

# Consultation Policy

## Document Control

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## Change History

Version	Date	Description	Change ID
1.0	2010	Update of the council's 2005 Consultation Strategy	
2.0	2013	Update to the council's 2010 policy, taking account of the implications of of recent legal challenges to local authority decisions across the country, which have focussed on identifying weaknesses in councils' consultative processes.	
3.0	2015	Refresh of 2010 policy to simplify wording and structure, and to include the latest guidance and best practice.	
4.0	2017	Minor updates to links, team names etc.	
5.0	2019	Exceptional circumstance para added to 'Sufficient Time' section on request of Head of Strategic Support	
6.0	2022	Transfer of Policy to the corporate policy template and update to management team terminology, and service and team names	



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## 1. **Purpose**

- 1.1 The purpose of this Policy is to set out the council's key principles, or 'commitment to consultation' to be applied in undertaking consultations.
- 1.2 The Chief Executive and Corporate Board have approved the Consultation Policy.

## 2. **Applicability**

- 2.1 This Policy applies to:
  - 2.1.1 All non-school based employees working for the council, including those working from home or at non-council locations.
  - 2.1.2 Other persons including Elected Members, Consultants, Agency staff and Contractors working for the Council, external organisations working with the council, whilst engaged on council business .
- 2.2 It is the responsibility of each employee and other person mentioned in Section 2.1.2 to familiarise themselves with and adhere to this Policy.
- 2.3 Adherence to this Policy is a condition of working for the council or using its assets.
- 2.4 This Policy has had consultation with Heads of Service/Service Directors and Trade Unions and has been ratified by the council's Corporate Board.

## 3. **Our commitment to consultation**

- 3.1 West Berkshire Council (WBC) is committed to making sure decisions are evidence-based, taking into account the views and experiences of residents, service users and other stakeholders.
- 3.2 Within a relatively small unitary authority such as WBC, time and resources are inevitably tight and we need to use them effectively. This Policy seeks to ensure that we meet our duty to consult and that all consultation undertaken is effective, appropriate and transparent.
- 3.3 It aims to put our resources and expertise to best effect through:
  - Promoting best practice in all our consultative activities
  - Ensuring the coordination of consultative activities
  - Sharing of knowledge and experience
  - Ensuring evidence feeds into the decision-making process and is used by members and managers to shape Policy and provision
- 3.4 This Policy sets out the key principles, or our 'commitment to consultation' to be applied in undertaking consultation exercises. These are to ensure:

- Consultation is planned effectively; undertaken in a timely manner at the appropriate stage in the decision-making process and that; results are used effectively to inform Policy development and service delivery
- We make it clear the purpose of an exercise and how it feeds into the decision-making process
- Sufficient information is provided and accessible to participants to inform their response
- Everyone has the opportunity to contribute and have their views heard
- Appropriate methods are used
- Sufficient time is provided to respond, and for consideration of key findings
- The results are used to inform the decision-making process
- Key findings are fed back to participants

3.5 This Policy does not supersede any statutory requirements, for example in the planning arena or in relation to social care, whose processes would take precedence and should be adhered to, over the principles set out within this Policy.

#### 4. **Why do we consult?**

4.1 WBC exists to ensure that quality services are delivered and to lead the community, representing the interests of people in West Berkshire, both now and in the future. Our mandate to do this stems directly from the democratically elected status of our councillors and in order to achieve both, we are committed to listening to local people and translating those views into action.

4.2 Nationally, the Department for Communities and Local Government's Revised [Best Value Statutory Guidance \(2015\)](#) restates that local authorities are under a Duty to Consult, stemming from the Section 3(2) of the Local Government Act 1999. This states that Authorities must consult representatives of council tax payers, those who use or are likely to use services provided by the authority, and those appearing to the authority to have an interest in any area within which the authority carries out functions. Authorities should include local voluntary and community organisations and small businesses in such consultation. This should apply at all stages of the commissioning cycle, including when considering the decommissioning of services.”.

4.3 The [General Equality Duty](#) requires public authorities to have an adequate evidence base for their decision-making and places a duty on the local authority to have due regard to the need to eliminate discrimination and promote equality of opportunity. As such, the council's [equality impact assessments](#) form the basis from which evidence about the impact of changes in service provision is gathered and presented.

4.4 A genuine commitment to improving consultation is not driven solely by legislation. There is a direct correlation between how well informed and involved

people feel and how satisfied they are with the council and the services it provides. Good quality consultation demonstrates that involving people builds capacity within communities, leads to better, more appropriately delivered services and a council more closely connected to its communities.

4.5 Equally, effective consultation forms part of the evidence based upon which decisions are made. It provides an input into:

- Planning, prioritising and delivering better services, to give current and potential users what they need and make the best use of limited resources
- Identifying problems early so they can be addressed before they escalate
- Demonstrating a commitment to transparent and accountable decision-making
- Setting performance standards relevant to users' needs
- Informing Equality Impact Assessments (EqIAs) as part of the decision-making process to ensure all strands of equality are taken into account

## 5. What do we mean by consultation?

5.1 The term 'consultation' is often used to refer to a whole range of contacts between the council and the communities it serves. In fact, 'consultation' is only one element within the wider field of 'community involvement'. It can be useful to think of consultation on a 'ladder of participation', where at one end people are simply passive recipients of information, to the other end where considerable influence is devolved to (for example) community groups and organisations.

<b>Un involved</b>	→	→	→	<b>Fully involved</b>
<b>Provide information</b>	<b>Consult</b>	<b>Decide together</b>	<b>Act together</b>	<b>Support others</b>
Let people know what is planned	Provide information and use the feedback to inform the subsequent decision	Elicit and accept other people's ideas, then work up the solution together	Decide together what is best, then come together to deliver it	Help others to do what they want – i.e. through grants, advice and support.

5.2 It is useful to distinguish between two subtle differences in information typically gathered under the term 'consultation'.

5.3 On the one hand, a clear objective of an exercise may be to consult on interested/affected parties' views on a proposal. Feedback could be elicited on two levels:

- **On the proposal as a whole** - This approach would be adopted to determine, e.g. the extent of support for a proposal
- **On specific elements of the proposal** - This would capture more specific issues around the design or implementation of the proposal and would be geared more towards the practicalities of the proposal

5.4 However, the objective may be to elicit information regarding people's behaviour or experience. Primarily, this kind of research is used to determine how effective something is, or its implications, for example, in evaluating a function or intervention. A lot of this kind of evidence may be gleaned through existing case data already held, although could be augmented through asking recipients / service users directly.

5.5 This kind of research exercise need not directly and explicitly inform a decision, but for example, be used to monitor or evaluate a Policy or service. Therefore although a lot of the principles contained in this Policy around clarity of purpose, appropriate methods, feeding back will be relevant, these kind of research exercises would fall outside of the remit of this Policy in terms of feeding into a decision-making process.

## 6. **Key principles to consider when consulting**

6.1 Undertaking effective consultation and research is essential in making sure decisions are based on sound and reliable information. Poor consultation will lead to misleading results which can be just as damaging, if not more, than having none at all. Similarly, consultation for its own sake is a waste of public money, resources and consultees' time.

6.2 Where an exercise is embarked upon, the point to consider is that it must be carried out fairly.

6.3 We strive to ensure consistently high standards of consultation across all service areas. This includes effective planning, setting clear objectives, using appropriate methods and timescales and making maximum use of results and feeding back what has happened as a result to participants.

6.4 Consultations, as with any other project, needs careful planning and resourcing. At the planning stage, it is essential to identify those areas where there is a gap in our understanding: in essence, asking the question, 'what do we know already and what do we need to determine in order to fully inform the decision?' This could, for example, be the impact on individual recipients or service users, how stakeholders may respond to the changes in their day to day activities, any areas where the proposal could be strengthened or refined, how stakeholders may help in implementing the changes, or views on the principles or proposal as a whole.

6.5 A thorough investigation of the available information that has already been collected should be undertaken prior to proceeding with any consultation. This will include, as a minimum, a search of our [Consultation and Engagement Hub](#) and partners' websites, for any similar consultations or any planned future consultations that could also be used to gather the information needed.

- 6.6 From this point, the aims, objectives and purpose of the exercise can be easily articulated, the type of information required more easily identified (be it objective behavioural or subjective opinion) and a project plan, or programme of activity drawn up, mapping out consultees and deciding on the most appropriate approach(es) to eliciting feedback.
- 6.7 To be clear, there are no general rules as to the kind or amount of consultation required. By the nature of each proposal or issue, the appropriate approach to eliciting feedback will vary depending upon the circumstances which call for it. Therefore it is neither feasible, nor possible to lay out prescriptively a one size fits all approach.
- 6.8 There are however a number of key, general principles that should be applied in running exercises to ensure they are undertaken in a fair manner.

#### Clarity of Purpose

- 6.9 As a first step we will identify what decision or action plan the proposed consultation will feed into. If the consultation does not explicitly inform a decision to be taken, or we are unable to act on the results, then we will not consult. In essence, in informing the decision-making process we will only undertake consultative activity when the views of the decision-maker are provisional upon the outcome of that process.
- 6.10 We will be clear about the purpose and scope of each consultation exercise that we undertake. Any consultation will contain a clear statement describing why it is being carried out and how the results will be used. The questions posed will make it clear what feedback is being sought and how it will be used to inform the decision.
- 6.11 It will be clear to consultees what the timeframe for the decision-making process is, what may be influenced by responding to the consultation, and what cannot.

#### Relevant information

- 6.12 We will provide sufficient information to enable consultees to properly understand the proposal and respond to it. In launching an exercise, it should be clear what the proposals are, who may be affected, what questions are being asked and the timescale for responses.
- 6.13 We will be clear about the basis on which a proposal has been considered - and will thereafter be considered. Those consulted should be aware of the criteria that will be applied when considering proposals and what factors will be considered 'decisive' or 'of substantial importance' at the end of the process.
- 6.14 Relevant information which could appropriately be provided as part of the consultative process would include:
- The preferred proposed action (if relevant) and the factual information upon which it is based
  - Sufficient reasons for what is proposed, and any assumptions underlying the proposals, so as to permit intelligent consideration and response

- Information on possible alternatives to any proposal considered – whether it has been discounted / less preferred (and on what grounds) sufficient information as to the basis or criteria by which the proposal will be considered so as to enable those participating in the consultation exercise to do so on an informed basis
- Any relevant quantitative or qualitative information used to monitor usage / uptake / impact to date and which would be used to monitor the impact moving forward

6.15 How much information needs to be provided will be dependent on the issue being consulted on and the audience from whom views are being elicited. Where the group to be consulted is particularly expert, then greater detail may be required. However, even if not expert, information will need to be published in a form which consultees can understand.

#### Inclusive

6.16 Everyone who will be affected should have the opportunity to have their views heard. We will ensure we have taken all reasonable steps to ensure all directly affected and interested parties have been made aware and have been offered the opportunity to participate.

6.17 We will consider all stakeholders in our consultations, taking account of particular ‘seldom heard’ groups and including for example all businesses affected, and we will seek to consult through existing networks and voluntary and community organisations wherever possible. Part of the planning of any consultation will include a ‘stakeholder mapping’ exercise to ensure all relevant groups have been accounted for.

6.18 In addition, all public consultations will be published on our [Consultation and Engagement Hub](#).

#### Appropriate methods

6.19 We will consult using the most appropriate methods (both electronic and more traditional) for the aims of the exercise and the audience being consulted to ensure that all groups can participate fully.

6.20 Any consultation will pay attention to the timing and location of events, including access requirements, and the provision of information in different formats.

6.21 We will use plain English and ensure consultation documents are jargon free to allow participants to fully and easily understand the issues and questions.

#### Sufficient time

6.22 We will allow sufficient time for planning, carrying out, responding to, analysing and considering responses.

6.23 Adequate time will be given in which consultees can reasonably be:

- Made aware of the consultation

- Consider the proposals
- Respond

- 6.24 The amount of time provided will vary and be dependent on a range of factors, including ensuring that people have enough time to comment and should allow for those who take a little longer to respond (e.g. due to disability).
- 6.25 Normally, a minimum of six weeks will be allowed to elicit feedback, which could potentially be extended if running over a holiday period, e.g. summer holidays, Christmas or bank holidays, depending on the type of stakeholders being consulted with, e.g. schools. Equally, more time will be appropriate if a consultation raises very complex issues or involves a large volume of materials to read in order to be properly informed of the issues.
- 6.26 In exceptional circumstances, there may be occasions when a consultation period of less than six weeks is necessary. If a shorter consultation period is required then this will need to be approved by the appropriate Executive Director or Chief Executive.

#### Using the results

- 6.27 We consult in order to make sure we are aware of the span of views on an issue and to draw out key, substantive points. Issues considered can be difficult, sometimes contentious and the decisions to be taken not easy.
- 6.28 We will make it evident how feedback and evidence elicited has been taken into account in the final decision-making process. A clear audit trail will highlight key, substantive points which have emerged from the consultation, which have been highlighted and presented to the decision-maker to consider.
- 6.29 For varying reasons, the authority may not be able to accommodate or act on all concerns and issues raised, although the point is to ensure these are explicit in informing the decision. In feeding back therefore, we will demonstrate how we have considered all concerns and explain the rationale for the ultimate decision taken.
- 6.30 As well as part of supplementary documents informing the decision, i.e. through the Executive agenda, key findings will also be published on our [Consultation and Engagement Hub](#). This should also include information on how improvements or changes have been made as a result of the feedback.

#### Feeding back

- 6.31 Key findings should be published and distributed in a timely and appropriate fashion, typically within three months of the close of the exercise. Due consideration will be given to who should receive a copy and the most suitable medium for publication. As a minimum, if a consultation has been published via our [Consultation and Engagement Hub](#), then both the results of the consultation and a summary of how they will be used and any decision taken, will also be published on the Portal.

6.32 Occasionally, the results of a consultation will be outweighed by other evidence or considerations and in such cases a clear and honest explanation of the decisive factors should be included in the feedback.

6.33 In any subsequent evaluation of the Policy or service delivery proposal, the results of this should be made available so that the actual impact of the proposal is evident.

## 7. **Implementation**

7.1 This Policy is supported by the Consultation and Engagement Toolkit, which provides Standards (requirements), Procedures (how to) and Guidance (advice), as well as information on additional resources available.

## 8. **Roles and Responsibilities**

8.1 The overall responsibility for the Consultation Policy within WBC rests with the Service.

8.2 The Customer First Programme Board, chaired by the Executive Director - People, supports the consultation and engagement framework and periodically review the Consultation Policy.

8.3 All Service managers are responsible for ensuring that all council employees understand and apply the consultation processes outlined in this Policy and that there is sufficient time and resource allocated to undertake the exercise effectively and meaningfully.

8.4 All consultations should have a lead officer identified and responsible for planning, designing and undertaking the exercise and disseminating the findings. This will include ensuring the principles and commitments to consult in this Policy are adhered to.

8.5 The [Performance, Research and Risk](#) team in the Strategy and Governance department provides an oversight and advisory role in research and consultation exercises in accordance with this Policy. In doing so, the team can:

- Advise on issues to consider when planning consultations, for example: design of questions; who to consult; what methods to use, timescales to follow
- Signpost to consultation contacts and consultee groups (including the Community Panel)
- Provide training and support for using our [Consultation and Engagement Hub](#) and access to the online survey software

8.6 As well as providing advice and guidance to help services apply the consultation process the team is responsible for:

- Updating the Consultation Policy and resources on consultation
- Managing the [Consultation and Engagement Hub](#)

- Promoting consultation best practice throughout the council

### The Role of Councillors

- 8.7 Elected members are often very active in many spheres of the community and have a significant role to play in consultation. As decision-makers, they use consultation to inform the judgments they make. This may involve balancing competing priorities, or balancing consultation findings with other factors (i.e. resources available). It is important that members explain the way in which consultation has been used to influence a decision or why certain views cannot be accommodated.
- 8.8 As local representatives, members use consultation to tap into the views of the residents they serve, in order to help them represent their views more effectively. This role also involves responding effectively to consultations and ensuring that all relevant groups have been involved. The day-to-day contact members have with people in their ward is a form of consultation in itself and is a valuable way of keeping the council informed of local concerns at a ward level.
- 8.9 Elected members are also themselves consultees. Individual ward members should be consulted on proposals which will affect the area they represent. Members are often a key group whose views should be sought as part of an exercise and the same good practice principles apply here as to any other stakeholder group.
- 8.10 Councillors will take an overview role, monitoring the effectiveness and appropriateness of consultation activities and ensuring they are receiving the information they need. They also use research and consultation to monitor the performance of the council or individual services over time.
- 8.11 Portfolio holders will have a special interest in any consultations affecting their specific remit and should be involved in the design and scoping of the consultation and kept informed of its progress. Portfolio holders and ward members will also have an active role in disseminating and communicating the findings of the consultation and how this has been used to inform any subsequent decisions and policies.

## 9. **Failure to comply with WBC Consultation Policy**

- 9.1 This document provides staff and others with essential information regarding consultation and sets out the principles to be followed. It is the responsibility of all to whom this Policy document applies to adhere to these principles. Failure to do so may result in:
- decisions being made without reflecting the views of the relevant stakeholders and potentially negatively impacting service delivery. In extreme cases such decision can be challenged through Judicial Reviews.
  - disciplinary actions, formal or informal, in accordance with the Code of Conduct for Staff, Section 13.5 of the Council's Constitution.

10. **Review**

10.1 This Policy will be reviewed to respond to any changes, and at least every two years.

10.2 The department responsible for reviewing and maintaining this Policy is Strategy and Governance.

## Other Relevant Documentation

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- Communications and Engagement Strategy
- Data Protection Policy
- Consultation Toolkit (internal 'how to' document)