

Agenda Item No:

Report to: Overview and Scrutiny (Resources)

Date of Meeting: 11th March 2010

Report Title: Scrutiny Review of the Council's Consultation process

Report By: Consultation Review Team

Purpose of Report

To report recommendations arising from the scrutiny review on the Council's consultation process.

To detail review team membership, terms of reference, methods, and key findings.

Recommendation(s)

- 1. That the Review Recommendations are referred to Cabinet for approval and where appropriate inform development of the Council's Participation Strategy refresh.**

Reasons for Recommendations

To assist HBC to meet its legislative duties in response to the Duty to Involve (2009) and Local Democracy, Economic Development and Construction Act 2009, and, increase public participation in all areas of our work and decision making.

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Executive Summary

1. Through the process of review it became apparent that while we were able to make a number of recommendations to improve our consultation process, we can no longer view the consultation process in isolation from the broader activities of communications, participation and engagement with the people who use the Council's services. From a legal perspective these activities are bound up in our 'Duty to Involve' (2009). A more effective dialogue between the Council and those who use its services is needed to create an improved working relationship. An improved working relationship will create a firm foundation for successful consultation exercises.
2. The key findings and recommendations are set in a challenging financial period that necessitates cultural and organisational change. The review team suggest that within this context, a comprehensive approach to consultation should be undertaken. In particular, enhanced use of the Internet and partnership working should play an important role in improving how HBC (and partners) consult and engage.
3. How we consult and engage is dependent on a shared understanding and commitment to a number of fundamental consultation basics. Following very fruitful discussions with the local community a number of these are highlighted as recommendations.
4. The key findings and recommendations presented in this report suggest several themes that could be the subject of future scrutiny reviews. These reviews would enable Resources Scrutiny Committee to maintain a watching brief over the development of the Council's consultation and engagement initiatives in the context of broader organisational change. This would help the Council meet its legislative commitments to involve residents in decision-making, including consultation. The watching brief will also be helpful if the Council has to make difficult choices due to a reduction in capacity or resources.

Background

5. A Scrutiny Review to examine Hastings Borough Council's (HBC) Consultation process was included in the 2009/2010 Overview and Scrutiny annual work programme. The review began in August 2009, concluded in February 2010 and fell within the remit of the Resources Overview and Scrutiny Committee.
6. The recommendations contained in this report will inform a refreshed draft of the Council's Participation Strategy.
7. This refreshed draft will then be the subject of extensive consultation early in the new financial year, from which an action plan will be produced incorporating this review's recommendations.

Membership of Review Team

Councillor Andrew Cartwright (Chair)
Councillor Trevor Webb
Councillor John Wilson
Councillor Matthew J Lock

Officer support

Katrina Silverson, Scrutiny and Electoral Services Officer
Graham Belchamber, Scrutiny and Democratic Services Manager
Jane Hartnell, Head of Policy, Partnerships & Sustainability
Mark Horan, Policy and Partnerships Officer
Jocelyn Tilbrook, Neighbourhood Coordinator (part)
Jenny Ling, Policy Support Officer
Simon Allen, E communications Manager (part)

Terms of Reference

To inform the revision of the Council's Participation Strategy (2000) (http://www.hastings.gov.uk/strategies/public_participation_strategy2000.pdf) and practices in the light of the Duty to Inform, Consult and Involve (2009).

To address the following key findings outlined in the Ipsos/MORI 2008 Place Survey:

Only 25% of local people feel they can influence decisions affecting their local area

59% of people say that, depending on the issue, they would like to be more involved in decisions that affect their area

71% don't know how to get involved with local decision-making

The review will specifically exclude:

Consideration and linkages to area structures, (although the review will recognise this is a fundamental strand of engagement and the subject of a report to Cabinet in November 2009).

Staff engagement – this work will be carried out separately

The review team discussed statutory consultation processes (e.g. those regarding planning applications) and several members expressed concern that these were contributing to the disappointing Ipsos/MORI Place Survey figures. However, the review team felt that a detailed examination of these processes was beyond the scope of this review.

Methodology

The following methods were used over the course of the review:

Desk-top review of legislation, policy and best practice

Review of best practice authority websites

Interview a selection of Heads of Service and officers about their experiences and seek views on improvements

Interview LSP partners re: opportunities for greater alignment/sharing of engagement resources

Presentations from partners, best practice authorities and others on approaches used successfully elsewhere

Presentation on possibilities offered by social media

Informal interview discussions with community members - exploring views on HBC's consultation process (Appendix A)

Key Findings

Community

8. Community members welcomed the opportunity to be consulted, emphasizing that consultation should take place on the terms of those with whom we seek to consult and engage rather than our own, and that multiple methods must be used to encourage as broad a range of local people as possible to respond to consultations.
9. A principal finding from discussions with community members was the need for the Council to "go back to basics" in terms of its consultation process. It was felt that the Council had taken some of these basics for granted and that it would be necessary to address these before embarking on further improvements. The key points from these discussions are outlined in the appendix and inform key recommendations made below.
10. The need for greater openness and transparency was expressed. It was made clear by representatives from the community that the Council and partners should be more upfront, honest, clear and frank about the problem, issue or subject upon which views are sought through consultation. Doing so and involving consultees at an early stage would start the consultation process on a more equal footing, promote a shared sense of ownership and encourage a sense of co-production in the development of potential outcomes and solutions.
11. Representatives from the community stated that, all too often, comments are invited on outcomes, solutions and decisions that appear to have been largely made. Many of the consultation documents upon which comments are sought were felt to be unnecessarily complicated, lengthy and technical in language.
12. This style of consultation - inviting comments on often "impenetrable" consultation documents - was felt to discourage actual and potential consultees. Without knowledge or command of (or any involvement in) the context in which these documents are produced, it was felt to be extremely difficult to pose meaningful comments that can actually influence change.
13. The need for consistent feedback was also highlighted through discussions with community members. Regular and timely feedback is necessary to underpin the working relationship between those consulting and consulted. Regular ongoing dialogue between each encourages greater familiarity, empathy, understanding, a sense of partnership and joint working towards frequently considered outcomes. It was also acknowledged that formal feedback is important and should be produced to achieve a sense of closure in relation to a particular consultation activity.
14. There was a general recognition of the Council's efforts and intentions to improve consultation and engagement activity. Some community members cited positive experiences of consultation and engagement with a number of HBC officers. However it was felt that there isn't a consistent understanding of the value of consultation among officers across HBC services.

15. It was suggested that HBC consultations often evidence a "tick box" approach through structures such as Area Management Boards (AMB) and Forums and direct work with communities of identity (e.g. young people, Black and Minority Ethnic etc.). Less clear is the extent to which local people shape these agendas and the extent to which their contribution really influences the decisions made by HBC.
16. Some community members clearly conveyed that they did not blame "frontline" officers for this. They felt this "blockage" reflected a top-heavy process-focussed management structure, which they hoped would be reviewed and scrutinised given pending national and local elections and the state of the public finances.

Organisational Culture

17. A desktop review of policy, local authority websites and best practice emphasised a comprehensive approach to consultation, specifically among those authorities performing well against National Indicator 4 - Involving local people in decision making. Among these authorities the process of formal consultation is one component of a broader communications package that promotes ongoing dialogue with customers and a customer centred approach.
18. Interviews with Heads of Services and Officers suggested that a shared understanding across the organisation of the value of consultation (internal and external) to service delivery was lacking, resulting in an inconsistent approach to consultation across the organisation.
19. For example, it was acknowledged that there are mechanisms in place to coordinate consultation across the organisation such as the Corporate Consultation Form and guidance. However these are not consistently used.
20. Staff interviewed suggested that the current organisational culture does not lend itself to effective consultation given:
 - (a) Insufficient time to plan and prepare effective consultation given more pressing work/organisational commitments
 - (b) Lack of clarity of officer roles,
 - (c) Professional boundaries obscuring gains to be made through more integrated working
 - (d) Uncertainty over how and whether staff views are sought considered or makes a difference
 - (e) Uncertainty over consultation related activity planned or underway across Directorates.
21. Review team members felt that the existing culture was not sufficiently focussed on meeting the needs of "customers" (i.e. those who use Council Services). The Ipsos/MORI figures indicate that many customers do not consider HBC engages effectively and this makes consultation more difficult. Members who had attended the training course on the new statutory "Duty to Involve" felt that the Council could resolve this by committing itself to the new duty.

22. Both Local Strategic Partnership (LSP) partners and HBC officers interviewed conveyed great passion, enthusiasm and commitment to consultation, involvement and engagement. Some of the challenges identified through interviews with HBC's officers were similar to those expressed by LSP partners.
23. Review team members welcomed the intention of partners to work together better and make sure Councillors were kept informed of developments so that consultation opportunities could be communicated by them to their respective wards. An immediate outcome of this dialogue was that partners were clearer on how to get relevant consultation and event information to Councillors in a timely fashion.

Concerns regarding funding

24. Partners expressed the view that if there is a prolonged period of strict economy, then enhancing our partnership approach and, where possible, pooling resources to meet our consultation and engagement commitments will be essential. Doing so will enable partners to evidence efficiencies and value for money, reduce potential for consultation fatigue and crucially, gain the appropriate steer from consultees on where their needs and priorities lie so that partners can better focus their services according to local need.

Internet

25. Following desktop research, discussions with partners and a presentation on the application of Social Media, a clear view was expressed that HBC continue to develop a virtual web presence. Social media applications such as Facebook and You Tube should be used where appropriate to enhance our dialogue, receptiveness and feedback to local people complementing our existing website.
26. The review team were clear that Social Media could not replace other ways of consulting, engaging and communication with local people. Rather, new media should expand the range of options available. It was also acknowledged that greater communication via the web can contribute to reducing "avoidable"/unnecessary contact measured by National Indicator 14.
27. Discussions around Social Media tended to confirm that consultation cannot be viewed in isolation from wider communications and dialogue with local people. The open and fluid nature of these mediums of communication also necessitates the need for clear policy guidance governing staff and councillor usage.
28. The review team also recognised that as Social Media develops it is likely that a wider pool of staff will need to assume communicative responsibility for their services areas. The outcomes of such dialogue will need to be corporately pooled, alongside existing research and intelligence from Councillors, staff and partners, to build customer insight, ultimately informing and shaping better service provision.

Recommendations

Community

1. Printed copies of consultation documentation are made available on request. Documents for download should be available in PDF format.
2. All consultation documents to include an Executive Summary.
3. That the Council reviews the standard of plain English used in public documents.
4. . Consultation documentation must include:
 - a. Reason for Consultation - consultation aims, what problem is to be addressed/what needs to be achieved?
 - b. Evidence of Equalities considerations
 - c. A clear timeframe
 - d. What changes/decisions can (and can't be) be influenced.
 - e. When feedback can be expected.
 - f. Opportunities for consultees to indicate an interest in receiving future updates after the formal consultation has closed.
5. All correspondence from the public is recognised and acknowledged and an appropriate timely response given.
6. Public meetings should be held in areas relevant to the issue, at convenient times, appropriate venues and with adequate notice and advertisement.
7. Consultations should where possible adhere to the minimum 12 week period outlined in the East Sussex Compact agreement.

Organisational Culture

8. A local consultation charter setting out agreed standards for consultation - 'what you can expect when you give us your views' - is produced by HBC and LSP partners are asked to sign up.
9. That the refresh of the Council's Participation Strategy addresses how to improve:
 - a. Collating of intelligence about local issues from both Councillors and Officers

- b. Pooling and use of customer insight gained from across a range of Council services and our partners.
 - c. Quality of consultation - by setting out the procedures and principles the Council will follow when undertaking consultations - the Council's Policy team to be responsible for overseeing the quality of consultations undertaken.
10. Enhance the profile of consultation within the organisation and its decision-making processes by integrating 'consultation' into the policy implications section of the corporate report template.
11. Consultations should be conducted with the assistance of the Policy team whose role it is to have a specialist understanding of consultation processes.
12. Training (at a local level) for relevant officers and all members in the new "Duty to Involve" should be provided. As preparation for this, learning from successes of the 18 members of the Network of Empowering Authorities should be investigated.
13. Consultations should inform the consultees of the cost implications of any options put forward.
14. The appropriate sections of the Council's People Strategy addressing staff consultation and engagement are updated and publicised so that all council staff are aware of opportunities to have their say.
15. A consultation 'Recycling Point' is developed to ensure the Council is able to capture and where appropriate respond to all views received, even if these do not relate to the specific consultation in question.

Concerns regarding funding

16. The Local Strategic Partnership (LSP) Officer Support Group be asked to consider how better to work together to meet consultation duties and explore scope for shared consultation services.

Internet

17. Enhancing the Council website in response to the Duty to Involve, to include:
- a. Options for visitors to assess each and every page via smiley face icons.
 - b. Enhancement of appropriate web-pages detailing what local people can expect from Councillors in terms of progressing their concerns and views.
 - c. Guidance on how residents can influence decisions, including decisions about planning applications.
 - d. Re-titling 'Consultation Pages' to 'Have Your Say' pages.

- e. Production of a consultation forward plan and calendar incorporated into our main/front webpage.
- f. Improved reporting of outcomes, results and feedback of consultations - 'we asked, you said we did.'

18. HBC policy and protocols are developed for the application of Social Media e.g. Facebook, Twitter etc, and Councillors and appropriate officers are trained in their application.

Glossary of Terms

Consultation

There are several definitions of consultation that exist, but perhaps the simplest and most straightforward is that put forward in the Audit Commission's Listen Up! Paper (1999):

"A process of dialogue that leads to a decision"

This sums up neatly the basic premise of any effective consultation exercise. The use of the term 'dialogue' implies a continual exchange of views and information that is ongoing and fluid, and this is exactly what any consultation exercise should involve. It also suggests the involvement of at least two parties in a two-way process of sharing knowledge and opinions.

Another merit of this definition is that it also relates consultation very closely to decision-making. It should be the aim of any consultation exercise to work towards informing a decision that will affect the lives of those consulted. Any consultation that is carried out without considering this aim could merely waste time and resources. But consultation is a very broad term and even basic feedback mechanisms can satisfy the aim of informing decisions. There is not always a need to carry out specific proactive exercises. Methods such as service feedback forms can help shape the delivery of future services during periodical reviews.

It is important to clarify that consultation must not be viewed as a threat to officer or member authority. In fact it can complement this authority by providing a larger range of options and ensuring decisions are as representative as possible of the views of the local community. The definition above states that it 'leads to a decision', and this is a crucial point - the outcomes of consultation need careful analysis and it is here where the officer or member roles become vital to the success of the exercise.

Consultation Fatigue

Consultation fatigue is often understood and attributed to consultees being overloaded or burdened with several consultations. However consultation fatigue can also be felt by those undertaking consultation. A strategic and joined up approach is essential in minimising the potential for consultation fatigue. Joint working and communication in consultation exercises should allow a sharing of resources, but also encourage divisions to consult specific groups at the same time. It can even help prevent unnecessary consultation by sharing results that may reduce the need to consult in the first place.

Customer

The person or group that is the direct beneficiary of a project or service. The people for whom the project is being undertaken (indirect beneficiaries are stakeholders).

Duty to Involve

From April 2009 best value authorities have a 'duty to inform, consult and involve.' This means providing greater opportunities for local people to get involved and influence the decisions that affect them. The duty to involve represents an opportunity for authorities to reinvigorate local democracy and improve the quality of both decision making and thus the service that local people receive. In meeting this statutory responsibility, authorities are required to embed involvement in everyday practices, harness the power of communities and reap the rewards, which include greater efficiency and improved service performance.

East Sussex Compact

The East Sussex Compact was launched in October 2003 and has been revised in July 2005. The aims of the East Sussex Compact are to:

- Agree principles and an effective framework for partnership working;
- Improve working relationships in order to provide more effective and co-ordinated services to communities;
- Improve consultation, communication, collaboration, trust and respect;
- Assist partner agencies in meeting common strategic aims.

The principles are:

- Recognising Diversity and Promoting Equality
- Effective Community Engagement
- Mutual Respect and Respecting Independence
- Investment and Public Accountability

Those who have developed and signed up to it include East Sussex County Council, Borough and District Councils, Primary Care Trusts, Voluntary and Community Organisations and Councils for Voluntary Services.

Some District and Borough areas have also developed local Compacts which reflect local relationships, conditions and issues of concern.

Ipsos Mori 2008 Place Survey

Every two years, all local authorities in England are required to carry out a Place Survey. The purpose of this survey is to find out what issues concern local people and what they think about the services they receive from a range of agencies including the County Council, borough and district councils, the Police, Fire and Rescue Service and Primary Care Trusts.

Working with our partners across East Sussex, we selected 'Ipsos Mori' an Independent Research company in 2008 to carry out the survey on our behalf.

LSP

The LSP is a partnership of public agencies, business, voluntary and community sectors working together for the benefit of local people.

It includes residents, business leaders, people working in voluntary organisations, representatives from Hastings Borough Council and East Sussex County Council as well as other key agencies such as the police, education and health care providers.

National Indicators

From April 2008 the Department of Communities and Local Government (CLG) introduced a new set of National Indicators to assess performance across local public services. Details of these indicators are published on their [website](#).

Wards Affected

Ashdown, Baird, Braybrooke, Castle, Central St. Leonards, Conquest, Gensing, Hollington, Maze Hill, Old Hastings, Ore, Silverhill, St. Helens, Tressell, West St. Leonards, Wishing Tree

Area(s) Affected

Central Hastings, East Hastings, North St. Leonards, South St. Leonards

Policy Implications

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness	Yes
Crime and Fear of Crime (Section 17)	No
Risk Management	Yes
Environmental Issues	No
Economic/Financial Implications	Yes
Human Rights Act	No
Organisational Consequences	Yes

Background Information

http://www.hastings.gov.uk/strategies/public_participation_strategy2000.pdf

Officer to Contact

Officer Name Mark Horan
Officer Email Address mhoran@hastings.gov.uk
Officer Telephone Number 451485

Community Interviews 8th February 2010

Review Board/ Officers
Cllr Andrew Cartwright (Chair)
Cllr John Wilson
Cllr Trevor Webb
Mark Horan
Jenny Ling (notes)

Community Members
Erica Barrett
Arthur Burgess
Graham Crane
Theresa Hodge
Aubrey Ingleton
Terry Steeples
Roger Sweetman

Main points highlighted:

General

Public confidence in the current consultation process is low, all consultees saw it as a 'box ticking' exercise and that the outcome has already been decided.

Under-represented groups for consultation are those with learning disabilities and mental health issues.

Most accepted that there had been efforts to improve consultation in recent years, but also that there was still much work to be done to achieve satisfactory minimum standards.

Quick wins can help bolster public confidence by illustrating short term outcomes of the consultation process.

A review process of consultation outcomes (6 monthly) can assess the success of implementations.

Sussex Police and the Audit Commission may be able to provide good practice on consultation methods.

Voluntary Organisations Supporting Older People is a local organisation that consults well with older people.

Some calls/emails/letters to Council receive no reply. Some replies are not respectful. Planning department not replying to letters because "... they get so many of them."

Doubts were cast about HBC's involvement/impact in the healthier Hastings Partnership.

Community Structures

More interaction between Residents Associations across the town - meeting once a year?

A local organisation or special interest organisation cannot be representative of the entire community, especially when only Executive Committees are consulted.

Some AMBs did not give adequate opportunity for residents to express their views. On the other hand, residents could make better use of the consultation slot on AMB agenda.

Some AMB agenda items can be too specialised to engage members of the community.

More contact between RAs and AMBs might be constructive.

Awareness of AMBs amongst sections of the community is low.

Information

HBC should inform the public why it is consulting via a 'sharing the problem' approach.

The reasons, aims and outcomes of consultations are not always clear.

One consultee stated that it was not clear what problem(s) the proposed Communal Bin scheme was intended to solve.

The opportunity to interact and directly communicate with Council Officers should be available during consultation. Interaction with mid level officers is common but not with senior management.

The loss of the Community Level Involvement officer for planning issues is regrettable; this type of post would be useful for all consultations taking place.

Current newspaper planning notices are too small in size and font with inadequate information.

Feedback at the end of consultations is essential to keep the public informed of outcomes especially where budget planning may mean outcomes cannot be achieved in the short/medium term.

An acknowledgement should always be made when the public contacts the council by email, telephone or letter.

Knowledge

A "legacy" document for leaving officers would help prevent loss of previously gathered knowledge.

Local knowledge gained through resident feedback will be beneficial if not now then at a future point and this information must be retained

Electronic Information/Reports

Reports must be available in printed format. Many residents do not have computers or the resources to print out documents. It is for the Council to bear the cost of printing, not the consultees.

Some residents are unable to read long documents on computer screens but can read long documents on paper. Use of computers sometimes acts as a barrier to communication.

Most reports are too long. An executive summary should always be available and able to be downloaded separate from the main document

Plain English must always be used with minimal jargon and an available glossary of terms.

Downloadable documents must be available in a variety of formats. E.g. PDF

There were differing opinions on HBC website. One consultee said it was easy to use. Another consultee said it was difficult to find documents on it.

Consultation Methods/Vehicles

Consultation must be a two way process between the community and the Council.

Consultation periods should be a minimum of 12 weeks.

Communication between partner organisations is key to getting information into the community.

A 'bottom up' consultation approach of what is needed by the community should take place before options are drawn up by HBC. "Top-down" consultation methods sometimes stifle creative ideas from the community.

Residents need to be involved from the outset of a project – not just consulted about a proposal after it has been thought out.

Sussex Police Disabilities Equalities Scheme and Wealden District Equalities Scheme provide good models in some respects.

Residents with disabilities should be asked to state their access requirements in advance of meetings.

Public meetings should be held in areas relevant to the issue, at convenient times, appropriate venues and with adequate notice and advertisement

Consultation via social media sites could be a useful experiment but there was concern around privacy and data security. There is a concern that extensive use of social media could result in polarisation of views and promotion of extreme views.

The wider the variety of consultation methods the better. For example questionnaires, conferences, focus groups, one to ones, online etc

All meeting venues must be accessible and Disability & Discrimination Act compliant

Local councillors should be more involved in consultations.

Too much of the informal part of consultation on planning applications is being left to the developer. Developers have no consistent standard and have a vested interest in the outcome. HBC needs to be more proactive in informal consultation for planning applications.

Chief Officers and department heads need to be involved in consultation exercises and have more contact with residents.