



Consultation Guide

Code of good practice on consultation

April 2012

Guide for Consultations

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PART 1: INTRODUCTION

This **Consultation Guide** re-affirms the principles set out in the previous strategy and reasserts our commitment to continually improve the way we carry out public consultations.

Consultation is a vital part of the **Council's decision making process**, a tool for the Council to learn from the perspectives of local residents, businesses, the voluntary and community sector and other stakeholders. We are committed to extending consultation far beyond any statutory requirements.

Consultation operates at a number of levels from informing people to partnership in making decisions. In many cases, best practice is for users of services to be consulted on a continuous basis – e.g. a user of the home care service can rightly expect to be consulted on each visit about what needs to be done. On the other hand, there are specific circumstances in which the Council wishes to consult before making a decision, or before deciding whether to make a significant change to a service.

Consultation and the democratic process

The results of public consultations will often form only part of the information that Councillors and Officers have to make a decision. For instance Councillors and Officers have to take account of various other factors such as: legislation and government guidance; demographic data, environmental and financial impacts. Councillors may sometimes be faced with unpalatable choices, as there will be times when what people want in one area is incompatible with what the rest of the borough wants. In these circumstances Councillors should take full account of the views which have been expressed, but will need to exercise their own judgement in balancing the competing pressures.

Cabinet forward plan

Whenever Hackney Council makes a decision about improving or changing its services, it needs to be confident that it is properly informed by public opinion. There is a **Cabinet Forward Plan** outlining major decisions that is intending to take over the next 3 months. Officers must consider what public consultation is needed for papers being considered by cabinet and get it signed off by the consultation team.

Officers unsure about the level of consultation required should contact the consultation team in advance to ensure that they receive appropriate consultation advice and support before submitting information for the **cabinet forward plan**.

Consultation forward plan

Officers should ensure that any key planned consultations are included in the **Consultation Forward Plan** managed by the consultation team. This will ensure that consultations receive the appropriate advice and support of the consultation team. You can alert the consultation team of any planned consultations by completing the **consultation form at http://staffroom.hackney.gov.uk/consultation_log_form.doc** and email it to Consultation@hackney.gov.uk

Customer insight

Before deciding to consult, officers should take advantage of the rich sources of secondary data and **customer insight** already available. This is very cost effective as it is essentially desk research. Information from past consultations may provide valuable insight for your service for example:

- in preparing equalities impacts assessments
- understanding where your service is performing well and not so well
- understanding the aspirations and preferences which may provide ideas for improvements.
- understanding which groups are more and less likely to be involved in engagement exercises
- which communication methods are more effective for different groups

For further information on the different **customer insight resources** please visit <http://staffroom.hackney.gov.uk/customer-insight.htm>

Hackney Matters E-panel

Hackney Council's online citizens' panel is made up of a broadly representative cross section of 1200+ residents who are consulted 4/5 times a year on areas of strategic importance. The panel has been an invaluable to the Council in finding out how people feel on key issues that affect the borough. Copies of all the reports of previous e-panel research is available via the E-Library:

<http://staffroom.hackney.gov.uk/servintranetapps/EResearch/index.asp>

To ensure the panel continues to be representative of the borough profile, its membership is refreshed annually.

Consultation and Policy produce a research forward plan which identifies areas of research with the panel for the year ahead. This is signed off by HMT and the lead member.

If there are particular areas of research you would like considered for the panel, please email the Consultation Manager at: consultation@hackney.gov.uk. This however doesn't guarantee inclusion in the e-panel research forward plan.

This guide is specifically concerned with how the Council undertakes public consultation exercises. Part 1 and Part 2 are internal guidance for officers. They set out a framework to guide officers as to why we need to consult, to decide when they should consult, at what level and about what. We are determined to ensure that all consultations have a clearly defined purpose and scope, meet corporate standards and are co-ordinated one with another.

Part 3 sets out Hackney's standards in relation to consultation with the public, and has been made widely available.

Commitments to consultation:

Our commitment to maintain and continually improve the level of consultation is not only an aspiration it is also a requirement:

- Hackney's Constitution, Article 2 – section 2.2 alludes to the importance of consultation as part of the principles of decision-making.
 - The Council will aim to use a variety of methods to consult with the community, including direct consultation with identified stakeholders, focus groups, road shows, email contact and surveys, in addition to Neighbourhood committees and forums.
- We have other statutory requirement to consult on specific areas, such as the Road Traffic Act, the Town and Country Planning Act. A list of statutory consultations will be held by the Public Consultation Officer.
- The Localism Act has implications for planning, with developers being required to engage in pre-application consultation on major schemes. Hackney already encourages pre-application consultation on development schemes, so this does not represent a major change.
- The new statutory Best Value Guidance, issued in September 2011, has strengthened the requirement to consult by re-emphasising the original duty in the 1999 Local Government Act. You can view this guidance at:

www.communities.gov.uk/publications/localgovernment/bestvaluestatguidance

Other relevant documents that cover consultation

Hackney Compact

The **Hackney Compact** sets the consultation code which must be followed when consulting with the Voluntary and Community Sector. This is accessible via:

<http://www.teamhackney.org/compact-homepage>

Statement of Community Involvement (SCI)

The SCI states how the Council will involve the community in planning applications, as well as the Council's expectations for how developers should engage the community when preparing their planning applications. This is accessible via:

<http://www.hackney.gov.uk/ep-planning-policy-sci.htm>

What are the benefits of consultation?

Consultation

- informs people about proposed changes and/or
- involves people in decision-making.
- helps us to decide what changes we should make
- help us to find out the success or failure of what we've done
- enables us to decide on priorities for the future

External, public consultation helps us to:

- understand other people's views
- find out what people really want so we can try to meet their aspirations

- assess and improve on the quality of Council services and delivery
- where possible, achieve a consensus.

Internal consultation with staff helps us to:

- empower our staff through “involving” rather than “telling”
- involve members of staff in service delivery and planning

Who are the key stakeholders for our consultation?

Our strategic plan identifies a number of people that we will consult. These include:

- **our diverse communities**
- **Ward based committees/ forums**
- **older people**
- **young people**
- **management and staff**
- **Councillors**
- **partner organisations in the voluntary, public and private sectors** – including local statutory agencies (Health Authority and the Police), local voluntary and community sector organisations, local businesses, central government, actual and potential service users.

PART 2: APPROACH TO CONSULTATION

Consulting Internally

This consultation guide identifies the need for involvement of staff in planning and service delivery as stakeholders in the work of the Council. In the development of policy and delivery of day to day service improvements, officers should be using informal consultation at levels one and two of this guide. In relation to structural changes or major service delivery changes officers **must formally consult with staff and trade unions**.

The existing Human Resources Standards and Frameworks can be found on the intranet at <http://staffroom.hackney.gov.uk/hr-staff.htm>

Consulting externally (public consultations)

Hackney is committed to on-going consultation with the public. This consultation guide sets out good practice in engaging with the public for the purposes of how they view our services.

The document is not designed to be used for on-going client/service user engagement on a one to one basis, however the principles embodied in it, such as providing feedback, remain good practice.

This consultation guide does not over-ride any timescales or requirements for statutory consultations.

This document is not a statement of how we engage with the community in a wider sense.

Consulting...

We sometimes say we are consulting when we are not. Officers need to be clear about this when completing the public consultation form. Are you consulting and if so, what influence will that have on the outcome? Are you informing the public of a decision which is about to take place, or are you researching changes to services, rather than seeking to make a decision at this time? It may be that you are using this exercise to inform the public at the same time as consult. The table on the next page gives some examples of the different level of consultation to help you decide.

There are also different levels of consultation. Sometimes it will be taking opinions into consideration along with other issues such as the available budget, when coming to a conclusion. For the purposes of this guide this is described as **consultation**. **Involving** is consulting where the outcomes will be heavily influenced by the views of the consultees. This might be where there are a range of options which are all costed, and they have to make a decision which one they prefer. Consulting in **Partnership implies** the Council is not the only one involved in the decision. This kind of consultation might be applicable for decision taken with a partner organisation.

It is crucial to establish the level of involvement being offered to stakeholders to ensure that they are aware of what can and cannot be expected. When this is not set out clearly it leads to consultation being criticised or even failing. The level of involvement being offered will largely depend on the specific issue or circumstances under which consultation is being sought. However, we will always strive towards encouraging involvement at an early stage, and ensure that participants are made aware of what they may expect as a direct result of their involvement.

Government Guidelines on Consultation

What does the Government say we need to do when consulting?

GOVERNMENT GUIDANCE FOR OFFICERS ON CONSULTATION PROCESS

Timing: of the consultation should be built into the planning process from the start, to ensure the best prospect of improving the proposals concerned, and so that sufficient time is left for it at each stage. Sufficient time should be allowed for considered responses from all groups with an interest. Twelve weeks should be the standard minimum period for a consultation.

Purpose of the consultation: Who is being consulted, about what questions, in what timescale and for what purpose.

Consultation document: This should be as simple and concise as possible. It should include a summary, in two pages at most, of the main questions it seeks views on. It should make it as easy as possible for readers to respond, make contact or complain

Distribution: Documents should be made widely available, with the fullest use of electronic means (though not to the exclusion of others), and effectively drawn to the attention of all interested groups and individuals.

Results: Responses should be carefully and open-mindedly analysed, and the results made widely available, with an account of the views expressed, and reasons for decisions finally taken. Feedback should be given to participants in addition to results.

Evaluation: Departments should monitor and evaluate consultations, designating a consultation coordinator who will ensure the lessons are disseminated

Consultation Standards in Hackney

When conducting public consultations, officers are expected to adhere to the principles in the Public Consultation Charter set out in Part 3 of this document. These standards also constitute good practice for the purposes of internal consultation.

A corporate approach to consultation

The consultation team provides and guidance to service areas on the best ways to deliver high quality consultations that engage residents, targeted audiences and stakeholders; and communicate activity and results.

The consultation team advises on best practice, coordinates consultation initiatives across the Council and manages Council's online citizens' panel. The team keeps a record of all corporate consultations projects in a consultation forward plan. Generally, the team

- advises on best practice
- advises on implementation
- advises departments on appropriate stakeholders for consultation
- co-ordinates and records all consultation activity within the Council
- monitors implementation of Hackney's Consultation Charter
- ensures that the results of consultation activities are published widely
- Manages the Council's online citizens' panel, Hackney Matters

Forward planning and registering consultations

Officers should ensure that any key planned consultations are included in the **Consultation Forward Plan** managed by the consultation team. This will ensure that consultations receive the appropriate advice and support of the consultation team.

Officers must consider what consultation is needed for papers being considered by cabinet. Cabinet produces a forward plan outlining major decisions that it is intending to take over the next three months. This is updated monthly. Each item indicates:

- who is to be consulted before the decision is made
- how the consultation will take place
- who can be contacted with comments
- the dates of any consultation

All public consultations (whether or not there is an associated cabinet decision) must be registered centrally with the Consultation Team.

You can alert the consultation team of any planned consultations by completing the **consultation form** at http://staffroom.hackney.gov.uk/consultation_log_form.doc and email it to Consultation@hackney.gov.uk

PART 3 HACKNEY'S PUBLIC CONSULTATION CHARTER

This Charter sets out six standards. It is our aim that these standards should underlie all public consultations carried out by Hackney Council.

The Six Standards

When we carry out a public consultation we will:

1. Say what and why

- say what it is we are consulting on and clarify which, if any, elements of the proposal or document are for information only and not for consultation; ie to identify which level of consultation is appropriate. (Where there is more than one element in the proposal or document the consultees will be invited to comment on the individual elements as well as the overall proposal).
- give the reasons why we are consulting on the issue or proposal
- spell out the options for action or the range of possible decisions
- provide background material where appropriate
- check that the background material is accurate and complete to the best of our knowledge and ability
- use plain language in consultation documents

2. Say who

- explain which people and which groups are being consulted this time, and why these individuals or groups were selected (for example: "this proposal particularly affects people living in Haggerston")
- give the name and telephone number of a contact who can answer questions about the consultation

3. Say how

- describe how we will consult on this issue – for example a public meeting; a postal survey; an electronic survey; a consultative conference; a set of focus groups; publication of a document for public comment
- where practical, work with stakeholders to plan the consultation process itself
- endeavour to give enough time for every 'consultee' to consider the issues properly, and consult with the rest of their group if they represent one. If the voluntary sector is involved the desirable minimum consultation period is 12 weeks
- indicate whether there will be an exception to the general rule, that replies to consultations are treated in confidence, and only reported in aggregate (e.g. 70% of respondents welcomed the proposal, 20% were opposed and 10% were undecided)
- abide by the provisions of Data Protection legislation regarding information collected

- use competent, trained staff or contractors to carry out the consultation, or where appropriate train members of a particular community to consult with that community.

4. Tell you about it

- publish a list of forthcoming consultations, including start and finish dates, on the Council's website (www.hackney.gov.uk). **Consultation finder** lists all our consultations in one place, making it easier for people to access.
- We publicise consultations and their results via the Have Your Say section of Hackney Today.
- tell you in advance whether you can expect an individual reply (sometimes we are overwhelmed by the volume of replies and cannot reply individually)
- say when and how we will publicise the results of the consultation
- publish the results of the consultation as soon as possible after the closing date, recognising that the Council's formal response to the consultation will not generally be published until a later date
- tell the people who took part in the consultation the overall results and the results for individual elements where applicable – and make this information available to others

5. Use the results

- use the results of the consultation to inform the decisions the Council makes and thus to improve service delivery
- acknowledge the input made by the participants
- explain to the interested parties how the consultation influenced the decision

6. Be inclusive

- formally assess the extent to which it is appropriate to use or provide:
 - signers
 - other language interpreters
 - translators
 - alternative formats such as Braille, large print or audio tape to enable more people to take an informed and equal part in our consultations. This will include information on how a translation may be obtained, and where there is a demand, an interpreter will be arranged for meetings.
- recognise the particular needs of people with physical or learning disabilities, including the use where possible of meeting rooms with inductive loops
- recognise the needs of faith groups when participating in consultation
- use other appropriate means to make our consultations inclusive
- abide by any provisions of the Youth Parliament in respect of consulting children or young people; the Older People's Council in respect of older people, the Compact when consulting with Voluntary and Community Organisations, the Neighbourhood Committees in relation to relevant consultations and the Tenants' Compact in relation to consulting tenants.

Type of Consultation	When to use it	Explanation	Example 1	Example 2	Example 3	Appropriate Timescale
INFORMING	Where a decision has been taken and consultation is not required.	Telling local communities what the Council plans <i>ie an information exercise</i>	Managerial decisions on how to progress. (Should ideally follow 2)	An election has been called and the public have to be informed of the dates and times of the election.	Outcome of Ombudsman complaints.	As soon as possible
RESEARCHING	Where information is being sought to help to make a decision.	Gathering information on opinions, attitudes and priorities to inform decision-making.	Asking staff for ideas about the best way to achieve an outcome.	We want to find out how the public would prefer to access Council services so we conduct a poll.	Annual tenant survey - Postal survey sent to every tenants and leaseholder.	Timescale relevant to decision timescale
CONSULTING	Where views will be taken into consideration when making a decision	Obtaining views on proposals or initiatives and taking them into account when decisions are made. This might be:				
		a) Discretionary	Asking a Scrutiny Committee to look at a decision or policy before it is sent to Cabinet.	Postal survey on rent sent to tenants.	Cross departmental agreement on a policy affecting the whole authority, such as implementation of IT	Eight to twelve weeks
		b) By agreement or Compulsory	Trade Union negotiations on redundancies.	Best value performance consultation required by the Government.	On a statutory plan required by Government.	12 weeks
INVOLVING	Where the outcome will be heavily influenced by the results of the consultation.	Working with consultees to find solutions, or where a range of possible options are on offer and the outcome is to choose one of the options.	Discussing with neighbourhood committees about specific changes that relate to their area.	Consultation with residents on the transfer of estates to a social landlord.	The outside of a community centre needs to be repainted. A choice of colours are available.	Where a statutory decision is required, up to 12 weeks
PARTNERSHIP	Where we are taking a decision with others	Initiating joint working and decision-making with the local community and other stakeholders.	Taking decisions about commencing services such as the drugs action partnership with the Health Authority.	Deciding with our partners whether to accept or reject applications that are made for funding through the Neighbourhood Renewal Fund.	New structure of joint management in Mental Health Services	Appropriate to decision to be made, normally at least eight weeks.

Table A: Guidance for officers on level of consultation and examples. Please note these are not definitive. If you are in any doubt about devising a consultation, please contact the Consultation Manager on 020 8356 4342



Form for logging up-coming consultations

Please complete this form *prior* to undertaking consultation activity and return to the Consultation Team using the contact details at the end of the form. This information will better help us to support your project and help you towards a meaningful outcome.

1. Contact details				
Name				
Job Title				
Department	Double click to pick a department			
Email				
Extension				
2. About the planned consultation				
Name of this consultation:				
What are you consulting on?				
Why are you consulting?				
The purpose of the consultation is to (please tick all that apply):				
Inform <input type="checkbox"/>	Research <input type="checkbox"/>	Involve <input type="checkbox"/>	Consult <input type="checkbox"/>	Partner <input type="checkbox"/>
What questions do you want responses on:				

Are there any parts of the consultation that are not up for public debate? If so please state.

3. Who are you consulting with?

Think about your target audiences. To ensure your consultation is inclusive you will need to list the groups you think you will need to target, then research contacts for organisations and clubs you can use to access them. The Consultation Team can help with this process. Contact to make sure all the necessary groups are made aware of your consultation.

Who are you consulting with? (please state below)	Contact/organisation name if any	Method of consultation (for e.g. survey, focus group, event etc)
j		

4. How are you going to consult?

How are you going to get answers to your questions? And will you use the same method for different groups of people? Think about how you would like to gather peoples' opinions and describe as best as you can in the table below.

We will carry out this consultation using the following methods:

Method (please select from the list below)	Further details if already known (date, venue, times, locations, quantity required etc)
Please select item	
Please select item	
Please select item	
Please select item	
Please select item	
Please select item	
Please select item	
Please select item	
Please select item	

5. About the consultation



We will carry out the consultation over a period of	weeks	
Between the dates:	/ / and / /	
The results of the consultation will be published in the following way(s):		
We will publish the results by:	/ /	
The Council will make a formal decision on the outcome by:	/ /	
6. Equalities: <i>Your consultation needs to be accessible to all sections of Hackney. This includes disabled users and users with English as a second language. Think about how you can accommodate the needs of all groups of people into your consultation.</i>		
Is this consultation linked to an Equalities Impact Assessment (EIA)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If 'yes', please specify, if 'no', please give reasons for not completing an EIA.		
Please leave details here about how you intend to make sure your consultation is fully accessible. (For example, translations, large print, Braille etc).		

Please send your completed form to:

Consultation Team, Chief Executive's Directorate
London Borough of Hackney
Mare Street, London E8 1EA
Email: consultation@hackney.gov.uk
Telephone: 020 8356 4342/ 7527 / 7528