

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO POLICY AND FINANCE COMMITTEE

Agenda Item No.

meeting date: 9 June 2009
 title: The Duty to Involve
 submitted by: Chief Executive
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1 PURPOSE

1.1 To inform committee of the new Duty to Involve which came into effect on 1st April 2009.

2 RELEVANCE TO THE COUNCIL'S AMBITIONS AND PRIORITIES:

- Council Ambitions: The Comprehensive Area Assessment (CAA) will be
- Community Objectives: assessing how well an authority and its partners know
- Corporate Priorities: and understand the needs and aspirations of
- Other Considerations: communities. To do this, inspectorates of local services will be looking to see if local partners are doing enough to engage with, empower and understand all their diverse communities.

3 INTRODUCTION

- 3.1 From April 2009 all best value authorities have a 'duty to inform, consult and involve' (henceforth referred to as the duty to involve). This means providing greater opportunities for local people to get involved and influence the decisions that affect them.
- 3.2 The duty to involve represents an opportunity for authorities to reinvigorate local democracy and improve the quality of both decision-making and thus the service that local people receive. In meeting this statutory responsibility, authorities are required to 'embed involvement in everyday practices, harness the power of communities and reap the rewards, which include greater efficiency and improved service performance'.
- 3.3 The Empowerment White Paper *Communities in Control: Real people, real power* (CLG, 2008) commits to extending the duty to involve to apply to a number of agencies and bodies in addition to the existing best value authorities.
- 3.4 The aim of both the statutory guidance and the Local Government White Paper *Strong and Prosperous Communities* (CLG, 2006) is to enable citizens to play a more active and influential role in how their areas develop. The duty is a key practical policy in a broader government agenda of community empowerment, expressed in *Communities in Control: Real people, real power* (CLG, 2008). The duty to involve is best summed up as the government seeking to 'embed a culture of engagement and empowerment' in public authorities.

4 WHAT DOES THE DUTY SAY?

- 4.1 The duty requires a best value authority where it considers appropriate to:
- inform
 - consult
 - involve in another way
- representatives of local persons in the exercise of any of its functions.
- 4.2 This includes 'routine functions' as well as 'significant one-off decisions'. The duty requires that authorities embed involvement as standard practice, central to service delivery, policy and decision-making. Authorities are also required to co-ordinate engagement activities with all partners. This requires sharing of information and intelligence on local community issues and decisions about where to focus shared activity to improve

outcomes for local people.

- 4.3 The statutory guidance defines 'representatives of local persons', as a mix of 'local persons', that is, a balanced selection of the individuals, groups, businesses or organisations the authority considers likely to be affected by, or have an interest in, the authority function.
- 4.4 The duty envisages a mix of approaches, dependent upon the audience and function. Authorities should therefore consider whether they need to engage in all, one or none of the approaches to fulfil their obligations. Below is a summary of the key points within the guidance relating to each of the three approaches.
- 4.5 **Providing information** - Authorities should provide representatives of local persons with appropriate information, which should support representatives to have their say and get involved. Information should be accessible, easy to understand and tailored to different audiences.
- 4.6 **Consulting** - Authorities should provide representatives of local persons with appropriate and genuine opportunities to have their say, through formal consultations and surveys as well as direct dialogue with representatives. Authorities should ensure clarity of the purpose, scope and parameters of any consultation for representatives of local persons. Authorities should consider how they feed back the outcomes of any consultation, making clear how the input of representatives of local persons has contributed to the decision.
- 4.7 **Involving in another way** - Authorities should consider where it is appropriate to provide representatives of local persons with opportunities to get involved over and above being informed and consulted. Involvement should be aimed at giving representatives greater influence over decisions and/or delivery. Figure 1 below shows the spectrum of opportunities for involving people as outlined in the guidance.

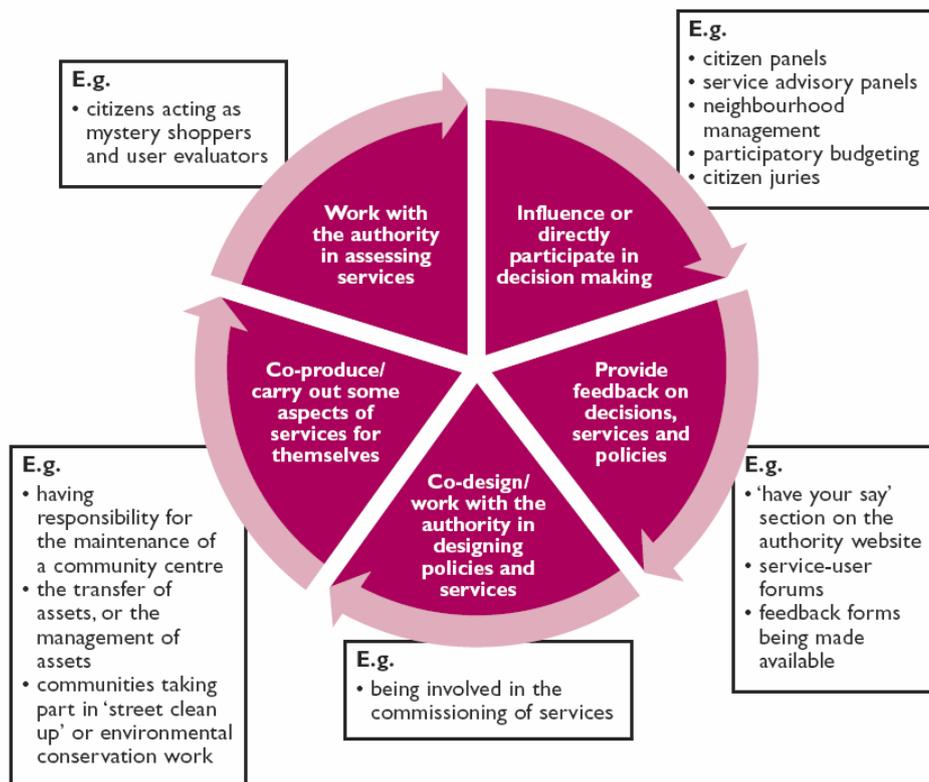


Figure 1: Opportunities for involvement

5 CONSIDERING WHAT IS APPROPRIATE

- 5.1 The guidance suggests five factors for authorities to consider when deciding how best to inform, consult and involve their local community:
 - **Accessibility:** engage representatives in a way that considers their needs and takes account of local circumstances.

- **Proportionality:** the approach to engage and resources required should be proportionate to the issue and likely benefits.
- **Coordination:** adopt a co-ordinated approach to information provision, consultation and involvement across the area.
- **Partnership working:** authorities should work with partners through their local strategic partnership to achieve this co-ordinated approach.
- **Timing:** inform, consult and involve as early as possible to ensure authority functions are shaped around the needs and aspirations of the community.

6 WHAT WILL SUCCESS LOOK LIKE?

- 6.1 The statutory guidance outlines four factors for successfully meeting the duty to involve. Authorities should be able to demonstrate that:
- they understand the interests and requirements of the local community
 - they use their understanding to ensure information, consultation and involvement opportunities are provided on the right issues, targeted at the right people, and accessible to those the authority is trying to reach
 - they have an appropriate corporate approach to providing information and consulting and involving in other ways that flows throughout their organisation – from strategic policies into individual service delivery – and that they co-ordinate their engagement activities 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 priorities and policies reflect this involvement and services are tailored to local needs, even though difficult choices in service provision need to be made.

7 COMPREHENSIVE AREA ASSESSMENT AND THE DUTY TO INVOLVE

- 7.1 The Comprehensive Area Assessment (CAA) will be assessing how well an authority and its partners know and understand the needs and aspirations of communities. To do this, inspectorates of local services will be looking to see if local partners are doing enough to engage with, empower and understand all their diverse communities. They will be seeking evidence of the effective implementation of the duty to involve and where there is cause for concern or it is not clear how effective engagement is, the assessment may go into more depth. Depending on the local circumstances, this might include a view on:
- whether local partners are working together to engage local people in setting priorities and if communities have been involved in assessing whether these outcomes have been delivered;
 - whether local people have been engaged in developing, commissioning and delivering local services;
 - whether partners are making clear the purpose of any engagement activity and strengthening the capacity of the community to get involved;
 - the extent to which local partners have sustainable arrangements, mechanisms and tools to engage local people, set priorities and improve the area and people's lives;
 - the extent to which the arrangements are co-ordinated across partnerships;
 - whether partners are encouraging empowerment, giving people a greater sense of influence over local decisions;
 - whether partners are engaging with vulnerable and disadvantaged groups and are sensitive to the particular communication needs which minority or marginalised groups may have;
 - whether partners give feedback and make changes as a result of engagement and inform people of these.
- 7.2 The quality of engagement may be assessed by visits to engagement activities such as neighbourhood forums and citizens' panel events and considering the quality of feedback given to the community afterwards, as well as by taking evidence from third sector partners. This will also include considering how effectively disadvantaged groups have been engaged and if their priorities have been reflected in the overall priorities for the service or outcome.
- 7.3 The organisational assessment's (OA) key lines of enquiry will be updated to reflect the duty to involve. However, the OA already says it will be looking for evidence of good levels of engagement in authorities that

are performing well, with local communities identifying priorities for local improvement which have been established with a strong understanding of inequalities and how the gap between vulnerable groups and the rest of the community can be narrowed through good commissioning practice.

- 7.4 They will also be seeking evidence that citizens, users and representative organisations have regular opportunities to be involved throughout the service improvement process and people have information on how the feedback they have given is affecting commissioning decisions. Where an authority is performing well, it will be experimenting with models of co-production with service users and communities.
- 7.5 Evidence of effective financial planning processes will show that local communities and stakeholders are engaged and innovative ways are used to reach their diverse communities. This would include using processes such as participatory budgeting where communities are empowered to make spending decisions and the sharing of ownership and management of public sector assets with key partners, including the third sector, community and voluntary groups. On good governance issues, an authority which is performing well will be meeting the development needs of councillors, and the council will have a clear focus on the needs of local communities, achieving the delivery of good quality services and better community outcomes.

8 CONCLUSIONS

8.1 **What do we currently do?** – the Council is already doing some of the things that are outlined in the statutory guidance, but perhaps these need formalising and reviewing in light of the new Duty to Involve:

- Use of Ribble Valley Citizens' Panel.
- Membership of the Collaborative Research and Consultation Service (CRACS) (formerly ELeP), which now also includes membership from East Lancashire PCT and Lancashire County Council. This goes some way to ensure there is a coordinated approach to community engagement from some partners.
- Provision of twice yearly newsletters to all members of the Ribble Valley Citizens Panel providing feedback on both the results of consultation exercises and what has been done with the results – offering a 'you said and we did...' approach. CRACS provides an additional 2 newsletters per year on any joint consultation exercises.
- All covering letters sent with any questionnaire provide explanations for why the questions are being asked and what is intended to be done with the results.
- Information provision and consultation currently takes place in all service areas but often with no involvement from the corporate centre and in an uncoordinated manner. This often means that the information provided has no corporate feel and is very disparate and consultation could be improved by either using alternative methods or making it more targeted.

8.2 **What do we need to do/could we do?** – the following is a list of suggestions of things we could be doing (and what some neighbouring authorities are already doing) in order to respond to the Duty to Involve:

- **Develop a project around NI 4** - increasing % of adults who feel they can influence decision making:
 - Improve web presence – Ribble Valley BC website, continue our involvement in the CRACS website development project (aims to provide better ways of engaging through for example service user forums), and consider the use of youtube and facebook etc
 - Mass marketing communications - beacon articles on how to get involved, campaigns for getting young people and BME groups involved, also general press releases.
 - Citizens panel improvements.
 - Scope and set up service user groups for some services, particularly frontline services such as waste management and benefits.
- **Develop a Community Engagement Strategy** – possibly up to a 6 month involvement process with LSP and VCFS, to be finalised and adopted by both the LSP and the Council.
- **Develop a Corporate Customer Engagement Group/Publicise and promote the idea of Engagement Champions** – representatives from all departments to meet regularly to discuss engagement and consultation requirements.
- **Engagement tools** - investigate whether additional practical engagement tools need to be developed with the VCFS and the LSP
- **Ensure we develop links with partners for a co-ordinated approach**

- **Culture Change** – this affects Councillors, service managers and officers and can be dealt with through presentations and training. Corporate services could provide support for new projects, training on using info and data better, planning better consultation, knowing which method is best for the end user and for their purpose. A 'Fact sheet' could be developed along the lines of the one produced by LCC – attached at Appendix A.
- **Consider the role for internal communications** – articles in Backchat
- **Consider the impact on Corporate Services** - a more formalised structure for research and consultation is required and more resources to ensure we have an appropriate corporate approach to providing information and consulting and involving in other ways that flows throughout their organisation – from strategic policies into individual service delivery – and that this co-ordinates with the engagement activities of partners where appropriate.
- **Consider the use of mystery shoppers** - using citizens
- Consider adding a section to the Risk Assessment section at the end of committee reports to indicate that the Duty to Involve has been considered when making any changes to policy or service provision.

8.3 All the issues listed above will be considered and a report will firstly be prepared for Corporate Management Team outlining a planned way forward and then will be presented to members for approval by September 2009.

9 RISK ASSESSMENT

- Resources: To be identified.
- Technical, Environmental and Legal: None.
- Political: None
- Reputation: The Duty to Involve will have an impact on the CAA Organisation Assessment.

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For further information please ask for Michelle Haworth, extension 4421

A copy of the Community Development Foundations' useful document '*The Duty to Involve: Making It Work*' can be downloaded from here - http://www.cdf.org.uk/SITE/UPLOAD/DOCUMENT/duty_final_lo.pdf