

Consultation Planning and Implementation -Guidance/Protocol-

Version 1.1

Date: February 2023

Review: February 2024

Communications and Engagement Team
February 2023

Introduction

This protocol document fits closely together with its partner document, the Dorset Council Consultation and Engagement Policy, adopted by the council. In the protocol we provide the “how to” part of delivering the policy. It has been designed by for use by any Dorset Council colleague who are delivering consultation and engagement activities.

Dorset Council consults and engages on a wide range of topics and issues relating to the services it provides for its residents. We are committed to listening to residents and communities when developing and shaping our services, and we conduct formal and informal activities and have conversations on a regular basis.

We want to ensure we standardise these activities, both statutory and non-statutory, be more consistent as a council in how we plan and approach our communities, and ensure we are using accessible methods to allow people to engage with us in a way that best suits them. By doing so, we can develop a better understanding of the aspirations, needs and concerns of the residents of Dorset, and ensure we take these into account in our decision-making and service delivery.

Guidance is given in this document on how to plan and conduct a consultation. The protocol is also supported by a toolkit which contains practical advice, templates and useful information for officers carrying out consultation and engagement activity. There are also modules on the Learning Hub on how to conduct less formal engagement activities and you can seek support or advice from the central team.

Consultation is a shared responsibility and is important because:

- We are an organisation led by the needs of our communities, to make informed choices about priorities and developing services.
- Sometimes consultation is required by legislation but at other times we consult to be confident we have met our duty of due regard.
- We also often consult with no prior requirements simply to better understand how our residents feel about issues so we can ensure the services we provide are the best they can be.
- Consulting with our residents creates greater transparency in decision-making and understanding of how the democratic process works.

As a council we need to carry out consultation at an early stage and to do it right – we need to plan in a formal way – and adhere to the Gunning principles. The Gunning principles are simple, sensible, and based on legal principles so are not an optional way of working - they are a necessity.

Consultation or Engagement?

It is important to understand the difference between Consultation and Engagement.

Consultation is: “The dynamic process of dialogue between individuals or groups, based on a genuine exchange of views with the objective of influencing decisions, policies or programmes of action”

Engagement is: “Developing and sustaining a working relationship between one or more public body and one or more community group, to help them both to understand and act on the needs or issues that the community experiences.”

Dorset Council’s consultation principles

Our principles are based on three sources of consultation guidance:

The Gunning Principles

1. Consultation must take place when the proposal is at a **formative stage**
2. **Sufficient reasons** must be put forward for the proposal to allow for intelligent consideration and response
3. **Adequate time** must be given for consideration and response
4. The product of consultation must be **conscientiously taken into account**.

The **Government has also set out their own standards** that should be adopted when engaging and consulting with stakeholders. They are that consultations should be:

- Be clear and concise
- Have a purpose
- Be informative
- Be only part of a process of engagement
- Last for a proportionate amount of time
- Be targeted – ensure the right people are consulted
- Take account of the groups being consulted
- Be agreed before publication
- Facilitate scrutiny
- Have the responses published in a timely fashion
- Not generally be launched during local or national election periods.

The **Consultation Institute** Charter also sets out their guide to best practice in their charter. The principles set out in the Consultation Charter are – integrity, visibility, accessibility, transparency, disclosure, fair interpretation, publication.

Dorset Council Consultation Principles

As outlined in our Consultation and Engagement Policy our principles are:

- **Legal Standards** – we will adhere to any legal guidance, principles, or processes when we consult, including only consulting if residents' involvement can influence the topic in question.
- **Participation** – we will actively encourage participation in our activities from all residents in the Dorset Council area, especially those who are seldom heard, giving opportunities for people to engage in ways that suit them using a variety of techniques.
- **Consistency** – we will consult and engage with stakeholders and the public in a more consistent way across council services.
- **Planning** – we will effectively plan our activities to ensure there is sufficient time to design, undertake and to feedback on them and for residents to be able to take part. We will also pool our resources where possible and join up our working to reduce the likelihood of consultation fatigue and duplication of effort.
- **Accessibility** – we will ensure that our activities are as accessible as possible to encourage participation from the widest range of residents. This includes factors such as language, format, location, and time.
- **Inclusion** – we will ensure that our activities are inclusive and that we understand our communities, their composition, needs and priorities and how we can mitigate any barriers to participation.
- **Capacity** – we will ensure that those responsible for facilitating consultation and engagement activity have the relevant knowledge, skills, and training to do the work.
- **Partnerships** – we will continue to work together across our council service areas and with our external partner agencies and organisations.
- **Communication** – we will ensure that all appropriate channels of communication are used, whether to promote our activities, to reach out to seldom-heard groups or to feedback the outcomes of our work.
- **Transparency and accountability** – we will be clear about our reasons for consulting or engaging, our expectations of those who choose to take part, and be clear on the decision-making process and how the results will be used. We will take responsibility and be accountable for our processes and decision-making
- **Feedback** – we will ensure we communicate any outcomes or decisions made to stakeholders and all relevant parties, including the public, and how or where their input has been considered. This will be provided in a suitable format.

- **Evaluation** – we will review our activities and actively ask for feedback to be able to evaluate how successful they have been and to take any learning forward.

Why do we need a protocol?

This document has been created to support employees with a protocol/guidance that will ensure consistent planning and implementation of consultation activity across all parts of Dorset Council. It sets out how Dorset Council will deliver consultation so that it is not only legally compliant, but of benefit to all involved in the process. The protocol will:

- Help us to ensure our consultations meet legal requirements, including the statutory legislation and our public sector equality duty (under Equality Act 2010) in planning, delivery, and decision-making.
- To identify high-risk, sensitive or challenging consultations early in the process so appropriate measures and support can be put in place.
- Support the effective planning of consultation to get the most out of the process in capturing the needs, views and thoughts of stakeholders and presenting them with viable options to give opinions on.
- To deliver an effective consultation where stakeholders have clarity in how the council have got to this stage, they understand their role in the process and where they can and cannot have influence.
- Support employees and services in understanding the processes involved in planning and delivering a consultation and to make them aware of the resource and time required.
- Help employees and services understand where and how they can access support in the consultation process.
- Lead to the outputs from consultations to be communicated and shared more effectively via a shared resource.
- Support a cycle of continuous engagement with residents of the Dorset Council area, helping them recognise that consultation is just one part of the decision-making process.

The Consultation Process

Following the steps below will ensure that a consultation is planned and implemented effectively. Support from the central team is available throughout this process from start to end. In some cases, all 13 steps will not be required, but you will always need to consider each stage and decide if any action is necessary. The main steps are:

Step 1: Preparing for Consultation

Step 2: Pre-consultation

Step 3: Risk Assessment and Consultation Plan

Step 4: Consultation Plan sign-off

Step 5: Options development

Step 6: Preparation and approval of consultation methods

Step 7: Production and distribution of consultation materials

Step 8: Consultation 'live' period

Step 9: Mid-term review of consultation during 'live' period

Step 10: Analysis of results

Step 11: Consultation reports and decision making

Step 12: Evaluation and feedback to consultees

Step 13: Sharing your results

STEP 1 PREPARING FOR CONSULTATION

Conducting a consultation may be legally required or a decision will have been taken that it is beneficial to do so. In other cases, a decision to formally consult may be less clear. Before deciding to consult it is helpful to do some research and ask yourself the following questions:

- Is it a consultation or engagement you need to carry out? It is important to get the terminology correct as once it is decided it is a 'consultation,' the service is bound by the consultation principles by which the activities must be conducted and can be open to challenge via judicial review.
- Is the consultation required by law? (If so, you must consult)
- Is there a *legitimate expectation* that we would consult on this issue? (Have we promised we would consult, have we consulted on this issue before?)
- Have we consulted on identical or similar issues before?
- Is there existing evidence we have that would make a full consultation unnecessary?
- Is there a more appropriate and effective way to engage people to achieve our objectives? (e.g., ongoing engagement)
- Is there work ongoing that we need to be aware of or could join up with?
- What budget/resource do we have to conduct the consultation?

You can look up previous consultations that have been conducted [here](#).

It is important that you clearly identify the issues you want to consult on and what the scope of your consultation is. To kick the process off, you may start by asking yourself the following questions:

- What are the issues at hand?
- What does the evidence/data tell us? What do we already know?
- Who do we want to hear from? Whose views do we need to understand?
- What do we want to speak to them about?
- What do we want to find out?
- Why do we need to know?
- What do we hope to ultimately achieve? What are the outcomes for our residents, businesses, communities?
- How will we use the information and how will we report it back?

You will also need to consider whether a one-off consultation is appropriate or whether a programme of continuous engagement would better help you deliver your objectives. But you do need to bear in mind if a formal consultation is required in law, that will overrule.

At this stage, you will also already be thinking about your **Equality Impact Assessment** and the implications of the issues on various communities from the proposals under consideration. This is a key, evidence-driven document that will support understanding of the actual, or potential, impact of our proposed activities and decisions on people. This process ensures robustness in meeting our duties under S.149 of the Equality Act and reduces the risk of legal challenge by supporting decision makers in paying 'due regard' before any decision is made. You can find more information and guidance [here](#)

Do I need to consult?

Given the challenges and costs involved of public consultation, knowing if you need to consult is an important issue. Pre-consultation work will help you determine this, but it may be that you are legally required to consult for one of two reasons: 1) Statutory legislation or 2) the doctrine of Legitimate Expectation.

An example of a statutory requirement to consult would be in a Public Space Protection Order. (PSPOs). Another example would be undertaking a Community Governance Review. Often the details of the consultation are specified as well e.g., the length of time you consult for.

There is a legal requirement to consult in several key areas, these include:

- Health (Health and Social Care Act 2012, S.142)
- Environment (Impact assessments)
- Equality (Equality Act 2010, S.149, Public Sector Equality Duty)
- Best Value Duty which states that authorities should work with voluntary and community groups when facing difficult funding decisions, to consider over value in reviewing service provision, and that they are under a duty to consult representatives of a wide range of local persons (Local Government Act 1999, Section 3(2)).

The doctrine of legitimate expectation is also known as 'common law', where the court recognises people's rights to expect consultation:

- if there has been a promise to do so
- if official policy or guidance implies it
- where the authority has always consulted on that issue in the past
- if a benefit is being withdrawn and will have significant impact
- where the nature of the relationship would create unfairness if there were to be inadequate consultation.

An example of a legitimate expectation requirement to consult would be something like Weymouth Harbourside Consultation carried out in 2021. Here various works were proposed to enhance the harbourside and improve the pedestrian/cycling facilities. There was a statutory requirement to consult on the necessary traffic regulation order but not

necessarily for the other works. However, when the works were previously discussed in the public realm the portfolio holder promised residents Dorset Council would consult before going ahead. This promise meant the works created a “legitimate expectation” that the public would be consulted and then consultation had to be carried out, following the Gunning principles.

If you decide it would be beneficial to consult rather than needing to consult by law, you are still bound to conduct it properly and according to the law and key principles. You can find out more from the LGA here – [Do I need to consult?](#)

The central consultation team can support you in any decision-making, along with establishing any legal requirements. In certain situations, legal advice may need to be sought from Legal Services to ensure consultation is carried out when necessary. The agreement to proceed with a consultation may come from a committee or senior officers in agreement with portfolio holders.

If you go ahead with consultation, there are several key principles that must be taken into account. Any consultation must be carried out in accordance with the Gunning principles; these are four fundamental principles for carrying out consultation and engagement to ensure the council is not at risk of being taken to judicial review. These are summarised above and expanded on in the appendix:

STEP 2 PRE-CONSULTATION/ENGAGEMENT

The pre-consultation stage involves clarifying the issues at hand and to determine the scope of your consultation. At this stage, discussions and engagement activities should be held with key stakeholders; this is an opportunity to test any advice, guidance, evidence, or options you are considering.

A Stakeholder Mapping exercise will help you to identify who your key stakeholders are, how best to engage with them and how involved they should be. These may be made up of people such as service users, non-users, other customers, or other interested parties and organisations. Your analysis should also identify seldom-heard groups and barriers that may be preventing their accessing council consultation. In these cases, you may be able to link with existing groups and networks to engage with stakeholders and interested parties. You can find guidance for this exercise in the Consultation Toolkit.

As a rule, you should seek to gain a balanced perspective on the issue as this will help in determining the strength of feeling. You can also find out from opposers to your proposals what their fears are and gauge their understanding of what the council can and can't influence. You can then shape your consultation in a way to allay these fears and be clear in your material and introductory text what aspects of the options the council can influence and where the respondents can have a say. Consultation is not a referendum.

You should create a summary of your engagement exercises and reflect on what this means for your proposal and the options you wish to consult on.

The outcome of your engagement may be that a full consultation is NOT required; the central team can help you with this decision. If you do go on to consult, your consultation must comply with the Gunning Principles and consultation best practice, even if the consultation is not legally required.

In some situations, it will be possible/necessary to go straight into Step 3 and not carry out pre-consultation engagement. For example, this may be when prior work has already identified the issues or earlier survey work or data analysis means you can already formulate your proposals.

STEP 3 CONSULTATION PLAN AND RISK ASSESSMENTS

If a consultation is required, the next step is to consider the level of risk involved and the creation of a consultation plan. This will help determine the level of support and resource you require in planning and conducting your consultation.

Risk Assessment

We have created categories within which consultations will fall to assess the level of risk; these categories are important as it has a bearing on key decisions and the involvement of personnel throughout the process.

High Risk Consultations – these are consultations that:

- Are about substantial and/or controversial issues
- May affect a high number of residents
- Have a strong possibility that it could be legally challenged

These consultations will be managed by the central team and plans would normally be shared with members of the Senior Leadership Team and Cabinet.

Medium Risk Consultations – these are consultations that:

- Potentially could be difficult due to number of people affected
- Could be difficult due to particular sensitivities involved

These consultations can be delivered by a lead within the service, but closely supported by the central team. Plans may be shared with members of the Senior Leadership Team and Cabinet.

Low Risk Consultations – these are consultations that:

- Are less controversial

- Small changes that will affect a limited number of people

These consultations will normally be delivered by a lead within the service with support available from the central team where required. Plans should be sent to the central team for information.

At this stage, you should also review your EQIA to consider any additional information or understanding gained during the pre-consultation phase. This document should evolve and be updated continually throughout the course of the consultation. You can seek support from our EDI Officer. Responsibility for creating and updating the EQIA would always sit with the service promoting the consultation.

The EQIA is normally on the proposals themselves and not the consultation process itself. It is possible to carry out an EQIA on the consultation process for highly controversial consultations.

Consultation Plan

All consultations should have a consultation plan. A plan gives you the opportunity to think about the objectives of your consultation, who needs to be involved (your stakeholders and target audience), your methodology, available resources/budget, and your timeframes/key milestones.

At this stage you will also need to work with a Communications Officer to develop your communications plan which will outline how you will publicise your consultation. The communications plan and the consultation plan should dovetail together.

You should also start thinking about your evaluation at this stage. This will help you to know what data you need collect throughout the process.

Consultation Plans could be requested to be presented at a judicial review, so it is important to present the information clearly and then follow what you have written. It should, like the EQIA, be an evolving document building in and recording changes if necessary as you complete the process.

The Consultation Plan template and associated guidance to help you complete the document can be found in the toolkits. Further support in drafting the plans is available from the central team.

Deadlines for Committee reports and decisions will vary depending on the consultation type and where in the process the consultation falls, e.g., findings to be presented at the next Cabinet meeting. You will be asked for an indication of these timeframes when you contact the team about doing a consultation.

STEP 4 CONSULTATION PLAN SIGN OFF

Consultation plans should be reviewed by the Senior Consultation Officer and central team to ensure they are sufficiently robust and meet the Gunning Principles. The central team should receive copies of all consultation plans, prior to the consultation commencing.

High risk – will need more senior sign off.

STEP 5 OPTIONS DEVELOPMENT

The officers making the recommendation and /or the decision at the end of the consultation process should be part of this stage of the consultation preparation. This stage is vitally important in determining what options will be provided to consultees and what rationale will be shared to explain why these options have been decided on. You should draw on all the information gathered plus any pre-consultation engagement activity outcomes to formulate them.

This stage will also need to provide clarity on whether each option has flexibility i.e.: whether options can be changed in response to feedback or whether they are fixed. You should also demonstrate that each option has been costed and is therefore viable. This information should be made clear in the material prepared for the consultees, whether on the website or in the introduction to the consultation.

You should also consider whether key influencers and stakeholders need to be part of the options development stage.

It is quite acceptable to have a preferred option in a consultation. However, it is important that decision makers are prepared to be influenced by the consultation responses. The useful saying is “have an open mind, not an empty mind”.

By their very nature some consultations will have limited options. It is good practice to try to ensure there are options, but they must be viable options. In some cases, the options may just be that the change goes ahead or it doesn't. If there are limited options, it becomes more important to try and understand who is affected and how the effects of any proposed changes can be mitigated. Clear analysis of the impacts of the proposals should be provided, for the public to understand and help inform their response.

STEP 6 AND 7 PREPARATION, APPROVAL, PRODUCTION AND DELIVERY OF CONSULTATION MATERIALS

For high and medium risk consultations, the central team will support the development of surveys and materials, give advice on the development of questions and methods etc. Services can come to the team with suggestions/a plan and the team can help formulate the questions/approach.

Good survey design is fundamental to a successful consultation. Careful consideration should be given to the audience to ensure an appropriate length of survey together with efficient routing of respondents through the questions. The setting of appropriate questions is vital to ensure the information needed is gathered and the analysis of the responses is straightforward.

Always imagine you are answering the questionnaire yourself. Some question styles are useful to the service but not so easy to answer. For example, ranking three things is relatively easy but ranking 10 might not be. Always keep qualitative open text questions to a minimum as analysis is time-consuming.

Advice is available in the training modules and the central consultation team are available to give advice on question design.

The new engagement platform will be a shared resource for the whole council, with different levels of users, who will need to have training according to their needs. External training in use of the platform, if required will need to be paid for by the service.

Overall management of the platform will be held by the central consultation team. For all non-statutory consultations, service areas will be expected to add their own material to the platform and extract their own results, where appropriate.

Currently all consultations should be offered in alternative formats. The principal one of these will be a paper copy, and this is a requirement for all statutory consultations. The paper copy will be created by the person creating the survey on the platform (as this can be automated to a certain extent). The responsibility for printing and circulation of the paper forms rests with the service. Paper forms would normally be made available through the library service and services would need to liaise with the library service early in the process. Libraries would also need copies of supporting documentation. If people request alternative formats (e.g., Large Print, Easy read, Braille, other languages etc.) their request needs to be carefully considered and complied with if possible.

The toolkit and learning modules help with many of these aspects e.g., survey design, how to collect different types of information and different activities they might use in the consultation. Alternative methods of consultation include focus groups, surveys (telephone, paper, online), forums, workshops, etc.

Data Protection/Privacy Notice or Policy During the course of any consultation or engagement activity it is important to comply with the GDPR and the Data Protection Act 2018 when handling personal data. You can find more information on Dorset Council's

information governance and data protection [here](#) . It is important that your participants are clear on how their data will be used, managed, and stored and therefore you may also want to have your own privacy policy or notice.

Collecting Demographic Data This is an important element of the consultation. Sometimes you need to collect this information to closely inform the consultation. An example of this would be collecting disability information when consulting on a proposed change to bus services. To understand how the changes affect different people can be fundamental. In other cases, you collect the information to ensure you get a response from right across the spectrum of the Dorset population, ensuring a response from underrepresented groups. It is important to take a balanced view in collecting personal information and not collect it for no good reason. It is vital always to allow people to opt out of providing this information with “prefer not to say” as an option. These questions are only asked of individuals and not organisations. The list we propose you use includes age, sex, disability, sexuality, religion, and ethnicity. We also have a standard way of asking these questions. This and further information are available in the toolkit.

Next Steps: It is important in the prelude to the consultation questions; you clearly explain how people’s responses are going to be used and what the next stages in the consultation process are. Try to include any detail you have available.

STEP 8 LIVE CONSULTATION PERIOD

There is no fixed timeframe for a consultation to be ‘live’, unless there is legislation relevant to the consultation that dictates it must run for a set period of time (e.g., 12 weeks).

However, consultees should be given adequate time to take part in the consultation. You may need to give consideration to public holidays, school terms or significant events that may affect engagement with the consultation. Generally, a minimum of 4-6 weeks should be set aside, however reasons for the timescales decided upon should be recorded in your consultation plan.

Sometimes shorter time periods can be effective in generating responses, but the pros and cons of different time periods need to be carefully considered. In certain cases, consultation periods can be extended before they finish. An example of this would be when a public lockdown, power outage, building closure restricts public access. This information needs to be added to the consultation plan if it happens. If you are unsure, please ask advice from the central team.

STEP 9 MID-CONSULTATION REVIEW

The consultation and your approach to it should be reviewed throughout the live period, with a date set about halfway through for a formal review. This should be done with the support of the central team, especially for high profile or complex consultations.

Under review should be the response rate, profile of respondents and any feedback on the consultation to date, so any changes or additional actions can be taken before the end of the consultation. You may decide to extend the consultation period. This process is key to ensure that people can engage effectively with it and have the opportunity to participate.

This review would normally involve consideration of the Comms plan and how to promote the consultation to get an appropriate response.

Response numbers - If it was a 'closed survey' where you select people at random to take part you can calculate a statistically valid survey size within confidence levels.

For example, if your population was 10,000 this means 370 or more responses are needed to have a confidence level of 95% that the real value of answers to the questions is within $\pm 5\%$ of the measured/surveyed value. This can be calculated online. Virtually all Dorset Council surveys are 'open surveys' where anyone can take part so that method is not appropriate.

It is always good to set a response target to aim for based on your knowledge of the local area, how controversial the issue is, the engagement levels etc. You would pause during the consultation review to look at who is responding. However always prefer quality over quantity when it comes to responses. You need to ask, have you got enough responses from young people, visitors, businesses etc? If not, selective promotion can balance the numbers up. Also, always good to ensure you get reasonable numbers from harder to reach groups such as disabled people.

If you are not looking at subdividing the results into smaller groups (say a town or district area) you can manage with smaller response numbers. If you are subdividing, you will need a larger sample size to make valid conclusions. This may deem the results invalid.

When the consultation is live **it is important not to change any questions** unless a serious error is discovered. This may make the responses prior to the change incompatible to those made afterwards, hindering analysis of the data.

Responses would not normally be accepted after the closing date unless arrangement had been made to include them due to unavoidable circumstances, but acceptance is at your discretion.

STEP 10 ANALYSIS OF RESULTS

High risk consultation response analysis would normally be conducted by the central team to allow for a level of independence. Low risk work can draw their results from the consultation platform and seek support from central team for interpretation where required.

The Business Intelligence team can help with the statistical analysis, especially for large consultations with high response rates, but this needs to be arranged in advance.

Coding and analysis of text comments is an important part of the overall analysis. Coding involves reading each comment and adding it to a category or categories. These can then be numerically summed to identify the main themes coming through. It is labour intensive and without significant shortcuts. All comments need to be read and coded. Further advice on coding is available in the toolkit.

It is important to publish high level findings and the number of responses somewhere to show transparency – you can also do this to have more time to fully analyse the results if you have had a large response. Publication of any results needs to be done in conjunction with the service originating the consultation

Full guidance is available in the toolkit on collating and analysing results and report writing.

STEP 11 CONSULTATION REPORTS AND DECISION MAKING

An output report should be completed for each consultation which is balanced, factual and provides all the material points raised by consultees. It should present what was said by respondents. It is not meant to list proposals but is there to support the decision-makers in their role in providing evidence. This shows that they have taken consultation responses into account. You should also explain how you have ensured the consultation was accessible.

Consultation reports should be structured in the following way:

- Executive Summary/Abstract

- Introduction and background to the consultation
- Preparatory work – pre-consultation/engagement phase/options appraisal
- Methodology – response channels, ensuring accessibility, methods used.
- Findings and discussion – can be by question or by theme.
- Conclusion with key findings/next steps
- Appendices (e.g., comments, survey form as a minimum)

High-risk consultations will be written up by the central team as this allows for a level of independence and reduces the risk of accusation of bias in how the results are interpreted. The team will aim to complete the analysis within two weeks of the consultation closing after the final paper copies being entered. For larger and more complex consultations this may take longer. Support in writing up other consultations can be discussed with the central team to ensure accuracy and quality assurance. In some cases, the team will provide the raw results and offer direction in report writing and presentation of findings where required.

The final report would normally be expected to include graphical representations of the data emphasizing important points. Text comments would be read and coded. The summary and full redacted comments should be provided, as should the consultation survey questions themselves in the appendix.

Deadlines for Committee reports and decisions will vary depending on the consultation type and where in the process the consultation falls, e.g., findings to be presented at the next Cabinet meeting. You will be asked for an indication of these timeframes when you contact the team about doing a consultation.

The consultation report is a public report (when agreed and released by the service). Individual and personal details should not be included unless individuals are in public office. Organizational responses should be considered in the public realm unless arrangements have been made to deal with them in an alternative way prior to the consultation closing.

Organisational responses should normally be given more weight in your report than responses from single individuals. If possible, quote from the responses, if appropriate, and blend them through the report

STEP 12 EVALUATION AND FEEDBACK TO CONSULTEES

Evaluation is important to highlight what strategies and approaches worked well and where there is room for improvement in how you conducted your consultation. Consultation can take up significant resources and therefore it is important to evaluate how well it went and to be able to demonstrate impact and value for money.

Demonstrating the value of good consultation can support a culture change in attitudes and approaches to this type of work.

You may look at the process, the impact and outcomes and the return on investment of consulting. Some elements you will not be able to measure straight away. You might think about:

- i) Whether the consultation followed due process and followed procedure correctly
- ii) Was the style and length of questions appropriate? Were the right questions asked?
- iii) The reach of the consultation and demographic of respondents (is it representative? Were any groups missed?)
- iv) How effective were the methods used to consult? How effective were the comms?
- v) Efficiency of the process e.g., how much was done in-house
- vi) The impact and outcomes – what difference was made due to consulting and how were the results used to inform changes?
- vii) Respondent satisfaction – did they feel informed, listened to?

You can find some tips in the toolkit on what questions you could ask and methods you can use to evaluate your consultation.

Feedback

Timing is important in feeding back results. As part of your Communications Plan, you should have planned how you will feedback the findings to residents, to inform them what the response to consultation was and what impact their feedback has had on that outcome. We always need to be aware that the consultation is only part of the decision-making process. It is not a referendum. “You said we did” is not always appropriate. Think about what media might you use and your audience – where should the feedback be and in what form? Different audiences will have different needs and require different levels of detail so a mix of techniques would likely work best. Often there may be two separate parts to the feedback. Firstly, this is what you have told us in the consultation. This will be provided in full in the consultation report but will often be more accessible in summary form. e.g., an infographic. Then the service will build the evidence from the consultation into the proposals going forward, using all evidence available. At this point too it may be appropriate to feedback again. This will probably be put together in a committee report. In your communication plan, you will also need to consider how you will feedback to other stakeholders, including the portfolio holder, other council members, senior managers, other staff, other organisations, or users involved in the consultation or who may have an interest in the outcome. **Important to remember that elected members always need to see sight of consultation reports prior to them appearing in the press.**

This process is important to ensure that people continue to take part in our consultations in the future. It will also help influence general views or opinions of how good Dorset Council is at keeping local people informed.

STEP 13 SHARING YOUR RESULTS WITHIN THE COUNCIL

It is important we share results across the council. This could be through the development of a consultation library or via the engagement platform. It may be an abstract summary of findings or the detailed report. Data could be made available with the support of BI, but you would need to consider GDPR requirements.

Why we share findings:

- We share findings to raise awareness across the organisation (e.g., via a summary or blog)
- Sharing findings is an open and transparent way of working
- To prevent duplication of effort – not approaching the same people with the same questions – what have we already done?
- To inform future work – what do we already know and where are the gaps?

The council has set up a consultation library at XXXX. This is a searchable library of consultations and surveys conducted by services. Some provide an abstract summary of key findings; others offer data in more depth that you can refer to. You may want to use this data as a starting point for your own work, or just check whether work has been done with a particular population or topic before.

NOTE: consultees will need to be made aware of how their data is being used/stored, whether it will be anonymised etc.

SUPPORT AND FURTHER INFORMATION

Dorset Council has a central Consultation and Engagement team. Their primary role is to provide advice and support to officers and Members who are planning and implementing consultations, and to also offer challenge to thinking and planning to ensure robustness. The team will be more heavily involved in the planning and delivery of statutory and high-risk consultations.

Issues with consultations tend to arise due to lack of thorough planning or time given to ensure a robust process. The team is here to support both planning and implementation



to ensure the council and residents get the maximum possible benefit from the consultation process. Therefore, we ask that the team is given as much notice as possible of upcoming consultations.

Consultation and Engagement Webpage

If you are considering undertaking consultation work and would like to discuss your requirements or get any advice please get in touch via our brief [Consultation Web Form](#)

[Consultation Policy](#) (link)

[Consultation Toolkits and Plan with guidance](#) (LINK)

Consultation contact e-mail address: consultation@dorsetcouncil.gov.uk

There will also be key modules on the Learning Hub.

WHO WE ARE

Head of Strategic Communications and Engagement - Jennifer Lowis

Jennifer.louis@dorsetcouncil.gov.uk 01305 221751

Communities and Partnerships Business Partner - Laura Cornette

laura.cornette@dorsetcouncil.gov.uk 01305 224306

Senior Consultation Officer - Mark Simons

mark.simons@dorsetcouncil.gov.uk 01305 224256

Community Engagement Project Officer - Jed Hewitt-Bell

jed.hewitt-bell@dorsetcouncil.gov.uk 01305 XXXXXX

You may also seek support from:

Communications Team Comms@dorsetcouncil.gov.uk

Equality, Inclusion and Diversity Officer - James Palfreman-Kay

james.palfreman-kay@dorsetcouncil.gov.uk 01305 224304

APPENDIX

Appendix A: The Gunning Principles

Proposal at a formative stage

A decision should not be pre-determined before consultation is undertaken. The decision maker cannot consult on a decision that it has already made. It would be unfair to do so but also pointless. This does not mean that the decision-maker must consult on all possible options of achieving a particular objective. A decision-maker can consult on a 'preferred option' so long as it is prepared to change course if persuaded to do so subject to the outcome of consultations. Participants must be able to give their feedback and offer up other suggestions.

Sufficient reasons to allow for intelligent consideration and response

Consultees must be given sufficient information to enable them to understand the proposal and respond to it with their feedback. Proposals must be clear and not misleading. Consultees should be made aware how a proposal for consultation has already been considered, including any options that have been discounted and the reasons for this. Consultees should also be aware of how proposals will be considered, and decisions made after the consultation process. This includes any other evidence or work that will be considered as part of the decision-making process.

If information provided to consultees is incorrect or misleading or does not give the true reasons for putting forward the relevant proposals, then this may constitute a sufficient flaw in the consultation process to lead to a quashing of the subsequent decision. Although there is no general obligation to disclose unpublished internal advice or representations from other consultees, that remains subject to the overarching requirement to give sufficient reasons for consultees to be able to respond intelligently. If a proposal has been informed by private representations, those representations should be made available to consultees.

Note that if a consultation is taken to Judicial Review, the powers allow for all paperwork, emails, and notes around a decision to be submitted.

Adequate time for consideration and response

Unless statutory time requirements are prescribed, there is no specified time frame within which the consultation must take place. Decision-makers will have to form a judgement as to what period of time is appropriate for the consultation exercise in issue. Where there has been prior discussion about the issue then it may reasonably decide to limit the time for formal consultation. However, where the information to be disclosed is complex, or not well known to those consulted upon, it may consider that a greater period of consultation is called for to allow for participants to be given sufficient time to have their say. Also, consideration should be given if a consultation is going to be run over a school holiday period. Depending on the subject of the consultation it is often necessary to extend the consultation period.

The product of consultation must be conscientiously considered

The decision-maker must give genuine and conscientious consideration to the representations received. The product of the consultation exercise must be considered in finalising any proposals. The decision-maker must embark on the consultation process prepared to change course if persuaded by that consultation process to do so. The decision-maker does not have to read personally every response provided in the consultation process. However, where a summary is provided, this will need to be comprehensive and accurate. It is always sensible to make available to the decision-maker all the representations, so that they can access them if they wish.

Appendix B: The Consultation Charter

Principle 1 The INTEGRITY of Consultation

The process must have an honest intention. The Consultor must be willing to listen to the views advanced by consultees and be prepared to be influenced when making subsequent decisions. If the decisions subject to consultation have already been taken, it is a waste of consultees' time and a fraud upon all participants to undertake a purposeless exercise and breaches the principle of Consultation Integrity.

Principle 2 The VISIBILITY of Consultation

All those who have a justifiable right to participate in a consultation should be made reasonably aware of the exercise. For Closed Consultations¹, this will be less demanding than for Open Consultations. Visibility is also important for decision-makers who should have full awareness of any consultation exercise, which is relevant to decisions they are about to take.

Principle 3 The ACCESSIBILITY of Consultation

Consultees must be able to have reasonable access to the exercise. This means that the methods chosen must be appropriate for the intended audience and that effective means are used to cater for the special needs of 'seldom heard' groups and others with special requirements. New technology and social media offer an ever-wider choice of consultation mechanism, but consultors must always ensure that the 'Digital Divide' does not disenfranchise citizens or stakeholders. ¹ Where the audience only consists of fully identified stakeholders

Principle 4 The TRANSPARENCY of Consultation

Many Consultations are highly public, and rightly so. Indeed, the principle of Transparency and the Freedom of Information Act 2000 requires that stakeholder invitation lists, consultee responses and consultation results be published. But this should only occur with the express or implied consent of participants. Consultors who intend to publish details of respondents and their responses have a duty to ensure that this is understood by all

participants. Consultation submissions will be published unless specific exemptions apply. Freedom of Information Act requests can be used to seek access to data previously kept hidden. 2. Consultees rightly expect full transparency of the governance arrangements applicable to a consultation and the decision-making process which will follow. They will also expect explanations for decisions taken following a consultation.

Principle 5 The DISCLOSURE obligations in Consultation

For consultation to succeed, and to encourage a measure of trust between the parties, it is important to provide for reasonable disclosure of relevant information. Consultors are under a duty to disclose information which could materially influence the nature and extent of consultees' responses. Areas where decisions have effectively been taken already, and where consultee views cannot influence the situation, should be disclosed. Consultees are also under a duty to disclose certain information. If a representative body expresses a view on behalf of its members, it should inform the consultor of the presence of any significant minority opinion within its membership and be prepared to estimate the extent to which it is held. 2 But note that the Data Protection Act 1988 applies to information of a "personal nature"

Principle 6 The FAIR INTERPRETATION of Consultation

Information and viewpoints gathered through Consultation exercises must be collated and assessed, and this task must be undertaken promptly and objectively. In general, decision-makers should not normally be personally involved with primary analysis and interpretation of consultation data, and the use of external data analysts has many advantages. Where consultors use weighting methods to assist in the assessment process, this must be disclosed to participants and to decision-makers relying on the consultation output.

Principle 7 The PUBLICATION of Consultation

Participants in a consultation exercise have a proper expectation that they will see both the output and the outcome of the process. Except in certain Closed or Internal consultations, the assumption should be that publication in a form accessible to the consultee would follow within a reasonable time after the conclusion of the exercise. It is the responsibility of a consultor to publish an adequate feedback document, consisting of consultation output, preferably in advance of decisions being taken. Where no publication is intended, it is the duty of the consultor to disclose this when initially inviting stakeholders or the public to participate