

Consultation and Engagement Policy

October 2021



Key Information	
Author	Senior Policy and Engagement Officer
Accountable Director	Paul Burkinshaw, Director of Strategy and Governance
Responsible Committee	Communities and Wellbeing Committee
Service Impact Assessment (SIA)	July 2021
Consultee(s)	
Groups and/or individuals consulted during the development of this policy	Consultation and Engagement Working Group – 9 March 2021
Groups and/or individuals consulted on draft Policy	Consultation and Engagement Working Group – 19 April 2021, 17 May 2021, 1 June 2021 Scrutiny Committee – 20 July 2021 Community diversity Council – 17 September 2021
Governance	
The Policy applies to:	Organisation
The Policy is available in the following locations:	Publications Scheme <input checked="" type="checkbox"/> Intranet <input checked="" type="checkbox"/> Council website / Service webpage <input checked="" type="checkbox"/>
This Policy has related documents	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Consultation and Engagement Strategy – currently in development
The Policy was disseminated to:	Organisation
This Policy is due its next review:	June 2024

Document Control

Date	Version	Action	Amendment(s)
13 oct 2021	V1		Key Information section updated post Committee approval

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1. Introduction

- 1.1. Working closely with local communities and businesses is important to Basildon Council as it ensures a shared understanding of the needs, opinions and experiences on matters that impact the borough. Having an effective Consultation and Engagement approach is one way in which the council can continue to strengthen this relationship and be a more effective community leader.
- 1.2. Working alongside the community during the recent Covid-19 pandemic demonstrates how valuable listening, planning and responding together can be. We want to ensure these valuable relationships and networks continue as we move to the recovery phase.
- 1.3. A range of interactions already take place between the council and the local community on a daily basis both informally, formally, directly and indirectly. Findings from these interactions help the council to better understand services from the view point of those who use them. But we want to go beyond this. The council wants to ensure a broader level of participation and involvement in its work, securing a better understanding of local priorities and issues, from the perspective of those who live, work or have an interest in the borough.
- 1.4. This policy sets out how Basildon Council will use consultation and engagement approaches to converse with the community and the standards it will abide by when undertaking such activities.

2. Policy Statement

- 2.1 Basildon Borough Council is committed to providing genuine opportunities for the community to contribute to and inform the decisions, policies and services that most affect them. It will use the insight gathered from engagement activity to better understand local need, whilst also maintaining a continued conversation with communities and businesses about the things that matter most.
- 2.2 Engagement activity will be planned and delivered in accordance with the Standards set out in this policy.

3. What is Consultation, Engagement and Participation?

- 3.1 Consultation and engagement is the umbrella term used to describe the involvement and participation of people in decision making.
- 3.2 **Consultation** is defined by the LGA as a “dynamic process of dialogue between individuals or groups based upon a genuine exchange of views with the objective of influencing decisions, policies or programs of action”¹.
- 3.3 **Engagement** is seen as “developing and sustaining a working relationship between one or more public body and one or more community group, to help to understand and act on the needs or issues that the community experiences”².

3.4 Using a ladder of participation³ helps show the different levels of participation and influence that residents and others can have in the work of an organisation.

Level of Participation	Description
Co-Producing	Working with residents and other organisations from design to delivery. Decision making is shared and are made in an equal and reciprocal way.
Co-Designing	Involving residents and other organisations in designing and shaping services. They influence decisions but aren't involved in 'seeing it through'.
Engaging	Residents and other organisations are provided opportunities to express their views in a variety of ways. They can influence some decisions.
Consulting	Residents and other organisations are invited to fill in surveys and attend meetings to say which proposal they prefer or what they think about an issue.
Informing	People are informed about services and how they work. People are told about decisions you have made and why.
Educating	People are educated on the benefits and rationale of services. They may be encouraged to act differently.
Coercing	People need to use a service or do something without understanding their true wants or needs Note: The council will not be using 'coercion' as a basis for any consultation and engagement activity.

4.2 Basildon Council is keen to explore all positive forms of participation and engagement, encouraging openness, understanding and incorporating views. This should strengthen its relationship with residents, businesses and stakeholders in order to build knowledge and understanding of how local issues affect everyday lives.

Why does the council undertake consultation and engagement activity?

4.3 There are a number of statutory duties that the council must adhere to in respect of involving the local community in decisions that affect them. The statutory guidance on 'Duty of Best Value'⁴ applies to how 'authorities should work with voluntary and community groups and small businesses when facing difficult funding decisions'. It states that authorities have a 'duty to consult' local people and other stakeholders on service provision and decisions affecting the area. This includes individuals who use services provided by the Council, as well as those who are likely to use them in the future.

³ This ladder is founded on the thinking of Sherry Arnstein, the New Economics Foundation, NESTA and Think Local Action Personal

⁴ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/418505/Revised_Best_Value_Statutory_Guidance_final.pdf

- 4.4 The doctrine of legitimate expectation (common law) infers a responsibility on local authorities to undertake consultation in situations where people have come to legitimately expect a process of consultation, particularly in circumstances where a withdrawal of a benefit would have significant impacts that would require consideration i.e. the withdrawal of a service. Where a consultation is embarked upon it is expected that it is conducted properly in order to ensure a fair process.
- 4.5 The Public Sector Equality Duty (PSED) requires local authorities to have ‘due regard’ to the need to eliminate discrimination, advance equality of opportunity and foster good relations⁵. In respect of this, the Council will ensure due regard to the involvement of protected groups covering the following characteristics when undertaking consultation and engagement activity:
- Age
 - Disability
 - Gender reassignment
 - Marriage and Civil Partnership
 - Pregnancy and Maternity
 - Race
 - Religion and Belief
 - Sex
 - Sexual Orientation
- 4.6 Basildon Council will be mindful of the Gunning Principles, four rules designed to make consultation fair and a worthwhile exercise. The rules are:
- That consultation must be at a time when proposals are still at a formative stage;
 - That the proposer must give sufficient reasons for any proposal to permit of intelligent consideration and response;
 - That adequate time is given for consideration and response; and
 - That the product of consultation is conscientiously taken into account when finalising the decision.
- 4.7 Where a statutory duty to consult exists, this will continue to be undertaken in accordance with legislation and associated guidance. Activity outside of these statutory requirements will be undertaken in accordance with this policy, including activity which is planned or responsive to a particular need.

What is Basildon Council’s approach to consultation and engagement?

- 4.8 The methods used by the council to engage with residents and other local stakeholders will vary depending on the matter that is the subject of the activity.
- 4.9 The council will be mindful of the ladder of participation and will use this as a guide to broaden our approach and encourage wider contributions and involvement from local communities. The themes that the council will adopt for consultation and engagement are:

⁵ <https://www.gov.uk/government/publications/public-sector-equality-duty>

- (Informing) Information giving: Where the council seeks to increase awareness and knowledge of a matter e.g. of a service or policy
- (Consulting / Engaging) Consulting: When the council invites views from public on specific proposals that will be used as part of an evidence base for future decisions, service design or policy development.
- (Co-Designing) Deciding Together: Developing ideas and solutions together, with the council responsible for taking action; e.g. agreeing service changes together that are then implemented
- (Co-Production) Acting together: Working together and taking shared responsibility for making things happen e.g. a community event to raise awareness about a local issue

Engagement Standards

- 4.10 Each engagement exercise will be different based on the subject of the activity. However, minimum standards should be met for each exercise in order to promote consistency and trust, setting out what those who take part can expect from the process.

Our Standards

- 4.11 **Consultation and Engagement activity will be proportionate to the type and scale of the potential impact of the proposal or decision being taken.**

- 4.12 **We will consult before a decision is made**

Where consultation and engagement activity relates to a decision to be taken by the Council, such activity will always be undertaken in advance of the decision. Time will be provided to allow due consideration of the findings by those who must take the decision.

- 4.13 **We will be inclusive**

We will use plain English and avoid jargon to ensure that our messages are clear and accessible. We will also ensure inclusivity when carrying out all consultation and engagement exercises by addressing the obstacles that may be faced by those groups or individuals whose opinions are not always heard.

- 4.14 **We will allow sufficient time**

Adequate time for the consultation and engagement activity will be planned, ensuring sufficient time for participants to be involved and contribute. Once again, the timescales allocated for consultation and engagement activity will be proportionate to the type and scale of the potential impact of the proposal or decision being taken. Following the consultation, we will also allow adequate time for the results to be analysed and considered.

- 4.15 **We will listen and hear**

Responses received as part of a consultation and engagement activity will always be analysed and considered. This will be undertaken in a conscientious and open-minded way.

4.16 **We will be honest**

If there are things that cannot be changed, the council will highlight these at the start of any process so that all involved understand the parameters of the activity. We will also be clear about what influence participants' views can have on the decision-making process. Following a consultation and engagement activity, we will explain where the views of those involved have not been acted upon and the reasons why.

4.17 **We will provide clarity**

The council will be proactive in communicating why and when it is consulting and engaging and what participants can expect from the process. We will provide sufficient information to allow for a proper and informed contribution from those involved. Information relating to consultation and engagement activities will be made easily accessible and promoted to encourage inclusive participation.

4.18 **We will provide feedback**

We will provide transparent, accessible and public feedback explaining the overall findings from the activity and how these views have been used.

4.19 **We will share findings**

Information gained from consultation and engagement exercises will be shared within the organisation and with relevant partners, where appropriate, to influence service design, policy development and decision making.⁶

4.20 **We will be data, insight and evidence led**

We will use the data and insight obtained through consultation and engagement to better understand borough need.

4.21 **We will store and use information responsibly**

Where personal data is collected, it will be collected and used in accordance with relevant data protection legislation and the council's Information Management Policy⁷. A Privacy Notice will be available for any exercise that involves the collection and use of personal data.

How will findings be used?

4.22 The council will always explain how consultation and engagement findings will be used at the beginning of the process, along with which aspects of the matter are subject to further consultation and engagement and therefore open to change, and

⁶ Where it is intended that information will be shared, this will be explained in the accompanying Privacy Notice.

⁷ Information Management Policy 2015 : This policy is currently under review in light of the new GDPR legislation.

which decision(s) have already been taken. It is important to recognise that the council must consider a variety of factors when taking any final decision and that each of these factors will have their own weighting. Whilst views gathered may be the primary determining factor in one situation, competing factors such as legal requirements or financial constraints may have greater weighting under another set of circumstances.

Corporate Knowledge

Corporate Promises	Levels of Impact			
	High	Medium	Low	None
A place for everyone to call home	X			
A place where everyone prospers	X			
A place to be proud of	X			

Outcome and Priorities

A summary of the Outcomes and Priorities of this policy are listed below:

Outcome	Priority
Dynamic consultation and engagement function in place that utilises different forms of participation to consult, engage and involve residents, businesses and stakeholders in service design, policy development and the decision-making of the council.	1. Undertake consultation and engagement activity in accordance with relevant legislation and the standards set out in this policy.
	2. Consultation and engagement function adequately resourced to fulfil the expectations of the organisation.
	3. Consultation and engagement outputs used as part of the formal processes for service design, policy development and decision-making of the council.

	<p>4. Using the ladder of participation as a guide, actively seek to broaden the council's approach to C&E, encouraging wider contributions and involvement from local communities.</p>
	<p>5. Consultation and engagement activity planned and delivered to allow the council to remain apprised of community needs and expectations as they evolve.</p>

Links to other Corporate Policies or Partner documents

Statement of Community Involvement – The Consultation and Engagement Policy sits alongside the council's statutory Statement of Community Involvement Policy, which sets out the minimum consultation standards specific to the development of statutory planning policy documents, the determination of planning applications and the enforcement of planning decisions or policy.

Connected Communities Policy – The Connected Communities Policy sets out Basildon Council's vision to empower communities to feel a strong sense of self and identify and a strong connection to each other and the place in which they live. The policy is formed of three focus areas: Connected Neighbourhoods, Connected Council and Connected Partnerships.

Information Management Policy –The Information Management Policy sets out the principles that will govern the activity of managing information at Basildon Council.

Corporate Plan – Commits the council to a high standard of public engagement.

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