

Appendix 1

Cambridgeshire County Council

Consultation Strategy 2016 / 17

V5

Preface

The County Council wants to make Cambridgeshire a great place to call home.

In the face of increasingly challenging conditions for local government we have tried to protect frontline services, but inevitably we have had to change the way we do things and reduce some of what we do. In these circumstances talking to the public and listening to their opinions is more important than ever.

Through consultation, Cambridgeshire County Council will seek to understand what it is that members of the community value the most about our services.

We acknowledge that consultation rarely throws up a single, coherent and unified opinion; we have to weigh the views expressed within the consultation process and then clearly feedback on why we have taken a particular course of action.

Opinions about the quality of our services are also fundamental to maintaining our standards. So we will regularly talk with service users about how we are doing.

This strategy will outline how the council will seek to actively consult with local people, organisations and businesses in Cambridgeshire so that their 'voice' is heard.

Introduction

This strategy describes Cambridgeshire County Council's **commitment** to carry out meaningful consultation with the public and outlines when and how this will be achieved. The strategy includes a summary action plan for the year 2016/17.

The strategy has been endorsed by the General Purposes Committee (GPC) of the County Council and will be regularly monitored by a working group of elected members. In addition the Research Group Manager (Customer Services and Transformation) will take a specific responsibility for communicating the strategy throughout the organisation and will support the monitoring of the quality of consultation activity right across the council.

Our Commitment

The County Council makes the following commitment in support of its consultation activities. It will:

- engage in **open and honest** dialogue with communities on issues that impact on them.
- **understand our customers**, residents and communities as much as we can, knowing what they value the most and appreciating the implications of any change to service.
- make sure that all consultation information includes a **simple to understand** summary and an explanation of any local implications.
- engage people by giving them an opportunity to voice their opinions **at a formative stage**.
- **report back** on the results of consultation and action taken. Where we've been unable to follow the course of action people wanted we will explain why.
- ensure that our consultation methods recognise the **diversity of communities** within the County.
- **avoid over-consulting** with our communities by co-ordinating our consultations in the most cost effective way.
- link up consultation with existing communications **seek new ways** to communicate.

Understanding Consultation

In Cambridgeshire there is a range of activities taking place that enables the public to have a voice in decision-making.

Consultation is a two-way process between the Council and the public. Consultation asks people to express their views by first providing sufficient information for them to understand a decision that the Council needs to make. People will then be invited to give their opinion in a variety of forms (such as on the internet, face-to-face, telephone, postal, public meeting) and this feedback will then help the Council to make that decision.

Although linked to consultation the County Council's approach to Community Engagement and Communication fall outside the scope of this strategy.

The Role of Consultation

Consultation can be used by the Council at different times to inform decision-making, transformation, policy and service delivery. Specifically consultation can be used for gathering both qualitative and quantitative information, for the purposes of:

- Strategic planning - to understand the needs of our community, and to define policy to address those needs and ensure that the way in which services are designed and delivered meets those needs;
- Strategic performance - to measure performance against our priorities and understand our reputation with key stakeholders, residents and service users;
- Supporting the transformation of services – proposing service changes to the community and gauging reaction to various ideas or options.
- Operational planning - for specific services to evaluate the impact they have had on service users to review the way the service is delivered and inform improvement and to understand expectations and satisfaction.

The remainder of this document outlines how Cambridgeshire County Council will carry out consultation work.

A Defined Process

The key to carrying out an effective consultation is to understand the role that consultation plays in decision-making. Whilst there is a legal duty for local authorities to act fairly (with consultation being a way to discharge this duty - see the following section), rather than seeing consultation as an 'add on', Cambridgeshire County Council fully embraces the value that well-structured consultation exercises can bring to the decision-making process.

This involves the Council planning consultation effectively, sharing ideas with colleagues or partners on what consultation activities will cover and considering how to target the right people, at the right time using appropriate methods and techniques.

Consultation dialogue: This stage is about actually carrying out and publicising the consultation. Elected members can play a pivotal role in encouraging open dialogue and promoting discussion with stakeholders.

Post-consultation: This stage is about using the information gathered during the consultation to inform decision-making, feeding back to stakeholders and evaluating the process and outcomes of the consultation.

As part of our consultation commitment the County Council has undertaken to engage people by giving them an opportunity to voice opinion **at a formative stage**. In practice this will involve the following:

- Planning consultation as early as feasible. Where necessary breaking consultation down into stages with early views sought on what people value the most about services followed by more detailed consultation on options at later stages.
- In planning consultation officers will need to take into account the **impact** of a decision on the users of services and the level of **public interest** in a decision or service.
- Providing sufficient time to consult within the decision-making process. In particular identifying relevant elected member committee dates and ensuring that members have access to the results of consultation whilst taking decisions.
- Planning of the decision-making process will need to take account of when critical commitments are made and ensure that the consultation evidence gathered prior to that point is appropriate given the assessed impact and level of public interest.

- In order to support the public with this process all consultations or surveys will be entered onto the County Council's Consultation Database which will then be available to search via the internet.

Making Best Use of Elected Members

Democratically elected members have a mandate to represent constituents and make decisions on their behalf and the process of consultation and further public engagement can support them in this role. Information communicated through consultation can increase local representation and help improve communities' understanding of how their council operates and how decision-making processes work.

Cambridgeshire County Council's elected members (Councillors) play a pivotal role in **promoting consultation** with the public and open discussion with stakeholders particularly during the consultation dialogue stage. Members also have skills in helping to explain the service changes in a simple and direct way to the public.

Elected members have an important role to play in **scrutinising consultation** practices and ensuring that decisions take into consideration any information, data and opinions gathered during a consultation.

Often elected members have to consider issues which are highly complex and need to **weigh the views expressed** through consultation against a wide range of other factors, including the need to comply with statutory requirements or to balance the Council's budget. Also, consultation rarely throws up a single, coherent and unified opinion, therefore elected members will often have to make their own judgements about the weight to be given to one or other of the views expressed. In other words, the results of consultation are informative but aren't a substitute for the democratic process and elected members may end up taking a decision that goes against the views/wishes of some parts of the community, as expressed through that process.

Understanding the Legal Requirements

A consultation is not a negotiation, but a process within which a decision-maker, at a formative stage, invites representations on one or more possible courses of action. Unless laid down by prescribed procedures, a public authority has a broad discretion as to how a consultation should be carried out.

There are some situations where a public authority (the Council) is expressly required by legislation to engage in some form of consultation before taking a decision or exercising a particular function (for example, section 5D of the Childcare Act 2006 requires consultation before providing or ceasing to provide children's centres and before making any significant change to the services they provide). Statutory guidance may also require public authorities to consult.

Even where there is no express duty to consult, case law has established that courts may imply a duty to consult as part of an authority's **general duty to act fairly**. This is dependent on context, and the nature and impact of the decision being taken – the more serious the impact then the more likely that fairness requires a consultation to take place. Arguments about the futility of consultation (given the stage of decision-making) or the administrative burden that consultation creates cannot be used to avoid this duty.

In ensuring that the County Council complies with its duty to act fairly in respect of consultation it will:

- As early as possible consider the **nature and impact** of decisions to be made – the more serious the impact, the more likely that fairness will require consultation with affected individuals or communities.
- Consider where the public has a **legitimate expectation** that they will be consulted (either through past practice or from previous promises made to consult) and ensure that these expectations are met.
- Ensure that due regard is given to the public sector **equality duty** (Equality Act 2010) using consultation to help complete an 'equality impact assessment' where necessary.
- Maintain good quality consultation practice, taking into account case law in relation to the following points:
 - Consultation must begin at a time when proposals are still at a formative stage:
 - Proposers must give sufficient reasons for the proposal to permit an intelligent response
 - Adequate time must be given for consideration and response. The length of time should relate to the significance of the decision typically four weeks for most decisions with a smaller number of 'significant' decisions requiring eight to twelve weeks.
 - The product of consultation must be conscientiously taken into account in finalising any proposals. Normally this means a report on the findings of consultation needs to be considered by the recognised committee or project board.

Achieving the strategy 2016 / 17

In order to achieve the commitments outlined within the strategy the County Council develop an action plan that will be overseen by the member working group on consultation; reporting back annually to GPC. Key parts of this will be:

- Produce a forward plan for significant consultation to be carried out during 2016 / 17.
- Update the consultation Toolkit (advice for all County Council officers on how to carry out consultation including legal advice).
- Update the Consultation Database and associated webpages.
- Communicate best practice amongst members and officers within Cambridgeshire County Council.
- With the support of the member working group, assess the quality of consultation activity carried out on behalf of the Council reporting back annually to GPC.

Useful Links and Contacts

All of the County Council's consultation activities, past, present and future are fully searchable on our consultation web-pages:

http://www.cambridgeshire.gov.uk/site/custom_scripts/cons_recent.aspx

The County Council's Business Planning work can be found here:

http://www.cambridgeshire.gov.uk/info/20043/finance_and_budget/90/business_plan_2016_to_2017

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