

**CAMBRIDGESHIRE COUNTY COUNCIL APPROACH TO PUBLIC CONSULTATION  
ON THE BUSINESS PLAN AND OTHER KEY DECISIONS**

**To:** Communities and Partnerships Committee

**Meeting Date:** 6 July 2017

**From:** Sue Grace: Director of Corporate and Customer Services

**Electoral division(s):** All

**Forward Plan ref:** Not applicable      **Key decision:** No

**Purpose:** To provide an overview of a range of approaches to consultation and to seek a steer from the Committee on the preferred options for consultation on business planning and other Council key decisions.

**Recommendation:** The Committee are asked to;

- a) Provide initial consideration of the consultation options outlined and advise as to the approach(es) they would like to see adopted for the 2018/19 business planning cycle;
- b) Advise as to the consultation activity and approach they would like to see developed for the longer term.

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## **1. BACKGROUND**

- 1.1 The County Council has used a range of different consultation methodologies as part of business planning and to inform other key decisions in recent years. Consultation has informed our strategic priorities and planning around outcomes. Consultation can focus on a specific proposed change or transformation to a service, but is also embedded in annual processes such as setting out our intentions for the Council's budget and the associated level of taxation.
- 1.2 At this early point in both the current Council term and the 2018/19 business planning cycle there is an opportunity to review our approach to consultation. Responsibility for this review and determining the methodologies looking forward has been delegated to the Communities and Partnerships Committee, reporting back to General Purposes Committee as appropriate.
- 1.3 Getting our consultation framework right will make services and decisions better by ensuring they are designed together with communities. Equally it will ensure compliance with legal duties, avoid judicial challenge and help maintain positive public perceptions and relationships.

## **2. LEGAL DUTIES**

- 2.1 The duty for a public authority to consult on its plans is expressed through a number of different acts but the overarching framework forms part of the Local Government and Public Involvement in Health Act.2007 and requires local authorities to 'inform, consult and involve' people if we plan to make changes to our services. In February 2016 the Cabinet Office published guidelines on consultation "the Cabinet Office Principles" which are to be treated as expectations for local government too. The governing principle is "proportionality of the type and scale of consultation to the potential impacts of the proposal decision being taken, and thought should be given to achieving real engagement rather than following bureaucratic process". These principles augment the common law principles known as the "Gunning principles" which are that:
  - Consultation should occur when proposals are at a formative stage;
  - Consultations should give sufficient reasons for any proposal to permit intelligent consideration;
  - Consultations should allow adequate time for consideration and response
  - There must be clear evidence that the decision maker has considered the consultation responses, or a summary of them, before taking its decision
- 2.2 This should be interpreted as the need to carry out a meaningful consultation during the formative stage of a decision and take account of consultation findings when finalising that decision. The Government recognises that the activities authorities undertake to meet the duty will depend on local circumstances and the specific context and impact of the decision. Broadly, the more serious the impact then the more likely that fairness requires a consultation to take place and be able to demonstrate thorough engagement in decision making. Although the duty to consult is clear a public authority has a broad discretion as to how that consultation should be carried out.

- 2.3 The Local Authority must be able to demonstrate, through evidence gathered in the normal course of business, that:
- we understand the interests and requirements of the local community;
  - we use our understanding of the area to ensure information, consultation and involvement opportunities are provided on the right issues, targeted at the right people, and accessible to those we are trying to reach;
  - we have an appropriate corporate approach to providing information, consulting and involving in other ways that flows throughout their organisation – from strategic policies into individual service delivery – and our work with partners where appropriate;
  - local people feel that the authority provides relevant and accessible engagement opportunities and they will know how to get involved, either directly or through their elected representative;
  - local people will recognise that the authority's policies reflect this involvement and services are tailored.
- 2.4 A further key consideration is the requirements of the 'Public Sector Equality Duty', found at S.149 of the Equality Act 2010, which means that the public body should be aware of and consider the Equality Duty when they reach decisions. The Act focuses on ensuring equality of opportunity between people who have relevant protected characteristics and the broader population as a whole and emphasises the importance of specific consultation with people in these groups.
- 2.5 In addition to the broad duties and expectations described above there are a range of areas where additional specific consultation duties exist – for example in relation to changes to children's centre provision.
- 2.6 A failure to deliver against the duties and expectations of appropriate consultation will miss the opportunities to work positively together with communities to design the best possible services. It also clearly leaves the local authority open to legal challenge and across the public sector we are seeing a growing number of cases where a successful legal challenge has been made for not consulting properly and it is this case law that provides the backdrop for policy around when and how to consult.

### **3. BUSINESS PLANNING CONSULTATION METHODOLOGIES**

- 3.1 Consultation on the Council's Business Plan has been carried out in a variety of ways in recent years, these are described below to inform consideration of the best approach for the coming period.
- 3.2 Household survey  
For a number of years the Council has conducted a household survey with a stratified, random survey of the county's population. The most recent example surveyed 1,327 residents during September 2016, with a range of questions designed to better understand resident views on council priorities and on a proposed increase in council tax. The survey is generally commissioned from an external market research agency, and conducted

according to a robust methodology. This means that the results can be considered statistically representative of the views of Cambridgeshire's residents.

### 3.3 Online survey

For a number of years, the consultation for each Business Plan has included an online survey of residents, promoted through a variety of routes, including via the front page of the Council's website; via mailing lists to organisations such as parish councils; and via social media. The questions have generally mirrored the questions used in the household survey; in recent years residents have been asked to view an animation providing context for the budget before completing the survey.

- 3.4 The online survey is important in raising visibility of the Business Planning process and offering anyone who wishes to the chance to respond. However, response rates are comparatively low (201 responses in 2016); and the sample is self-selecting – so the results are not statistically significant.

### 3.5 YouChoose

One specific online consultation tool trialled in previous years was the 'YouChoose' budget simulator tool. The tool was developed by the London Borough of Redbridge as a way of consulting local people about their spending priorities. They have made it available free of charge to other local authorities to use through the Local Government Association. People participating are presented with a budget that is overspent, and are asked to balance the budget through a combination of tax increases and changes to service budgets. Once compiled, the results of this exercise give an indication of people's priorities for spending.

- 3.6 This approach helped to raise awareness of the business planning consultation and gave participants more insight into the budget setting process; however it may take more time to complete than a standard survey. Again, the sample is self-selecting and the results are not statistically significant.

### 3.7 Pop-up Consultation Stands

In 2016, the Community Engagement Team coordinated a consultation that was taken to a number of community events across the county. Selections was made as a matter of convenience, due to their timing (during September) and spread across each of Cambridgeshire's five districts. Members of staff from across the organisation volunteered to talk to members of public. In advance a briefing document and a set of consultation questions were prepared. Display boards were also used at each event so show the breadth of County Council services. In addition members of the public were shown a series of tubes in which to place their 'vote' for their preferred level of council tax increase. Each option was communicated in detail and people's opinions recorded. This methodology required extensive officer time, but significantly increased the visibility of the Council's consultation process. It is likely that it may have driven further responses to the online survey.

### 3.8 Strategic Partner and Stakeholder Engagement

A range of workshops and discussion fora have been organised with our key partners, including sharing plans with the health system leaders, engagement with District Councils, business stakeholder groups, Voluntary Sector panels and the like.

### 3.9 Email Submission

Alongside each of the consultations above, an email address is provided that allows members of the public to submit further comments. This allows for richer information to be submitted by interested members of the public, but is the least representative approach, with a self-selecting sample.

#### **4. CONSULTATION FRAMEWORK**

- 4.1 In addition to the discrete consultation activity associated with the business plan as a whole, the Council has a wider consultation framework and rolling programme of specific consultations in individual topic areas. Our approach and values are set out in 'Working Together with Cambridgeshire County Council: the Council's commitment to supporting the voice of local people to be heard' a set of information which was co-produced with partners and communities and is regularly reviewed (most recently in May 2017).  
<https://www.cambridgeshire.gov.uk/residents/working-together-children-families-and-adults/>
- 4.2 Whenever we consult with the public on a proposed change to a service, the details of the consultation are published on the County Council website:  
[http://www5.cambridgeshire.gov.uk/site/custom\\_scripts/cons\\_search.aspx](http://www5.cambridgeshire.gov.uk/site/custom_scripts/cons_search.aspx). This normally accompanies information regarding the subject matter (proposed change, issue that the council would like views on etc.), the start date and end date of the consultation and how the person can contribute their views. The ways in which somebody can contribute their views differ depending on the issue that is being consulted on.
- 4.3 As well as one-off consultations, this framework programme includes a number of consultations which take place regularly, providing further rich sources of information. Examples of these recurring activities include;
- Adult Social Care User Survey
  - Health Related Behaviour Survey
  - Bi-annual Carer's Survey
  - Independent Domestic Violence Advisor Survey
  - Sensory Services Feedback Questionnaires
  - Adults and Children' Social Care Complaints Survey
- 4.4 Formal set-piece consultation is complimented with an ongoing dialogue through a range of participation forums. These primarily focus on specific groups of service users who we engage regularly on issues, outcomes and proposals. The appendix to this paper provides a list of these forums.
- 4.5 Community impact assessments also form a core part of our approach to undertaking and evidencing appropriate consultation. For each business planning proposal we undertake a dedicated assessment of impact – looking at the overall impact we expect for residents and also highlighting in particular and differential impact on specific or vulnerable groups. For 2018/19 we have committed to embedding these impact assessments from the early stages of proposal development and to including evidence of consultation within them wherever possible. Ideally we should be consulting on the impact assessment as well as the proposal itself, giving stakeholders the opportunity to inform our thinking about how they will be affected. Community impact assessments are particularly important in responding to the equalities duty described in section 2.

## **5. ISSUES**

- 5.1 A key difficulty in the business planning consultation is that we are trying to engage people on a plan which is still being formed. This makes it difficult to engage meaningfully at the outset and that we have asked residents to comment on elements such as the priority objectives and potential tax increases without being able to provide much detail about the specific proposals or implications of their views. For example, previous consultations have tended to suggest a lot of support for raising Council tax levels when residents are presented with the possibility of reductions to support levels for vulnerable people, but we have, at the point of asking, been unable to provide full detail on exactly what those reductions might look like or the associated impact assessment.
- 5.2 The discrete consultation on business planning and the more detailed consultation on specific proposals or with key participation groups have sometimes been disconnected. The business planning consultation work has perhaps not drawn in information from the existing range of consultation sufficiently and has been viewed as a standalone element rather than part of an overall approach to consultation and engagement. This means that Business Planning consultation is not as representative and meaningful as it could be and to some extent duplicates or repeats work done elsewhere.
- 5.3 The business planning cycle and timeline can also leave insufficient time for full and meaningful consultation with residents. In order for a meeting of Full Council to sign off the business plan in February we need to have our proposals essentially fully formed by the end of the previous calendar year – meaning that we need to squeeze consultation activity into this truncated timeframe. Where consultation is undertaken in very short timeframes it is much more difficult to secure substantial engagement and to offer the opportunity for genuine co-production and developmental work – it limits us to seeking comment at the margins on proposals we are already committed to – rather than taking communities with us in the process of service design.

## **6. APPROACH FOR 2018/19 BUSINESS PLAN**

- 6.1 Given the issues described above it is recommended that the consultation activity commissioned for business planning is more fully embedded in a wider framework of consultation, participation and the development of ideas and responses to local needs and challenges in collaboration with communities and other stakeholders – sometimes referred to co-production. We will then need to bring all of this material together.
- 6.2 We are already able to predict a number of significant consultation areas and we will begin to plan for these. The outcome of these consultations (and others commissioned as the business plan takes shape) should be combined with the overarching consultation. These areas are:
- Special Educational Needs Inclusion;
  - Children's Centres;
  - Library Transformation Programme;
  - Children's Change Programme, later phases;

- Adults Transformation Programme.

6.3 For the consultation on the business plan as a whole, the Committee should consider a number of options, which could be used by themselves or in combination:

- A simple web survey – this is quick and inexpensive to administer but doesn't give a representative sample and can be limited in terms of how much contextual information and specific proposal detail it can provide;
- A representative household survey – this is more expensive, costing around £25k to deliver but does give a statistically significant and unbiased result – thereby potentially providing a much stronger evidence of mandate to key decisions;
- A community focussed approach – with pop up stalls and based on face to face dialogue. This gives richer and more diverse responses but cannot be as easily aggregated into summative judgements;
- A YouChoose (or similar) model – which has the potential to give powerful insight into public views on spending priorities and plans but which requires significant development lead time and is most useful when specific options are available to compare and contrast. This might be most applicable therefore at the end of the business planning process in late 2017 when we will need to finalise the decisions on Council tax and should have draft proposals/options in detail for a balanced budget.

## **7. FURTHER DEVELOPING OUR CONSULTATION FOR THE LONGER TERM**

- 7.1 Beyond the 2018/19 business plan, this review point is also a good opportunity to think about how we might want to use consultation differently, for different purposes over the longer term – specifying where we see the likely focus of consultation and which tools we might use in each instance. Some of the key areas are summarised below for consideration.
- 7.2 Alongside consultation activity we are increasingly looking to co-produce or co-design services with residents and service users. People who use services are 'experts by experience' and therefore a valuable asset when deciding the most effective and efficient way to deliver. We already co-produce service in a number of areas, for example through self-directed support in adult social care and we want to build on this to develop greater opportunities for resident and service users to have their opinions heard and help shape those services at every stage.
- 7.3 Beginning shortly, the Council has committed to deliver a systematic review of all of its service areas, examining fundamentally whether we are delivering the right things and delivering them in the right way. We anticipate this work identifying a number of service areas where we think the existing service model should be changed and these represent an ideal opportunity to genuinely co-produce a new approach alongside residents.
- 7.4 Members have signalled the intention to move away from planning and budgeting as a single organisation and instead to look to plan against shared outcomes as a public sector. This is likely to begin with a conversation and consultation about the strategic needs, challenges, priorities and outcomes that should be our collective focus. For this we are

likely to need to deploy a range of consultation methodologies to engage strategic partners, other organisations and residents.

- 7.5 Building on a shared outcome framework, the devolution programme and establishment of the Combined Authority have given further impetus to the public sector reform agenda with the potential for significant organisational transformation. Residents clearly need to be a big part of that conversation and this would represent an opportunity to engage the public more fundamentally in the major challenges and opportunities which present themselves in Cambridgeshire. Again this should be a co-production initiative rather than a more traditional consultation exercise.
- 7.6 The intention is that a final paper will be presented to the August meeting of this Committee with firm proposals based on the initial steer provided.

## **8. ALIGNMENT WITH CORPORATE PRIORITIES**

The following bullet points set out details of implications identified by officers:

### **8.1 Developing the local economy for the benefit of all**

- Robust and meaningful consultation and co-production will provide a benefit to the local economy by ensuring that we support and promote local economic activity that has been identified by citizens themselves

### **8.2 Helping people live healthy and independent lives**

- Citizens and service users are 'experts by experience' and are therefore best placed to decide what kind of support is going to make them more healthy and independent. Therefore, this improved framework of co-production and consultation activity will ensure that we have a meaningful input from citizens into decisions about how the council's budget is spent and how services should be delivered.

### **8.3 Supporting and protecting vulnerable people**

- Consultation and co-production is a vital factor in how we support and protect vulnerable people. Without truly listening to people's views and concerns, it is not possible for us to support them and protect them adequately. This is most apparent at a service delivery level, ensuring that practitioners adopt an approach whereby the person is at the centre of everything they do, but is also true when shaping strategic direction and policy.

## **9. SIGNIFICANT IMPLICATIONS**

### **9.1 Resource Implications**

There is a resource implication if members wish to administer a full household survey as part of the consultation framework. The average cost of this has been around £25k for previous surveys. Existing officer capacity will be utilised to implement the other activities described, albeit that some are more resource intensive than others.



## 9.2 Statutory, Legal and Risk

The report sets out details of statutory, legal and risk implications in section 2.

## 9.3 Equality and Diversity

Adopting a more thorough and representative approach towards consultation and co-production will foster a decision making process that has been informed by a more diverse group of people. However, the need to ensure that all engagement and consultation activity is carried out in a way that is accessible to all people will be paramount to its success. The specifics of the equality duty are described in sections 2.4 and how we manage these through the impact assessment process at section 4.4

## 9.4 Engagement and Communications

The report sets out details of significant implications relating to engagement and communications throughout

## 9.5 Localism and Local Member Involvement

Localism and member involvement are at the heart of effective consultation with members acting as the champions and advocates for communities and playing a lead role in consultation activities. Community Impact Assessments should give consideration to specific geographically local impacts when they exist.

## 9.6 Public Health

There are no significant implications relating to public health.

Implications	Officer Clearance
Have the resource implications been cleared by Finance?	Yes Name of Financial Officer: Sarah Heywood
Have the procurement/contractual/ Council Contract Procedure Rules implications been cleared by Finance?	Yes Name of Financial Officer: Sarah Heywood
Has the impact on statutory, legal and risk implications been cleared by LGSS Law?	Yes Name of Legal Officer: Fiona McMillan
Have the equality and diversity implications been cleared by your Service Contact?	Yes Name of Officer: Tom Barden
Have any engagement and communication implications been cleared by Communications?	Yes Name of Officer: Christine Birchall

<b>Have any localism and Local Member involvement issues been cleared by your Service Contact?</b>	Yes Cllr Steve Criswell Name of Officer: Sue Grace
<b>Have any Public Health implications been cleared by Public Health</b>	Yes Name of Officer: Val Thomas

<b>Source Documents</b>	<b>Location</b>
None	n/a

## **APPENDIX – LIST OF EXISTING PARTICIPATION FORUMS**

<b>Stakeholder Group</b>	<b>Participation Forum</b>
Carers	Carers Partnership Board
Learning Disability	Learning Disability Partnership Board
Physical disability and sensory impairment	Physical Disability and Sensory Impairment Partnership Board
Older People	Older People's Partnership Board
Adult Social Care	Adult Social Care Forum
Mental Health	Mental Health SUN network
Service users – Drugs and Alcohol Services	Link Up and Feedback REACH
Parents with disabled children	Pinpoint
Teenage parents	Romsey Mill Young Parents Programme
Parents with young children	Children's Centres Partnership Boards
Families with a CAF	CAF Project Board
Children who are looked after	Just Us Voices Matter Panel
Young offenders (and those at risk of offending)	Cambridge City Girls Group

	Others through YOS
Children and young people with disabilities	Papworth Trust  Youth Inclusion, Disabled Children Service  Voiceability
Young people on the Child Protection register	National Youth Advocacy Service  Talk N Change Group  Child Protection conference participants
Young Carers	Centre 33  Crossroads Young Carers Project
Young people out of school	Through locality teams
Young people at risk of NEET	Through locality teams
Children and young people in poverty	Through schools and locality teams  Health-Related Behaviour Survey
Children and young people from minority ethnic backgrounds	Through CREDS
Young people with a CAF	CAF Project Board
Young people with drug or alcohol problems	Through DAAT team
LGBT young people	SexYOUality
Young People's Health Services	Health Watch Young People's Ambassador