background

11. The Council has a strong record of engaging with communities on changes to its services and strategies. The existing pro-active approach reflects the Council's values of openness and transparency. It also facilitates trust, enabling the Council to build strong relationships with its residents, service users and local businesses. For many of the Council's services and strategies there is a statutory duty to consult or other legal grounds for consultation.
12. The Council's high standards and commitment to engagement and consultation activity have been recognised by the Consultation Institute, the UK's national body for public engagement. Historically, the Council has particularly excelled at formal consultations on specific changes.
13. The range of tools that officers draw on when engaging, and the standards of excellence the Council expects of staff, have been tried and tested across many consultations. The frequent use of quantitative methods (such as surveys) alongside more qualitative methods (such as focus groups) have proven to be a robust approach, providing sound insight, and surviving legal challenge.
14. Looking ahead, the Council has a large programme of consultation and public engagement activity over the autumn and winter of 2021, involving at least nine different projects. This includes strategic work like NetZero (carbon reduction) and partnership activity such as the joint municipal waste strategy, as well as the annual Medium Term Financial Strategy (MTFS) update. Officers leading on each project will seek opportunities to approach stakeholders together, particularly where the projects involve similar themes. This could also create an opportunity to mirror the kind of large scale engagement and visioning exercises that other councils have undertaken post pandemic. Such an approach creates the opportunity to weave together different consultation subjects under one narrative and set of activities. This idea is to be considered further by the Council's Engagement Hub and if this is a practical proposition will be considered by chief officers in the first instance.
15. There remain many challenges to running good consultations, which the Council is determined to address. For example, closing the "We asked, You said, We did" consultation loop to tackle the perception that consultation activity does not influence the final decision. In some areas of work, the Council also faces challenges getting the level of quantity and quality of response aimed for in order to inform decision-making. There are also improvements to be made in defining activity and in developing a robust digital approach that also facilitates access for individuals who are digitally excluded.

The Consultation and Engagement Principles

16. The Council's Consultation and Engagement Principles have been developed to meet the challenges stated above and to improve on the Council's existing

good practice. In particular, the document was developed in response to the Council's experience of consultation during the pandemic, where many activities were moved online, and to recognise the national shift toward greater community involvement. The document reflects these influences and also provides a benchmark for officers leading the significant volume of consultation activity planned for the year ahead. Subject to the Cabinet's approval of the Principles, the document will be published on the Council's website.

17. The key points in the Principles document are:
 - a. Moving towards a more continuous engagement approach, rather than one-off consultation.
 - b. Closing the loop: creating feedback mechanisms that evidence how seriously the Council takes what people tell it.
 - c. Drawing on the Council's tools to maximise the effectiveness of the engagement work undertaken – to understand both 'what' people think and 'why' they hold a particular view.
 - d. Involving communities who may not typically have their voice heard – understanding who these groups are, their needs, and targeting the approach effectively.
 - e. Best practice: making sure that the Council's corporate messages, training and support create consistent good practice and create a culture of excellence.
 - f. Elected Members have an important role to play in promotion and in representation.
18. The key principles that should underpin all our engagement activity are: *Inclusive, Transparent* and *Meaningful*. These values, as articulated in the document, are intended to set a corporate benchmark for all engagement activity.
19. The role of Members is one of the key themes for future work referenced in the document. Members may wish to play a more active role in the Council's consultation and engagement activity. This will often involve promoting consultation and engagement to the communities they represent. The new Elected Member Portal has a link to all current consultations and, where consultations are considered to have a significant impact on residents across Leicestershire, Members will receive notification that a consultation is due to start and will also be involved in responding to consultations through the Scrutiny process. Where a consultation has a significant impact on a particular electoral division, the local Member will be notified by the service area in the usual way. A local Member may receive representations from the communities they represent and choose to advocate for these communities on the matter being consulted on.

The Consultation Institute's Charter

20. Following Members' suggestion at the All Member Briefing in 2020, the Council is now in a position to sign up to the Consultation Institute's Charter. A copy of the Charter is attached as Appendix B. The Council has also been a long-time member of the Consultation Institute and this membership was recently upgraded in response to growing interest in training and resources from officers.
21. The Charter is a set of standards created by the Consultation Institute, the UK's national body for consultation and engagement, to guide public bodies in the way that they use public consultation within decision-making processes. As the approach to consultation is typically shaped by English Common Law, there is no one widely recognised standard for public consultation. The value of the Charter is in its clear and succinct articulation of best practice, which reflects both emerging and historic case law. As such, the Charter provides external validation of the Council's existing commitment to excellence in public consultation, stating the standards that officers should be working to and that the public can expect of the council.
22. The Charter comprises seven 'best practice principles', which are: *Integrity, Visibility, Accessibility, Transparency, Disclosure, Fair Interpretation and Publication*. Each principle is underpinned by direction on the policy, processes and behaviours that should govern the authority that is consulting and the individuals who are being consulted.
23. Officers propose to use a programme of further training and communications to launch the Charter at the Council. This will also be an opportunity to ensure a broader understanding of the Council's own corporate principles through the new Principles document. The Principles document and detail of the Charter will be hosted on the engagement pages of the Council's website. It is proposed that the Charter be co-signed by the Leader of the Council and the Cabinet Lead Member for Equalities, Community Engagement and Rural Partnerships.

Consultation

24. The Consultation and Engagement Principles document has been created following feedback received from officers, Members and the public during 2020 and 2021.

Resident feedback

25. Resident feedback on the Council's approach to public engagement and consultation was gained through the 'Conversations about Covid' project and through the Leicestershire Equalities Challenge Group (LECG). 'Conversations about Covid' involved older Asian women, foodbank coordinators and users, adult and youth volunteers, children in care, and parent-carers of young people with SEND, amongst others. The project

identified recommendations from the public including the Council providing more frequent channels of communication and easier ways to find material on the website. It also became clear that there are differing levels of digital exclusion across the county and a need to feel listened to amongst local residents.

26. The LECG broadly welcomed the Council's Consultation and Engagement Principles and reiterated that these should apply to both formal consultation and more informal engagement, particularly when it comes to ensuring an inclusive approach. The group offered their networks in order to increase the reach of future engagement activity, which was welcomed by officers.

Officer Feedback

27. The primary forum for getting feedback from officers across the Council was the Engagement Hub, which is an informal group of officers from all departments involved in public engagement activity. The function of the Hub is to ensure that Council engagement initiatives are joined-up and efficient, for officers to get advice and support, and to reinforce the Council's standards of best practice. The group made detailed suggestions on the draft document, refining the Principles and ensuring that it reflected the standards across departments.

Comments from the Scrutiny Commission

28. On 12 July 2021 the Scrutiny Commission considered a report of the Chief Executive that reviewed the Council's approach to public engagement and formal consultation. The report set out the proposed new Consultation and Engagement Principles, and the Consultation Charter.
29. The Commission supported the consultation principles and the Council's membership of the Consultation Institute and asked that some specific comments on the report be forwarded to the Cabinet, as follows:
- (i) Residents often viewed consultations as a formality rather than a genuine exercise to engage. It was suggested that publicising examples of where consultation feedback had contributed to the development of, or change in, proposals would help provide some reassurance on this issue. Members noted existing work to develop the Council's website to state this clearly for residents.
 - (ii) Reflecting the nature of consultation, the Charter is very process driven and its purpose is to guide officers on the best way to undertake consultation or engagement activity. Following best practice processes is the best way for officers to ensure high-quality outcomes from the work.
 - (iii) Whilst it was felt that the Council ran very good, targeted, service-driven consultations, it was suggested that these were less effective when carried out for high-level strategic issues, such as the MTFs. Some Members felt that the number of responses were sometimes so small

that these could not be regarded as being truly representative and therefore not statistically relevant. Whilst perhaps providing some rich and useful information, there was a risk they reflected the views of a vocal minority.

- (iv) Commissioners commented that large-scale high-level consultations often failed to grab the attention of the public. It was suggested by the officers present that framing a consultation to make it more personal and relatable to residents would help participants see the direct impact a particular issue might have on them. This in turn would help encourage them to engage in the process.
- (v) It was also emphasised the need for clarity on the purpose of a consultation exercise. Whilst questions should be sufficiently broad so as not to be framed towards a preferred outcome, they needed to be clear to ensure the public understand the scope of the consultation. Members noted that the Council's business intelligence team provided expertise and support to departments to help ensure questions were framed clearly and so as to avoid bias.

Equality and Human Rights Implications

- 30. The Consultation and Engagement Principles explicitly emphasise the importance of an inclusive, tailored and proactive approach to engaging with individuals with protected characteristics. The use of the principles should facilitate broadening and deepening this work to ensure that we are reaching all those who have a stake in an issue, using external channels and internal forums such as the LECG.

Background Papers

None

Appendices

Appendix A: Leicestershire County Council Consultation and Engagement Principles
Appendix B: The Consultation Institute's Charter

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