

**Joyce Holman**

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**From:** Sophie Duncan  
**Sent:** 12 September 2017 14:06  
**To:** Andy Reeves; Bishopstone; Blunsdon; Castle Eaton ; Chiseldon; Covingham; haydonwick; Highworth; Highworth2; Joyce Holman; Liddington; Paula Harrison; southmarston; St Andrews; Stanton Fitwarren; strattonstmargaret; Wanborough ; wroughton  
**Cc:** Carmel Burton; Samantha Mowbray  
**Subject:** Swindon Borough Council - Consultation Policy 2017 (draft)  
**Attachments:** Swindon Borough Council's Consultation Policy - revised draft 2017.doc

Dear Clerks,

The Council's Consultation Policy was developed and adopted in 2014 following discussion and consultation with members of the public, elected members, parish councils and the Council's Corporate Governance Review Working Group, with a date for review in 2017.

We have been working on updating the Policy, please see the draft attached.

The new Policy does not depart significantly from the original but makes more specific reference to the Council's engagement work, acknowledging that engagement and consultation overlap and form part of a continuum of dialogue with consultees.

More detailed reference to the requirements of the Equality Act 2010 is now included.

There is also specific reference to other relevant documents which cover consultation specifically the Statement of Community Involvement in Planning (SCI), Swindon Borough/Parish & Town Council Charter 2015 and The Swindon Compact 2007. The Compact set out a framework which reinforces and enhances the working relationship between the voluntary and community sector and the statutory sector in Swindon. This new Consultation Policy 2017 replaces the public sector commitments set out in the Consultation Code, an appendix to the Compact itself.

Please can you circulate this draft to your members for review and comment. I have been asked if we can have responses no later than **10<sup>th</sup> October 2017** but please contact me if there will be any problems meeting this date.

Many thanks

Sophie

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# Swindon Borough Council's Consultation Policy 2017

## Purpose

The purpose of this Policy is to clearly set out the Council's commitment to effective and efficient consultation and engagement with the public, local businesses, the local voluntary sector and partner organisations, and to also set the expectation that this commitment will be consistently applied, particularly in relation to the Council's key decisions.

The previous Consultation Policy was approved in 2014 and provided an effective framework for consultation activities to inform the ongoing development and improvement of services for the communities of Swindon.

Since 2014 there has been also been an emphasis on engagement as a key component of service development. Thus the aim of this revised Policy is to build on the good standard of consultation and engagement activity currently taking place across the authority and ensure that both consultation and engagement activities continue to take place in an appropriate and systematic way.

## Background

Over the last 12 months an audit of consultation and engagement across the authority also identified the following areas for development:

- The need to ensure that the differences between consultation and engagement are clearly defined and that the levels of influence the public will have on any decisions are stated.
- The need for stakeholder engagement mapping to make better use of existing contacts and channels of communication
- The need for resources to be reshaped to help provide support for consultation and engagement activities across the Council

In addition to this Policy, here are three other relevant documents which cover consultation:

**Statement of Community Involvement in Planning (SCI).** This document explains how the Council will involve the community and key stakeholders in preparing its Local Development Documents to guide future development across the Borough, and also sets out the Council's expectations for how developers should engage the community when preparing their planning applications.

**Swindon Borough/Parish & Town Council Charter 2015:** Swindon's parish and town councils have agreed a charter that sets out how they aim to work together across the two tiers. This charter includes a commitment to consulting and involving parish and town councils in decisions that affect the local community, and to work with parish and town councils to involve a wider range of community members in those decisions.

**The Swindon Compact:** The Swindon Compact was developed in 2007 and sets out a framework which reinforces and enhances the working relationship between the voluntary and community sector and the statutory sector in Swindon. This Consultation Policy replaces the public sector commitments set out in the Consultation Code of the Swindon Compact. (The Policy does not replace the voluntary and community sector commitments as stated in the Code or any of the Compact itself).

## Commitment

The Council will seek the views of residents, businesses, partner bodies, the voluntary sector and other stakeholders and will use the results of consultation and/or engagement to inform its decision-making processes, to develop and refine its policies, and to drive improvement in the services for which it is responsible.

The Council values the views of all its residents equally, regardless of their age, sex, gender identity, ethnicity, sexual orientation, disability, income, political conviction or religious belief.

The Council's approach will be sensitive to the needs, values, language and cultural differences that exist within our community and will make materials and opportunities to participate available in other formats where reasonable and appropriate.

The Council will make reasonable efforts to ensure inclusive approaches in its consultation processes, especially where it believes that the views of a group may differ from that of the wider population, where the impact of the issue being consulted on will be different, or where particular importance attaches to the inclusion of specific hard-to-reach groups.

The Council will consult with the voluntary sector and support infrastructure organisations (such as: Voluntary Action Swindon and Swindon Federation of Community Organisations) and user led organisations in facilitating consultations as appropriate.

The Council will adhere to the provisions of current data protection legislation in relation to the holding and use of personal data. We will use only the data supplied by individuals who have given permission to us to contact them.

The Council is committed to consultation which meets the Council's legal requirements and which adheres to the ten principles of effective and efficient consultation and engagement set out in this Policy below.

## Definition

### What is consultation? And what is engagement?

Consultation and engagement can mean different things to different people, communities and different services and situations. Consultation and engagement routinely mean:

- Involving service users, residents, businesses, partners and other stakeholders in our policies and services
- Listening to what they have to say
- Using the outcomes to respond to their needs
- Involving them in the decisions we take

**Engagement** is about enabling the community to be involved in local decisions and giving people more control over local issues. A public service should engage with the community as part of their approach to deliver local solutions for local problems, decisions and services. Swindon residents should feel that they can influence local decisions and have a say as to how services are run and prioritised. Often, how much local people will feel it can influence a decision is directly proportional to how much they are engaged in the decision making process.

**Consultations** take place when a change in the way that services are provided is proposed, during the development of a new service, or if a decision on the continuation of a service is being considered.

Effective consultation gives the public, public service staff and voluntary organisations the opportunity to take part in the development of local policy. It builds trust and partnerships that can be used to monitor and improve services. It encourages exchange of information that can lead to better understanding of local needs.

However consultation rarely produces a single opinion – councillors and officers will often have to make their own judgement about the weight to be given to one or other of the views expressed, and will always need to weigh the views expressed through consultation against a wide range of other factors: such as legislation and government guidance; demographic data; financial costs and environmental impacts.

## Levels of Community Participation

There are commonly five recognised levels of community participation<sup>1</sup>: Informing, consulting, involving, collaborating and empowering. On a continuum, these levels have increasing amounts of active participation, although in practice these are not necessarily linear. At the most basic level of participation the community is "informed" and there is no two way dialogue. At the most sophisticated level, the community is "empowered", i.e. fully involved, taking the lead in the decision making and service design processes, and potentially, taking control of specific local services.

These five levels of participation are summarised below:

- **Information:** At this level, whilst people are given some information about what is proposed, no response is sought nor expected.
- **Consultation:** At this level, whilst people's views are being sought on a proposal(s); the decision will be made by the elected representatives or appointed officials (under delegated authority).
- **Engagement :** At this level, the intention is to encourage others to provide some additional ideas and options, and join in deciding the best way forward. Engagement activities may also precede or inform more formal consultation once proposals have been developed
- **Partnership:** at this level, those who make the decision share the responsibility not only for the decision itself but also for its realisation. This is the basis on which many productive partnerships are based; responsibility for the decision is shared, and the problems encountered in implementation are also shared and addressed jointly.
- **Supporting local initiatives:** at this level the authority helps others, such as community groups, to develop their own responses and plans, and then provides support and guidance to assist them in delivering the desired outcomes.

Part of the Council's role, therefore, may be to encourage and enable Swindon's people and organisations to play an increasingly active part in the decision-making processes, both by engagement with formal democracy in elections and by taking responsibility for constructive solutions to local issues.

Participating in meaningful consultation is also an essential step in that process, and it is therefore vital that consultation is undertaken properly and with due regard not only to its fundamental purpose but also to the wider outcomes being sought.

<sup>1</sup> (Adapted from David Wilcox 1994)

Full details about each of the five levels, appropriate methods and their likely impact is provided in the **Consultation and Engagement Tool Kit 2017**.

### **Consultation - The Legal Context**

The Council is committed to consultation which meets the Council's legal requirements, which include:

- Fulfilling Section 3 (2) of the Local Government Act 1999, which requires the Council to 'consult a wide range of local persons, including local voluntary and community organisations and businesses' prior to deciding how the Council will fulfil its Best Value duty.
- Meeting the specific statutory requirement for some decisions (set out in the relevant statute) to carry out a consultation prior to the decision.
- Adhering to the Council's Constitution, by ensuring that the Council has regard to all the relevant facts and acts fairly in reaching its decisions. To this end, the Constitution requires all decisions of the Council to be made in accordance with the following principles:
  - Proportionality
  - Due consultation and the taking of professional advice from officers
  - Respect for Human Rights
  - Presumption in favour of openness and
  - Clarity of aims and desired outcomes
- Meeting the requirements of the Equality Act 2010 which requires the Council to 'have *due regard* to the need to:
  - **eliminate unlawful discrimination**, harassment, victimisation and any other conduct prohibited by the Act;
  - **advance equality of opportunity** between people who share a protected characteristic and people who do not share it; and
  - **foster good relations** between people who share a protected characteristic and people who do not share it.'
- Being mindful of Case Law, which has established the following principles:
  - The consultation must be at a time when proposals are still at a formative stage
  - The proposal under consultation must give sufficient reasons to enable intelligent consideration and response
  - The findings of the consultation must be conscientiously taken into account in making the final decision

- Adequate time must be allocated for such consideration and response. The length of consultation will depend upon the complexity of the decision, its urgency, and its importance to the individual

- Following Government guidance on what constitutes a reasonable length of time to consult, consultations should last for a proportionate amount of time which might typically vary between two and twelve weeks. However, if the Council intends to reduce or end funding or other support to a voluntary and community organisation that will materially threaten the viability of the organisation or service it provides, then the Council should give at least three months consultation to both the organisation involved and the public/service users.

Additionally, the Council is committed to ten consultation principles, which when consistently applied, will help build the trust between consultees and the Council that is necessary to effective modern local government, particularly in a challenging context of austerity and rising demand for services.

The Council recognises that consultation is one of a number of important factors in making its decisions e.g. a consultation is certainly not a referendum; and that the decisions made will not always be supported by all consultees. However, the Council believes that by consistently following these ten consultation principles, developed with and for consultees, the consultation is more likely to build trust between the Council and consultees.

### Ten principles guiding consultation by the Council

The Council's consultations will normally be conducted in accordance with the following ten principles:

1. Clear aims and objectives
2. Clear and co-ordinated process and timeframes
3. Strive to be inclusive
4. Clear roles and responsibilities
5. A proportionate approach
6. Clear communication and information
7. Correct and robust use of data
8. Commitment to feedback on the results
9. Adapt and learn throughout
10. Review or evaluate at the end

**The Council's commitment to clear consultation aims and objectives includes:**

- Establishing appropriate consultation methods based on the objectives and target audience
- Considering how to widen access to the consultation by using different methods, determined by its purpose, the needs of your target audience and your resource
- Using appropriate methods to reach and engage different audiences
- Asking questions that will elicit the views and information required
- Assessing each consultation exercise undertaken by the Council against five broad questions:
  - What do we want to know and why?
  - Who are the people who can tell us the answers to these questions?
  - What is the best way to put these questions to this group of people?
  - How will the results be reported?
  - What action might be taken in light of these results?

**The Council's commitment to clear and co-ordinated process and timeframes includes:**

- Case law provides that the length of consultation will depend on the complexity, importance to the individual and urgency of the decision
- Government guidelines (2016) state that '*consultations should last for a proportionate amount of time, which should take into account the nature and impact of the proposal*'. *Consulting for too long will unnecessarily delay policy development. Consulting too quickly will not give enough time for consideration and will reduce the quality of responses*'. As a guide the Council will normally plan for a minimum of 4 weeks.

**The Council's commitment to strive to be inclusive includes:**

- Where appropriate, undertaking an Impact Assessment<sup>2</sup> to identify if there are any particular population groups likely to be impacted by a proposal or proposed service change
- Making reasonable arrangements for anyone affected by a proposal or proposed service change to have an opportunity to have their say
- Recognising that a variety of approaches may be required as there are those who are less likely to feel comfortable with and take part in the usual channels of communication

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<sup>2</sup> Guidance on undertaking an Impact assessment is summarised in the Consultation and Engagement Tool Kit 2017, full details are available on the Swindon Borough Council Intranet.

for reasons relating to race, ethnicity, language, culture, disability, age, location, ability to communicate, and low income.

- Making the most of opportunities to present a co-ordinated response from voluntary and community organisations working in the same area of services

**The Council's commitment to provide clear communication and information includes:**

- Including the following in covering documentation: a summary, discussion of the issues, the options, relevant views and information

- Enabling people to participate in an informed debate

- Ensuring all consultation documents are concise, clearly presented, avoid jargon, and are written in language that is more likely to be understood by the intended audience

- Considering producing documents and information in different languages and formats

**Council's commitment to use correct and robust data includes:**

- Producing analysis that is clear, appropriate and understandable
- Demonstrating if evidence is there to support or oppose the proposal

**The Council's commitment to clear roles and responsibilities includes:**

- Consultation should be meaningful and open if it is to have credibility and allow everyone to make the best use of their time and resources to deliver useful results.
- Clarifying specific roles, explaining who has responsibility for what and how much influence others may have
- Being clear about how results will be used to inform the decision making process

**The Council's commitment to a proportionate approach includes:**

- The identification and provision of appropriate resources and methods needed to carry out consultation
- Using approaches that are tailored in size and complexity to the significance of the issue to those who are asked to participate

**The Council's commitment to give feedback on the results includes:**

- Providing all respondents and consultees with feedback on the exercise

- Ensuring that careful analysis of the responses and participant feedback is built into the consultation programme, and is reflected in both the timescales required and the resource allocation.
- Publicising the results of the consultation in more general terms so that those groups who were unable to respond are still kept informed.

**The Council's commitment to adapt and learn includes:**

- Treating the consultation exercise as a dynamic learning process, reviewing and adjusting the consultation as necessary during both the planning and process.
- Considering when iterative engagement approaches may be useful to help shape a more formal consultation process

**The Council's commitment to evaluation includes:**

- Evaluation is an important part of every consultation or engagement exercise, including identifying what worked well and what did not work so well.
- Evaluations should be proportionate, and assess whether objectives and value for money have been achieved.

## Methods and Tone and Style

The Council recognises that, depending upon the context and purpose of a particular consultation or engagement exercise, it can choose from a range of different methods to meet the needs of audiences and resources, including

- Citizen's juries or panels
- Conferences
- Consultation documents
- Councillor surgeries
- Customer comments
- Focus groups
- Forums
- In depth interviews
- Informal discussions
- Public meetings
- Referendums
- Road shows
- Surveys, including face to face, on-line, postal and telephone
- User Groups

The Council will expect and encourage all parties to contribute constructively to the consultations it conducts.