

Consultation and Engagement Framework 2022 - 26



Cyngor Bwrdeistref Sirol
MERTHYR TUDFUL

MERTHYR TYDFIL
County Borough Council

Contents

(To be included)

Introduction

Merthyr Tydfil County Borough Council have a firm commitment to ensure that we deliver high quality services for our residents ensuring that our services remain sustainable for the future. One of the ways in which we do this, is by involving communities across our County Borough through engagement and consultations. 2-way communications are an important part in our decision-making process, ensuring we get a clear picture of how decisions can impact residents and minimising any negative impact on the community best we can.

We believe that nurturing strong relationships between the council and the community (residents, businesses, voluntary and community groups) is incredibly important in the success of the Borough as a whole. This again, is done through 2-way communication which is incredibly important to get to the heart of the issues and reach our vibrant communities, so that everyone is involved.

The framework in this document sets out our approach on the engagement and consultation process, including an overview of what it means, so that everyone has a common understanding to further improve the engagement, consultation, and participation process.

Who is the framework for?

The framework is for everyone who wants to have a say in the decisions we make, but also for the community and Council to become more informed and empowered in the process. The framework is designed to support staff to carry out successful, meaningful, and robust consultation, participation, and engagement:

It has been designed to support:

Staff by ensuring that they...

- know how to carry out robust, effective and meaningful consultation and engagement
- adopt a consistent approach to the consultation and engagement process

- recognise diversity within our communities and incorporate this into the planning of engagement activities.

Councillors by...

- raising awareness of the national principles that govern how we consult and engage with our residents and stakeholders and
- ensuring they understand the need to effectively use the outcomes of community engagement to improve the nature of decision making and help strengthen the relationship that the council has with the people it serves.

Residents, communities and other stakeholders by...

- demonstrating our approach to engagement
- letting them know the standards we are working to and
- what to expect from us which will enable a greater sense of ownership, giving people more input into the decisions that affect their lives.

We must adopt a consistent approach to the participation and engagement process.

We must recognise diversity within our communities, difficulties they may face and incorporate this into the planning of engagement activities.

Being able to raise awareness of the national principles that govern how we consult and engage with our residents and stakeholders and ensuring they understand the need to effectively use the outcomes of community engagement to improve the nature of decision making and help strengthen the relationship that the council has with the people it serves.

Residents, communities and other stakeholders are an essential part of this process and we have created this framework with them in mind:

1. Demonstrating our approach to engagement.
2. Letting them know the standards we are working to and what to expect from us which will enable a greater sense of ownership, giving people more input into the decisions that affect their lives.

The framework:

1. Highlights the importance of effective consultation and engagement and the clear strategic link to the decision-making process.

2. Demonstrates the key role that engaged, empowered communities have in supporting the future-proofing public services.
3. Provides a clear definition of engagement and outlines the spectrum of engagement.
4. Outlines the principles and standards that underpin meaningful engagement and consultation to enable a consistent, transparent, and high-quality approach to the planning and undertaking of community engagement.
5. Signposts to further advice and guidance on how to carry out consultation and engagement in line with the principles and standards outlined.

Communications and Engagement Strategy 2022-2026

In XXXX 2022 (to be presented to Council March 2022) Council endorsed a Communications and Engagement Strategy 2022-2026, which outlines the approach we will take to ensure communications and engagement activity is fit for purpose and helps to achieve our vision.

This Consultation and Engagement Framework will complement and help facilitate delivering one of the key objectives highlighted in the Communications and Engagement Strategy to:

“Inform and engage with residents, businesses, visitors, partners and other stakeholders about the council’s aims and key priorities, the services it provides and how they can get involved in shaping decisions.”

It also defines how we as an organisation will listen and respond to what our audience is telling us in return.

The Communications and Engagement Strategy states that effective consultation and engagement promotes two- way communications, which ensures residents are able to influence the way we shape and deliver our services.

What do we mean by Engagement?

The words ‘community’, ‘public’ or ‘citizen’ engagement are used interchangeably by many, often to mean the same thing. Merthyr Tydfil County Borough Council Caerphilly Council has previously adopted the following definition of engagement:

“Engagement means anything that we do that informs citizens about what we do or involves citizens in the Council’s decision- making process.”

Effective communication and engagement is fundamental to the council's transformation journey, and it is through the ongoing process of dialogue between the Council and our communities.

Through this document we aim to set out a clear structure for engagement that encourages a partnership of collaboration between communities and the council, where the council can enable communities to do a little more for themselves.

In enabling this process, we consider the following headline principles to be of particular significance:

- We will listen and understand
- Our residents will help inform and shape the decisions we make - and in turn we will keep people informed
- We will be inclusive and act with purpose
- We will make the most of what already exists in our communities. Through this agreed approach we will:
 - Empower local residents to have greater influence over the issues that affect them
 - Increase and strengthen the role of communities in how we live, work and visit our County Borough.
- Help us to understand the needs of our communities which in turn, helps to ensure that the services we deliver meet those needs and that available resources are used effectively and in line with agreed priorities
- Ensure people are involved in the democratic process and enable communities to have greater input on issues that affect them.
- Support communities to take action by helping them identify needs and support them in developing community-led solutions
- Meet our statutory duties

Designing engagement:

Do I need to engage, consult or do something else?

To ensure that engagement is carried out in a systematic and consistent way, it is important to be clear on what level of engagement is appropriate in a particular circumstance and to plan and implement engagement processes carefully based on

that circumstance.

At times, engagement may simply be about informing, while at other times engagement will involve a combination of information provision and gathering, consultation, feedback and evaluation that will feed into the decision-making process at an appropriate stage. Recognising that different levels of engagement are appropriate in different circumstances, careful consideration should be given to the approach adopted in relation to:

- the purpose and intended outcome of the engagement
- the issues being addressed
- the stage in the project planning cycle at which engagement takes place
- the stakeholders involved/those we are engaging with - recognising that different groups and individuals have different needs and preferences

The following link provides guidance in determining whether you need to consult, engage or do something else:

www.local.gov.uk/sites/default/files/documents/Do%20I%20need%20to%20consult.pdf

Communications and Engagement Strategy 2022 - 2026

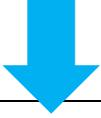
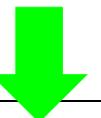
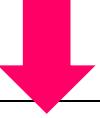
The Consultation and Engagement Framework 2022 - 2026 has direct links to a few key frameworks and strategic documents. This Consultation and Engagement Framework will complement and help facilitate delivering one of the key objectives highlighted in the Communications and Engagement Strategy, 2022 - 26 in how we will implement effective consultation and engagement through two-way communication ***and 'ensure communities can influence our services and the way in which we shape and deliver them across the County Borough.'***

The Spectrum of Engagement

The International Association of Public Participation Spectrum outlines five levels of engagement across a continuum that describes an increasing degree of engagement, participation, and influence in the engagement process. The spectrum can be used to help determine the level of influence required and sets the commitment to ensure transparency. It can also provide a starting point in determining the most appropriate methods of engagement. The diagram below outlines five levels of engagement and identifies increasing levels of public impact and levels of community influence over decisions at each level, our goals and promises are set out

Levels of Locality Participation



				
Providing information to localities to enable them to understand problems, alternatives, opportunities, and solutions	Obtaining local feedback to inform decision-making Obtaining feedback on formal proposals	Working directly with local people to ensure that issues, concerns, and aspirations are understood and considered	Working in partnership with localities on all aspects of decision-making including development of options and identifying preferred solutions	Placing final decisions in the hands of the locality
				
So that we ...	So that we ...	So that we ...	So that we ...	So that we ...
Keep everyone informed	We will keep you informed, hasten to acknowledge concerns, and provide feedback on how public input influenced the decision	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision	We will look to you for direct advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide

Who do we engage and consult with?

We will always reach out and engage with everyone within our communities, as appropriate depending on the area of the consultation and impact for the Borough as a whole. The people we engage with are:

- Residents - people from every part of the County Borough and from every community and of all ages, making a particular effort to encourage those currently not engaged/seldom heard including:
- Community groups and clubs including those on our various panels, community, voluntary and special interest groups
- Vulnerable groups and those with protected characteristics as defined within the Equality Act (2010) and the Public Sector Equality Duty (Wales)
- Children and young people including those on the Youth and Junior Forums
- Employees of the Council

- Relevant Trade Unions
- Business owners
- Those who visit, work, or participate in activities within the County Borough
- Our democratically elected representatives
- Town and Community Councils
- Local Assembly Members and Members of Parliament
- Partner organisations
- Business forums
- Welsh Commissioners (Children's, Welsh Language, Older Persons and Future Generations)
- Specific subject forums
- Any other body or group with an interest in the work of the authority and the future well-being of the area

Principles of Engagement

The Council operates within the Welsh Government Citizen-Centred Governance Principles, putting the citizen at the heart and focusing on their needs and experiences. In engaging with residents and stakeholders, it is important to have principles that guide the engagement process so that it is undertaken in a meaningful and transparent manner.

Public Engagement in Wales

The Council has adopted the National Principles for Public Engagement in Wales as a guiding document for all of our engagement activities. These principles are supported by 'The Evaluation Toolkit'.

- Evaluating engagement practice against the National Principles for Public Engagement in Wales which outlines a four-stage participatory process to evaluate engagement activities in relation to the National Principles.

The Consultation Institute Charter

The Consultation Institute provides a charter, outlining seven key aspects of good consultation. These seven components should steer decision-making processes before, during and after a consultation process.

They can also act as a guide for other forms of engagement.

Much on consultations in the United Kingdom have been undertaken by the Consultation Institute which was set up in 2001. They strongly believe 'a dynamic process of dialogue between individuals or groups, based upon a genuine exchange of views, with the clear objective of influencing decisions, policies or programme of action'

They also have very strict principles of engagement that they have laid out, those are:

1. Integrity – The consultor must be willing to listen to the views of consultees and be prepared to be influenced when making subsequent decisions. [if decisions have already been taken, such a consultation is a ‘fraud’ and ‘purposeless exercise’]
2. Visibility – All those who have a justifiable right to participate should be reasonably made aware of the exercise.
3. Accessibility - Methods of informing and consulting must be ‘appropriate for the intended audience’.
4. Transparency – Stakeholder invitation lists, consultee responses (with consent) and consultation results should be published.
5. Disclosure – Consultors are under a duty to disclose information, including financial details, which could materially influence the nature and extent of consultees’ reports.
6. Fair interpretation – Responses to the consultations must be collated and assessed objectively. If weighting methods were used to assist this assessment, these must be disclosed
7. Publication – There is a ‘proper expectation’ that the output and outcome of the consultation will be published within a reasonable time.

The Legal Context Doctrine of legitimate expectation (common law)

Essentially, where people have come to legitimately expect a process of consultation, for example, with local authority budget cuts, there are grounds for a judicial review should a public consultation not take place. Similarly, a consultation must be conducted properly should the choice be taken to embark on one (whether a legal requirement exists for it or not). This is part of ensuring that the consultation process remains a fair one. This is rapidly becoming the most important aspect of the law of consultation.

The legitimate expectation applies:

- when there has been a clear promise of consultation
- where official guidance or policies imply a promise to act in a particular way
- where there is a withdrawal of a benefit with significant impacts to be considered
- where the nature of the relationship would create unfairness if there were to be inadequate consultation.

The Consultation Institute identifies two areas to focus on when deciding if you need to consult - statutory provisions and the doctrine of legitimate expectation (common law).
Statutory provisions
Statutory provisions are legal requirements which state that a consultation must occur. They exist in several key areas - health, environment, and equalities. Equality: The Equality Act 2010 states that public bodies must have “due regard” to a variety of Equalities objectives (Equality Act 2010, Section 149) and consequently Equality Impact Assessments must be carried out to demonstrate that decisionmakers are fully aware of the impact that changes may have on stakeholders. The concept of “due regard” was reinforced in 2012 during the review of the Public

Sector Equality Duty which... “requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different

Gunning Principles

If it has been determined that consultation (as opposed to some other kind of engagement) is required, it is important that the following principles are adhered to ensure legal compliance.

Proposals are still at a formative stage. A final decision has not yet been made, or predetermined, by the decision makers.

There is sufficient information to give ‘intelligent consideration’. The information provided must relate to the consultation and must be available, accessible, and easily interpretable for consultees to provide an informed response.

There is adequate time for consideration and response.

There must be sufficient opportunity for consultees to participate in the consultation. There is no set timeframe for consultation, despite the widely accepted twelve-week consultation period, as the length of time given for consultee to respond can vary depending on the subject and extent of impact of the consultation.

‘Conscientious consideration’ must be given to the consultation responses before a decision is made.

Decision-makers should be able to provide evidence that they took consultation responses into account.

www.local.gov.uk/sites/default/files/documents/The%20Gunning%20Principles.pdf

The Involvement and Collaboration Principles: Well-being of Future Generations (Wales) Act 2015

Well-being of Future Generations (Wales) Act 2015

terms of the wider context, this Framework also supports the Council in meeting its duty under the **Well-being of Future Generations (Wales) Act 2015**. The Act is about improving the social, economic, environmental and cultural well-being of Wales and requires public bodies in Wales to think about the long-term impact of their decisions, to work better with people, communities and each other and to prevent persistent problems such as poverty, health inequalities and climate change.

The Act puts in place a sustainable development duty which outlines how

organisations should go about meeting their responsibilities under the Act. There are five ways of working that public bodies need to think about to show that they have applied the sustainable development principles.

Equality

The Equality Act 2010 and Wales specific duties

The Equality Act is supplemented by a specific set of Welsh duties, one of which is to involve people who it considers to be representative of those with different protected characteristics who have an interest in the way in which the authority carries out its functions.

Engagement will help improve outcomes, for example by:

- identifying particular needs, patterns of disadvantage and poor relations between groups
- understanding the reasons for
- disadvantage, low participation
- rates and poor relations
- designing initiatives to meet needs
- and overcome barriers
- determining priorities
- analysing the impact of initiatives
- on people with protected
- characteristics
- monitoring and evaluating
- initiatives, policies and programmes

futuregenerations.wales/wp-content/uploads/2017/02/150623-guide-to-the-fg-act-en.pdf www.equalityhumanrights.com/en/publication-download/engagement-and-equalityduty-guide-listed-public-authorities-wales

National Standards for Children & Young People's Participation

	This Means	We Will
Information	You have the right to information that is easy to understand and allows you to make an informed decision	Provide information that is good quality, clear and accessible

It's your choice	You have the right to choose to be involved and work on things that are important to you	Give you enough support and time to choose if you want to get involved.
No discrimination	Children and young people are all different and have the right to be treated fairly	Provide a range of opportunities and support to meet the needs of children and young people.
Respect	You have the right to have a say. Your opinions are important and will be respected	Listen to your views, experiences and ideas and take you seriously. n Work with you on things you say are important. n Value what you have to offer.
You get something out of it	You have the right to learn and be the best you can be. n You will have opportunities to work with others and make a difference. n We want you to be involved in positive experiences. n	Work with you in safe, fun and enjoyable ways. n Make the most of what you know and do things that build your confidence and skills
Feedback	You have the right to know what differences you have made and how your ideas have been listened to	n Always ensure you have feedback in an agreed time. n Tell you how your ideas have been used and why. n Tell you what happens next
Working for you	Those who make decisions that affect children and young people should put children's rights at the centre of everything they do.	Work with you and learn how we can do things better. n Ensure your views make a difference to the way we make plans and decisions.