

**Open Report on behalf of Richard Wills,
Executive Director for Environment & Economy**

Report to:	Public Protection and Communities Scrutiny Committee
Date:	12 June 2018
Subject:	Engagement and Consultation Activity Review 2017/18

Summary:

The Community Engagement Team provides support and advice to officers across service areas and to elected members on the planning and delivery of engagement (including consultation) activities. The support and advice provided is designed to help services ensure that engagement activities are of a high standard, avoid duplication and contribute to improving community confidence in the Council. This report is informed by a review of council-wide consultation and engagement activity where the Community Engagement Team provided advice and support, including a summary of service evaluations. The report provides a background which includes the definition of engagement; the legislation and guidance behind it, why we do it and how the information obtained is used to improve or help to change services. The supporting presentation includes a summary of the number and type of engagement activities supported in 2017/18, along with examples.

Actions Required:

Members of the Public Protection and Communities Scrutiny Committee are invited to consider and comment on the report, including the Engagement and Consultation Activity Review 2017-18 attached at Appendix A.

1. Background

The phrase “engagement” is often misunderstood and should not be confused with “consultation”. It can be used as an umbrella term to cover the varied range of public involvement, including consultation, but it also has a more precise meaning, referring to actions and processes which take place to establish an effective relationship with individuals, communities and partners. Engagement is aimed at improving services through gaining insight and gathering customer feedback. The Council’s new Engagement Strategy states:

“When delivered well, engagement demonstrates our commitment to making the whole experience of dealing with us as easy as possible and can help to build relationships. It is important to offer different ways of keeping in touch with each other. You can engage in a number of ways, including contact with the Customer

Service Centre, filling in an online form, submitting a petition, responding to a survey we've sent about developing services or talking something through with your local councillor."

The Council's Engagement Policy provides the following definitions:

- **Engagement** is a concept that captures a range of methods of information sharing and dialogue with communities and service users. Consultation and other engagement activities sit within this broader engagement spectrum
- **Consultation** is a more formal method within this spectrum, by which we ask people's views on a particular subject or proposal to directly inform a specific decision. It is usually time limited and is subject to law and guidance.

Engagement can be open-ended or time limited, whereas consultation, as a form of engagement activity, has a defined start and end date. Consultation gives people an opportunity to express their opinion and to offer alternatives; these can then be assessed and considered against expert opinion and evidence as part of the decision making process. Pre-consultation engagement can also be important; this is not part of the consultation itself but a period when certain groups may be approached for their views on how the consultation should be conducted, especially where seldom heard groups or people within protected characteristics may be involved.

The Community Engagement Team's experience in supporting services demonstrates that things can change as activities evolve and develop – what may start looking like engagement can, after broader discussions, move to consultation. That being said, it is important to be clear at an early stage whether what is planned is engagement or consultation because language matters; if the Council says it is consulting then it will be expected to meet all the requirements of a public consultation or its decision will be susceptible to challenge. Therefore the term 'consultation' must only be used by the Council to mean a formal consultation governed by legal requirements.

Legislation & Guidance

Engagement is not governed by legal requirements. However, as referred to above, formal consultation is regulated by law and may give rise to legal challenge if not done correctly; therefore consultation must be carried out in accordance with the principles laid down by the courts, such as:

- Gunning principles - established in case law judgements that set out the legal expectations of an appropriate consultation (used to successfully challenge a number of local authority consultations on 'process' issues).
- Brown Principles - set out what public authorities need to do to ensure 'due regard' to the aims set out in the Public Sector Equality Duty.

Where a consultation is carried out it must be done properly in accordance with these principles which, in summary, specify:

- The consultation must take place at a formative stage;
- Consultees must be given sufficient information on which to respond;
- Consultees must be given sufficient opportunity including awareness and time to respond; and
- The results of the consultation must be accurately reported to and conscientiously taken into account by the decision-maker.

There may be specific situations or services where there is a *statutory* duty to consult. However, in many cases it will not be possible to say definitely whether a legal obligation to consult exists. Because the law of consultation is based on the principle of fairness and legitimate expectation¹ the question of legal obligation will often be a risk assessed judgment.

National Government's Best Value Statutory Guidance sets out clear expectations on how local authorities should work with voluntary & community groups and small businesses when facing difficult funding decisions. Local authorities should consider overall value (including economic, environmental and social), when reviewing service provision and should broadly engage as early as possible before making a decision on - the future of the service; any knock-on effect on assets used to provide this service; and the wider impact on the local community.

Why we do it and how we use it

While the Council continues to operate within budget pressures, partnership working, collaboration, co-production and community empowerment and engagement become crucial elements to effective commissioning and delivery of the council's strategy. Choosing the most appropriate approach in community engagement gives the Council an opportunity to provide balanced and objective information (Inform); learn from communities and partners and understand them better (Consult); manage change and build positive relationships (Involve); address concerns and develop solutions that benefit all (Collaborate); and enable communities to do it for themselves (Empower).

Effective community engagement, through the appropriate approach (as identified above), has real benefits for both the Council and the community. Inviting contributions in such a way that enables the sharing of skills, experiences, knowledge and identification of new ideas/solutions, brings different perspectives into policy and service design.

It also enables us to gain useful customer insight, helping us to understand our communities and assess local needs and expectations in shaping service delivery. Understanding our communities' preferences and aspirations enables services to be targeted more closely to needs (whilst managing expectations) and provides opportunities to make the services more efficient.

¹ Legitimate expectations are frequently divided into two categories:

- Procedural expectations - arise where the expectation is to be notified and heard or consulted before a decision is taken.
- Substantive expectations - arise when the expectation is that the public body will act in accordance with its policy on a matter of substance.

Providing information to communities helps them to be better informed on how local services are delivered and the difficult decisions that have to be made. This, in turn, reduces complaints, improves satisfaction and builds trust and understanding raising a positive profile of the Council.

Feedback is an important aspect of any engagement activity. Explaining how responses have been used in shaping services gives people a better understanding of rationale behind decisions made. Using 'You said, we did' to show how feedback has influenced the decision making process can improve understanding and the credibility of decisions taken, since people can see how views have been taken into account.

How it helps the council

In summary of the points made above, effective engagement contributes towards:

- Informed decision making
- Efficiency savings (VFM)
- Improvement in service delivery
- Evidence-based priorities
- Effective commissioning
- Customer insight
- Increased trust in the Council
- Improved image and reputation of the Council
- Reduced risk of challenge
- Better change management
- Social Value
- Strong sense of place

Overview of Engagement and Consultation Activity

The Community Engagement Team has been involved in the support of a wide range of engagement and consultation activities undertaken by the LCC staff across all director areas and maintains a register of these activities. The Engagement and Consultation Activity Review 2017-18 attached at Appendix A provides a summary of the data gathered through the register.

The presentation supporting this report provides a summary of the activities supported.

To assess the service provided by the Community Engagement Team and to enable continuous improvement, a simple two page Evaluation Form is sent to the Service Area leads once support has concluded. Due to its brevity we have an excellent response rate of 76%. All respondents stated they would recommend CET to a colleague, rating their overall experience of the service received from CET as either very good (73%) or good (27%).

2. Conclusion

The Community Engagement Team offers a wide range of experience and expertise on engagement to help officers to understand the approach that best suits a service area's needs. The Team is able to offer objective advice and support, with the Service Area (or Councillor) having the expertise on the Service and/or locality. By following a Quality Assurance Process the team helps ensure that engagement and consultation activities accord with legislation and best practice.

The team will be taking forward the business management approach of the Council's Audit Service – meeting senior managers across the Council's services in January to explore their requirements for the financial year ahead; enabling prioritisation and effective resource management. Through cross team collaboration, sharing best practice and taking on board lessons learned, the knowledge and practice of community engagement and consultation continuously improves. Responses received in Evaluation Forms suggest that services value the support in achieving engagement objectives and through development of the register, the Council will be able to assess the benefit of engagement on an annual basis.

As a Council we want to make sure residents and communities are able to contribute to decision making processes and to service improvements that shape the county in which we live and work. Providing robust advice and guidance on engagement and consultation ensures that activities are delivered well enabling meaningful involvement and contribution to that process.

3. Consultation

a) Have Risks and Impact Analysis been carried out??

No

b) Risks and Impact Analysis

N/A

4. Appendices

These are listed below and attached at the back of the report	
Appendix A	Engagement and Consultation Activity Review 2017/18
Appendix B	Engagement and Consultation Activity Review Presentation

5. Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Engagement Strategy 2018-2023	https://www.lincolnshire.gov.uk/local-democracy/finding-your-views/community-engagement-and-insight/51838.article
Community Engagement Policy	https://www.lincolnshire.gov.uk/local-democracy/finding-your-views/community-engagement-and-insight/51838.article

This report was written by Kate Sobstyl, who can be contacted on 01522 552228 or kate.sobstyl@lincolnshire.gov.uk.