

Royal Borough of Windsor & Maidenhead Consultation Policy



RBWM Consultation Policy

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1. Introduction

Our Council Plan places engagement front and centre of our vision for the borough, through a desire to be at the heart of the borough's communities, empowering residents and embedding a strong and inclusive approach to engagement across the council. Consultation forms a central part of that approach and provides us with a way to improve our understanding of the needs and opinions of our residents as well as giving them a voice in our decision-making processes.

2. Scope and purpose of this policy

The focus of this policy is on strategic consultations, which are largely done to inform or influence decision-making, through the evaluation of potential options and the shaping of proposals. Other, more operational issues, such as traffic orders or planning applications may be subject to separate policies and processes.

The policy sets out the expected standards and criteria for running a public consultation. It outlines the process that should be followed and the support and checks available to ensure consistency and good quality across the council's consultation activity.

Where consultations are carried out by a partner organisation or contractor, they should be made aware of the council's consultation policy and encouraged to follow its principles and minimum requirements. However, the organisation leading the consultation will be ultimately responsible for ensuring it follows best practice and meets any statutory requirements.

3. What is consultation?

Public consultation is just one of many methods of engagement and is used to get the views of residents and other stakeholders on proposals for council decisions. Different types of engagement (often modelled as a 'ladder of engagement') will be appropriate for different purposes and at different stages of a project or policy. For example, in the early stages of planning a project it may be beneficial to use a form of engagement which allows for a degree of dialogue and invites a wide range of thoughts and ideas. However, if we are inviting views on a particular proposal and aiming to use that information to influence our decision, then we should do a public consultation. Consulting allows us to gain insight from our communities to inform decision-making. Consultations must follow certain criteria, including having clear beginning and end dates; a defined scope and the potential to influence a decision.

They tend to be one of the higher profile forms of local authority engagement. However, as participants are often self-selecting, they are rarely representative of the entire target population. The relatively constrained nature of consultation responses also means that the input received from participants may be limited and precludes two-way dialogue. It is therefore important that data collected in consultations are critically evaluated and given proportionate weight in the decision-making process. Their results should be considered within the wider context of the multiple data sources informing the decision.

Consultations tend to take the form of surveys, but not all surveys are consultations. Surveys conducted as an 'early engagement' exercise, to gather insight or help develop a proposal, do not count as public consultations, even though they may be asking the public for their ideas and views on a topic. However, engagement activities like this will still be expected to follow the principles of this policy as closely as reasonably possible.

4. Benefits of public consultation

When consultation is carried out in a meaningful and effective way it can help the council:

- build trust with residents by being open about the proposals we are developing and giving them the opportunity to influence the decision-making process.
- make better decisions, by providing additional information and insights including:
 - potential impacts to different communities or types of residents
 - potential barriers to successful delivery, or ideas for how to enhance positive outcomes and mitigate negative ones
 - the level of public support or concern about a proposed way forward
- capturing residents' views in a cost-effective way.

In most cases, a public consultation should not be the first time you engage with your key stakeholders. Other engagement should have been carried out at an earlier stage to help inform the development of your plans and proposals.

5. The legal requirements

5.1 How to consult

Consultation can be a legal requirement. For example, section 3 of the Local Government Act 1999 states that 'the council must make arrangements to secure continuous

improvement in the exercise of its functions'. To help do this we must consult representatives of council taxpayers, business ratepayers, people who use or are likely to use our services, and people who we think have an interest in any area within which we carry out functions.

This is particularly important for groups and individuals who have 'protected characteristics' under the Equality Act 2010 (for more information on protected characteristics and our responsibilities under the Equality Act and Public Sector Equality Duty, see the council's [Equality Policy](#)).

By getting consultation right, we minimise the risk of failing in any of these legal duties and of opening our decisions up to legal challenge.

When carrying out any type of consultation or engagement activity, the council adheres to the government's consultation principles, which provide general guidance on how consultations should be conducted. The legal expectations of what is appropriate consultation are outlined in the Gunning

Principles, which have resulted from case law, and state that:

- consultation must take place when the proposal is still at a formative stage;
- sufficient reasons must be put forward for the proposal to allow for intelligent consideration and response;
- adequate time must be given for consideration and response; and,
- the product of consultation must be conscientiously taken into account.

These points should be adhered to when the council carries out its work to ensure the 'fairness' of the consultation process and ensure sound decisions which withstand the test of legality.

Ultimately, consultation and engagement activity should take place at the stage when policies and plans can be influenced, and views are taken into account. It is necessary first to identify the purpose of the activity to ensure that the procedure then adopted is appropriate. Where exceptional circumstances (including budget constraints, time constraints, legislation and statutory guidance constraints) mean that the plans put forward can't be influenced by residents and other stakeholders, the public consultation would still be relevant to capture the impact on residents and to inform mitigation actions that need to be considered.

Where relevant, consultations should include both the proposed option/s and the options that have been considered, and subsequently disregarded. The primary objective is to enable the respondent to have all the information needed for them to provide a meaningful response, irrespective of how the duty to consult has been generated.

5.2 Who to consult

The law says that in making decisions:

- we must have regard to all relevant considerations
- we must consult people if they have a 'legitimate expectation' that we would consult. This could be because:
 - we have told them we would consult on something (and "them" can be the public at large)
 - we usually consult them and haven't told them that we are not going to do so
 - they are so obviously affected by the decision that they would expect us to consult them on a proposal.

Stakeholder mapping is crucial to make sure that these legal requirements have been fulfilled; that equality groups and ‘seldom-heard’ communities are included; and that the appropriate stakeholders have been engaged in order to obtain meaningful and useful responses.

It is likely that these stakeholders will have been involved in earlier phases of engagement to shape and define the options and proposals being presented in the consultation.

Consultations hosted on [RBWM Together](#) will be accessible to the general public and anyone who considers themselves an interested party will be able to give their opinion. However, to obtain feedback from individuals who will be directly impacted or who have a specific interest in a proposal, targeted promotion or additional engagement activities should be carried out to encourage their participation.

6. The consultation process

6.1 Consultation Panel

The Consultation Panel is made up of colleagues from the Communications, Equalities, Communities, and Libraries teams, who provide support and advice for services planning and running consultations.

It has been set up to provide a more efficient and coordinated approach and to help officers conducting a public consultation exercise to meet the required standards and timescales to get the most out of their engagement. The panel provides oversight of cross-council consultation activity, helping to reduce the risk of duplication or contradiction with other consultations, and ensuring that the information gathered is used in the most impactful way. The consultation panel maintains a forward plan of future consultation activity, which makes it possible to keep track of the pipeline of consultations, maximise opportunities for early engagement and ensure that consultation outcomes are published within the required timeframe. The panel is responsible for liaising with the Consultation Champion and keeping them updated on current consultation activity and the forward plan.

6.2 Consultation champion

Since 2023, one of the councillors has been designated as a Consultation Champion. This is an advisory role, intended to support the council’s approach to consultation through providing additional insight on the consultation planning process. The consultation champion is not required to sign-off on consultations.

Members of the Consultation Panel meet regularly with the Consultation Champion to update them on upcoming consultations and to discuss any issues with the broader consultation approach. Officers are also able to engage with the Consultation Champion directly to promote awareness and seek input on specific consultation activities.

6.3 Carrying out a consultation

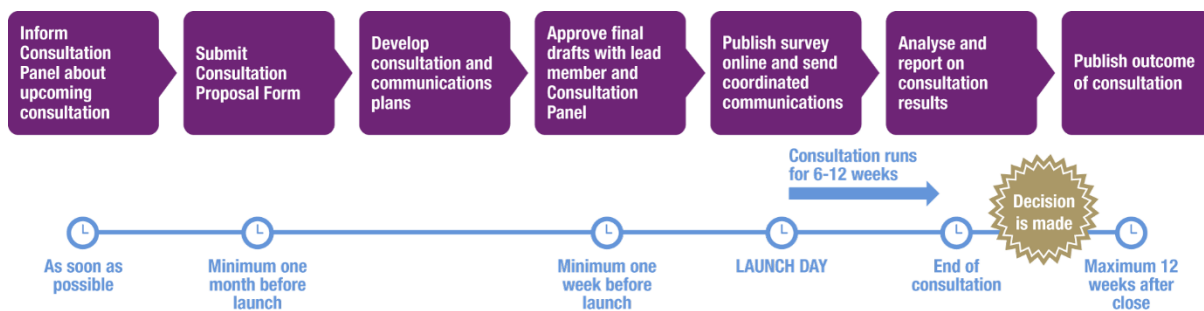


Figure 1. Key steps and timescales in the RBWM consultation process.

6.3.1 Before the consultation

Ensure that you are clear on the purpose and scope of your engagement and that public consultation is the most appropriate method to use.

Early engagement and/or a review of existing data should have been already carried out to inform the development of the proposals under consultation.

You must involve the Consultation Panel and the relevant Cabinet Member for the service area at an early stage. If the consultation relates to a specific ward, it is also best practice to inform the relevant ward councillors – so they are aware and can support the promotion.

A completed Consultation Proposal Form should be submitted to the Consultation Panel.

As part of your consultation planning, you will need to:

- Compile a stakeholder list
- Work with communications colleagues to develop a communications plan
- Draft survey questions (including the required demographic questions)
- Create a privacy statement to be reviewed by the data protection team
- Build a project page on RBWM Together

The Consultation Panel and the relevant Cabinet Member/s will need to approve the final drafts of your consultation questions and materials before it can be launched.

6.3.2 During the consultation

A consultation should normally be open for between 6 and 12 weeks.

It should be hosted on RBWM Together. If the survey is hosted on another platform, an RBWM Together project page will still be created which will signpost to the external survey.

Your consultation materials must provide residents and stakeholders with all the necessary information to make an informed response.

You must ensure that your consultation does not exclude those who do not have access to the internet. At a minimum, this should include signposting to staff in the libraries who can provide assistance.

Depending on the subject of the consultation and the key stakeholders, it may also be necessary to make the consultation survey available as a paper form or in alternative formats, or to supplement the online survey with other engagement methods such as drop-

ins or focus groups. A postal address should be provided for anyone who wants to respond via a printed form.

6.3.3 After the consultation

There must be enough time after the closing date of a consultation for the results to be properly collated and analysed and to inform the subsequent decision or consultation outcome.

Although it is possible, and may be advisable, to start reviewing and analysing responses whilst the consultation is running, the final decision must be informed by the full consultation responses, including those received by post or any other appropriate consultation channels.

If responses have been invited by email, then these must be included and considered alongside the rest of the consultation responses. Otherwise, responses received via email can be considered at the lead officer's discretion. Comments shared in the form of social media posts should not be considered as part of the consultation. Any responses received after the closing deadline, including those submitted by post, should not be included.

The outcomes of the analysis must be considered by the decision-maker/decision-making body (e.g. Cabinet) in advance of any decision, and appropriate time should be allowed between the consultation closing and the implementation of a decision. Failure to do so may undermine the legitimacy of the consultation.

The result of the consultation and information on next steps should be published on the RBWM Together project page as soon as possible, and no later than 12 weeks of the consultation closing.

If this is not possible, the project page should be updated with expected timescales for a decision.