

THE DUTY TO INVOLVE

A BRIEFING NOTE

This note provides an overview of the statutory requirement for local authorities to engage, involve and consult with its citizens. It is drawn from the guidance that accompanies the Act.

Legislative Requirements

The Local Government Act 1999 places a duty of Best Value (BV) on councils to continuously improve and requires that, in making arrangements to secure continuous improvement, we consult with people who are who are likely to use services or have an interest in the area.

The Local Government and Public Involvement in Health Bill 2007 (pt 7 section 138) develops this requirement and places a 'Duty to Involve' upon all BV authorities from April 2009.

What is the 'Duty to Involve'?

The duty requires authorities to take steps they consider appropriate to involve '*representatives of local persons*' in the exercise of any of their functions, where they consider that it is appropriate to do so. It specifies three ways of involving that need to be covered in this consideration:

- **providing information** about the exercise of the particular function
- **consulting** about the exercise of the particular function; and/or
- **involving in another way...**

Within the context of the duty the term 'representatives of local persons' refers to those likely to be affected by, or interested in, a particular authority function. The term 'local persons' is not simply a reference to local residents, formally elected or nominated members of the community, such as councillors. It also covers those who work or study in the area (including those who work for the authority); visitors; service users; local third sector groups; businesses; bodies such as parish councils; and anyone else likely to be affected by, or interested in, the function.

What is the duty trying to achieve?

The activities we undertake to meet the duty will depend upon our circumstances. Appropriate engagement should become standard practice throughout authorities, central to service delivery, policy and decision-making. Authorities should be able to demonstrate, that they:

- understand the interests and requirements of the local community
- use their understanding to ensure information, consultation and involvement opportunities are provided on the right issues, targeted at the right people, and accessible
- have an appropriate corporate approach to providing information, consulting and involving in other ways that flows throughout their organisation – from strategic policies into individual service delivery – and that they work with partners where appropriate
- local people will feel that the authority provides relevant and accessible engagement opportunities and will know how to get involved, either directly or through their elected representative
- local people will recognise that the authority's policies reflect this involvement and services are tailored to local needs, even though difficult choices in service provision need to be made.

What we already do

CDC already undertakes consultation and engagement with stakeholders and local residents. At the corporate level examples include the annual satisfaction survey, annual budget consultation, and the BVPI (now 'place') survey. Consultation and community engagement activities are ongoing across the council. For example, our work with the voluntary sector, customer research and the Govmetric system, consultation with service users when we draft new policies and strategies, our work with parish councils and consulting on the local development framework.

This duty is not a new policy direction rather a requirement to consolidate and improve the way we currently do things.

Implications for CDC

Our ability and track record for consultation and engagement will be measured as part of the new CAA (comprehensive area assessment) inspection regime. This will include how effectively we work with partners to consult, share results and take action to address issues that emerge.

Whilst we already do a lot of good quality consultation and engagement work what we do across the whole council (and in partnership) hasn't always been co-ordinated and the results shared. So, while we meet the basic requirements of the act, there are several areas we need to develop.

Areas for Improvement

We need to ensure:

- our consultation and engagement is effectively planned, co-ordinated and meets the strategic needs of the organisation
- we use appropriate techniques to consult with people
- our consultation and engagement is timely, undertaken at a point where it can have a genuine impact of the decision or development
- we share consultation results with partners to help improve planning
- we routinely engage with service users to help plan service developments
- we understand the needs of our community and groups that may be harder to reach within our community
- we make changes to our services as a result of consultation
- we feedback the results of our consultation to those who participated, *including* what has changed as a result
- we work with councillors to involve them in consultation and engagement activities

Applying the duty

The duty to involve applies to all services, functions and important decisions. The authority must take steps to fulfil this duty and decide who it would be appropriate to inform, consult or involve. In considering how to fulfil the duty, we should aim to involve 'representatives of local people' as much as possible. We should not shy away from involving people in difficult issues, but will need to be clear in such circumstances about how much influence over decisions is being offered, people need to understand what role and influence they have in any consultation process.

In meeting this duty, authorities should consider:

- **Privacy:** ‘representatives of local persons’ should not be involved in individuals’ personal matters e.g. individual cases. However, it might be appropriate to inform, consult and/or involve in the policy development around these issues.
- **Previous engagement or involvement** (either by the authority or others), this should be used to inform the next stage of involvement with the public so as to avoid duplication and to help move any engagement forward.
- **Possible benefits and costs** authorities should consider the predicted benefits of informing, consulting and/or involving against the costs of that involvement.

Roles and responsibilities

Corporate responsibilities – the community and corporate planning team will be responsible for providing support to managers and staff in relation to consultation and engagement, they will prepare a strategy, action plan and guidance and will undertake corporate consultation for example satisfaction surveys and budget consultation. They will also work with the LSP to help develop a partnership approach to consultation and engagement.

Managerial responsibilities – service managers will need to ensure that they continue to undertake appropriate consultation and engagement activities as part of their general service development work including; service planning, major projects, equality impact assessments, value for money reviews, changes to service, service strategies etc.

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