

Report of Assistant Chief Executive (Customer Access and Performance)

Report to Corporate Governance & Audit Committee

Date: April 23rd 2012

Subject: Annual Statement on Community Engagement

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

- 1 Significant progress has been made by putting in place a new performance framework and quality assurance for evidencing consultation's role in informing decision reports. This helps this Annual Statement provide greater assurance on the council's ability to support residents' involvement in decision making and the development of services, compared to 2010/11.
- 2 Council's services and elected members have track-records of engaging with communities to inform decision making. This Annual Statement sets out good practice examples.
- 3 There are still challenges associated with community engagement in Leeds, including reduced financial resources changing the way we deliver engagement, the need to improve the co-ordination and efficiency of activity, and robustly give evidence of the impact community engagement has on the decisions we take.
- 4 National legislation on the use of consultation is changing. The emerging impact of the Localism Act, and new legal interpretations of the term 'consultation' are important to note.
- 5 A programme of improvement work is planned for 2012/13 which will create a new community engagement operating framework that gives better guidance, support and tools for officers.
- 6 The council's governance arrangements for managing community engagement meet the current relevant elements of the Code of Corporate Governance.
- 7 The Localism Act and resource pressures make it likely that the council will need to allocate more effort and resource to empowering communities to act for themselves in the future.

Recommendations

- 1 That the Corporate Governance and Audit Committee notes the sound assurances provided by this Annual Statement.

1 Purpose of this report

- 1.1 To give assurance to the Corporate Governance and Audit Committee on the council's ability to support residents' involvement in decision making and the development of services.
- 1.2 The report considers the effectiveness of governance controls currently in place for these arrangements as well as progress in 2011/12 and key improvements planned for 2012/13.

2 Background information

- 2.1 The council's community engagement policy understands the term 'community engagement' as an umbrella term for community-facing activities that can be divided into broad approaches:
 - Inform – we tell people what we have decided is going to happen
 - Consult – we present options and ask for views, but we decide what to do
 - Involve – we invite communities to develop options with us and jointly decide what to do, but the community aren't necessarily involved in doing anything or taking responsibility or leadership on it
 - Collaborate – we work with communities in deciding what to do and everyone has a role to play delivering, we are sharing responsibility
 - Empower – we encourage and support communities to get on and do it for themselves
- 2.2 Based on records listed in the Talking Point database of consultation work, in 2011/2012 we are delivering a similar amount of consultation activity to 2010/2011.
- 2.3 Most community engagement activity is delivered by individual services. Some engagement tools are managed corporately, such as the Citizens' Panel, on behalf of the wider council and partnership.
- 2.4 Each directorate is represented on the Corporate Consultation Group. This group reports to the Strategic Planning and Policy Board, and is tasked with improving coordination of consultation activity through the online Talking Point database, developing training and guidance and consultation mechanisms such as the Citizens' Panel. The group links with the city partnership-wide Strategic Involvement Group.

Statutory and local requirements for community engagement

Existing requirements

- 2.5 There are a number of national legal requirements that drive delivery of community engagement. These are described below.
 - Section 3(2) of the Local Government Act 1999 covers the "Duty to Consult".
 - The 2010 Equality Act requires us to 'encourage persons who share a relevant protected characteristic to participate in public...' and to engage with people

on 'the effect that its policies and practices have...on people who share a...protected characteristic'.

- The Planning and Compulsory Purchase Act 2004 requires us to produce a Statement of Community Involvement (SCI). This sets out how communities will be engaged in the preparation and revision of Local Development Framework and consideration of planning applications.
- The September 2011 Best Value Statutory guidance is very clear in its support for the Duty to Consult.

Requirements being repealed

2.6 Other related legislation is to be repealed, although the timescale is unclear:

- Section 138 of the Local Government and Public Involvement in Health Act 2007 (commonly known as the Duty to Involve)
- The requirement to produce (and therefore consult on) a Sustainable Community Strategy

Emerging requirements and our response

2.7 Detailed guidance on aspects of the Localism Act are still emerging at time of writing this report, but the council is addressing the challenge of putting systems in place so that residents and groups can engage in Neighbourhood Plans, asset transfer and nominating community assets, and the right to challenge to run services:

Assets of Community Value

Reports to Executive Board on 7th March 2012 covered the council's process for assessing and listing community nominations for private and public assets to become assets of community value. To assist nominations, asset management will produce a form and information pack for community groups to complete which will be available on our website or sent directly by request.

Community Right to Challenge

A working group has been set up to ensure we meet the legal requirements of the Act and have a process for when this part of the Act is commenced (expected May/June 2012).

Neighbourhood Planning

Four areas have been chosen to pilot neighbourhood planning in Leeds. It is envisaged that neighbourhood planning pilots will be used to trial different approaches to community engagement.

Common law meaning of 'consultation'

2.8 Recent High Court actions against local authority decisions have focused on the consultation process used to inform Equality Impact Assessments and therefore the decision made by the council in question. This has led to an emerging common law meaning of 'consultation' which can be summed up as:

‘Gathering the views of stakeholders with an interest in a decision, in time to impact on that decision, and while there are still genuine choices to be made on how to proceed.’

Local requirements

- 2.9 The council value ‘working with communities’ links to the improvement priority ‘we will consult with local people on changes that may affect their lives’.
 - Equality Impact Assessments require evidence of involvement of relevant communities.
- 2.10 The council is a signatory to the voluntary agreement with the third sector known as the Compact, which includes principles for the delivery of community engagement.
- 2.11 Area Committees have a delegated responsibility to engage local communities in developing area business plans.

3 Main issues

Governance and Performance Management Framework

- 3.1 Community Engagement is overseen by the council’s Corporate Consultation Group on which each directorate is represented. This reports to the Strategic Planning and Policy Board which is chaired by the Assistant Chief Executive (Customer Access and Performance). The Corporate Governance and Audit Committee considers an Annual Statement on Community Engagement which provides assurances that the statutory and local requirements set out in paragraph 2.5 are satisfied.
- 3.2 Significant progress has been made this year putting in place a performance and quality assurance framework for consultation. A new performance indicator, (VAL3) “Every year we will be able to evidence that consultation has taken place in 100 per cent of major decisions affecting the lives of communities” has been developed since Quarter 2 2011/12, with the first results available at Quarter 4. VAL3 is owned by the Assistant Chief Executive (Customer Access and Performance) but all Directors are responsible for ensuring that adequate consultation is clearly evidenced in decision-making reports.
- 3.3 It is important to note that this indicator means that every key, major and Executive Board decision is being assessed in terms of consultation evidence, for the first time.
- 3.4 Work has included developing the performance framework methodology, collaboration with Governance Services on updating the reporting template and guidance, training and briefing report-writers, and taking steps to ensure the new Indicator is not a ‘tick box’ exercise through meaningful quality assurance and feedback to report writers.
- 3.5 During the year there has been a positive direction of travel in terms of quality and completeness of evidence provided in reports, with all directorates showing an increase in compliant reporting.
- 3.6 A random 25% sample of the relevant decision reports is quality assured. This helps get a better understanding of the consultation process described by the

report, and has allowed detailed feedback to go to directorates on areas for improvement.

Good practice examples in 2011/12

- 3.7 Much community engagement work is delivered by Children's Services and Adult Social Care, and both show how engagement can become a fundamental part of developing policy and priority actions. One example of good practice is the Child Friendly City (CFC) programme, one of the council's top 25 priorities.

The first phase of the CFC programme was to find out what is like for a child or young person living in Leeds today, using what we already know, to avoid duplication of work. Over 90 professionals working with children, young people and families contributed over 40 different existing consultation reports as evidence. This enabled us to identify the most significant issues affecting the daily lives of children, young people and their families.

In summer 2011 a variety of creative approaches were used to consult over 2000 children, young people, parents and carers to identify 12 key priorities to make a positive difference to their lives, which are mapped against the 5 outcomes of the Children and Young Peoples Plan 2011-2015.

The next phase of the CFC programme will involve children, young people, parents and carers playing a more active role as CFC advisors, taking a lead on planning, delivery and review of CFC projects and the programme as a whole.

- 3.8 Another area of good progress in 2011/12 is the development of the new Citizens' Panel project, which is already producing clear benefits in terms of efficiency, coordination and partnership working. The Panel is only one tool out of a wide range available, and will not always be the appropriate way to consult people, but is already providing evidence to inform decisions at very low cost.

The first Panel consultation in winter 2011/12 for Libraries, Arts and Heritage asked for views on the cultural programme for the year ahead, and with over 70% of surveys returned, has been part of the evidence used when deciding grant awards in Spring 2012.

The Panel is also being used by partners, with NHS collaborating with the council to jointly design and deliver a new Health and Wellbeing Residents Survey in early summer 2012.

- 3.9 Managing and quality assuring consultation work across a directorate is a challenge that is being addressed in various ways, in order to make the best use of limited resources.

For example, City Development established a virtual consultation group, comprising a representative from each service, in August 2011. The purpose of this group is the dissemination of key messages into services; the group also acts as a sounding board when input is required to the council's Corporate Consultation Group.

The Directorate's management team and service level management teams are provided with quarterly information on community engagement in performance dashboards. This includes general information as well as performance data

relating to the VAL3 community engagement performance indicator and correct use of the Talking Point system.

Challenges and mitigation

- 3.10 The quality assurance of reports for the VAL3 indicator (see 3.1) has highlighted some areas for improvement in a minority of instances, which are being addressed through training and feedback (see below at 3.10):
- To improve the detail on the impact consultation had on the final decision
 - To properly evidence what in reality was often excellent consultation
 - To improve the use the Talking Point system to give feedback on outcomes

- 3.11 Although much progress has been made, a number of the challenges for community engagement identified in the 2011/12 Annual Statement remain relevant in 2012/13, including:

Spending reductions

As a result of reductions in funding it is likely we will increase the in-house delivery of engagement activity. This development has clear positives, the foremost being reduced spend on suppliers e.g. market research agencies. However, it does increase the likelihood that engagement is designed and delivered without expert involvement, which may risk the robustness of the work, and also risks challenges over impartiality. Much of the current and planned improvement work (see section 3.11) is designed to mitigate these risks by providing clear tools, guidance and support.

Risk of challenge to decisions

These issues are being addressed by directorates through the VAL 3 indicator quality assurance described above at 3.5, feedback to report writers and officer workshops on using consultation to inform decision reports. c125 officers with report-writing responsibilities will have attended this training by the end of March.

Improvement work for 2012/13

- 3.12 In April 2012 Strategic Planning and Policy Board (SPPB) will consider a Delivery Plan for a new operating framework for community engagement. This does not start from a 'blank sheet' but takes into account the best of our existing community engagement policy, guidance and toolkits, and good practice in and outside the council, to make it easier for the council to consistently deliver excellent community engagement.
- 3.13 This Delivery Plan sets out the improvement work needed to support and develop the council's contribution to community engagement in Leeds. It sets out the desired outcomes and context for the improvement activity, and how it will contribute to delivering the outcomes set out in the City Priority Plan 2011 to 2015 and the Vision for Leeds 2011 to 2030.
- 3.14 The Delivery Plan looks in detail at the specific actions, some of which are already underway, that will contribute to improvement and also identifies quick wins and priority improvement projects. Timescales, resources, risk and governance will be addressed.

3.15 Although still in development at the time of writing, the draft aim and objectives are as follows:

Overall aim:

- To improve the ability of people who live in Leeds' to engage with the council and in their own communities

Specific aims:

- officers are confident delivering high quality community engagement activity;
- communities to find, create and take part in community engagement activities easily; and
- more local people feel they have an influence on local decisions/feel empowered

Delivery objectives – to provide:

- appropriate tools, guidance and support for council officers;
- appropriate governance to ensure consistent delivery of meaningful consultation by the council;
- clarity about the council's contribution to empowering communities in Leeds;
- clarity about the role of locality teams in community engagement; and
- ways to evaluate the impact of the council's contribution to community engagement

Taken together, these create a new operating framework, replacing existing toolkits to guide and support community engagement activity in the council.

3.16 Area support teams also deliver programmes of local engagement for Area Committees, in particular to inform Area Business Plans. The Area Support Team have highlighted the following issues:

The role of Area Committees: With delegated responsibility for community engagement and the recent delegated responsibility for environmental services, Area Committees are at the centre of ensuring the public has its say in the delivery of local services. Area Leadership Teams support Area Committees to co-ordinate and deliver engagement activities.

Public involvement through Neighbourhood Improvement Programme: A city-wide programme of work aimed at integrating services in some of Leeds' most deprived neighbourhoods is in development. It aims to better target mainstream resources where they are needed most. Hyde Park, New Wortley, Beeston Hill, Holbeck, Gipton and Seacroft are just some areas where new ways of working are enabling residents to engage in decision making about services in their communities.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 Community engagement underpins or is recognised as important to the development of council policies and priorities. While this paper in itself has no direct impact on policies and priorities, it describes improvement activities that will have impact. Each improvement activity will have its own, separate, reporting and progress will be tracked through quarterly performance monitoring.

4.1.2 Area Chairs, Directorate Management Teams and other relevant officers have taken part in initial consultation on the proposed new community engagement operating framework (see 3.11) throughout Winter 2011/12.

- 4.1.3 In 2010, the council and PCT jointly researched residents' views on what makes excellent consultation and communication, and that evidence informs the proposed new community engagement operating framework (see 3.11).

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.4 Good engagement practices should naturally lead to good equality and diversity outcomes, as diversity must be taken into account in all engagement activities to reduce barriers for different communities. The current community engagement toolkit advises officers how to design engagement activities that are accessible to all relevant communities, stressing the importance of equality monitoring.
- 4.2.5 The Equality Assembly and Hubs assist the Council to meet the legal duty to pay 'due regard' to the need to eliminate discrimination and promote equality for communities with 'protected characteristics'.

4.3 Council policies and City Priorities

- 4.3.1 The issues described in this report impact on the council value 'working with communities' which links to the Business Plan improvement priority 'we will consult with local people on changes that may affect their lives'.

4.4 Resources and value for money

- 4.4.1 This report has no direct impact on resources or value for money. However, the improvement activities described here aim to increase the efficiency as well as the quality of community engagement work.
- 4.4.2 Greater evidence of community engagement's impact on decisions is becoming available from quality assurance of the indicator VAL3.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 There are no direct legal implications from this report. However, some issues it describes, such as the emerging common law definition of the term 'consultation', or the impact of a possible elected mayor for Leeds, will have legal implications that should be addressed elsewhere.
- 4.5.2 The council will risk legal challenge if it fails to comply with national legal requirements to engage or consult on the decisions we make.
- 4.5.3 Improvement work outlined at 3.11 and current performance and quality assurance work (see 3.1) aims to reduce risk of legal challenge to decisions the council makes.

4.6 Risk Management

- 4.6.4 For risk assessments relating to community engagement arrangements in the council, please see the Corporate Risk Register for: Risk LCC 20: Community engagement, Risk Description: Leeds does not engage effectively with its diverse communities.
- 4.6.5 This is managed through established risk management processes and is reviewed quarterly

5 Conclusions

- 5.1 The Council has a track-record of engagement with communities to inform decision making and evidence suggests that the volume of activity is not falling despite significant financial restrictions. Shrinking resources make it increasingly important that we improve co-ordination and efficiency of delivery, and how we evidence the impact of community engagement on the decisions we take.
- 5.2 Planned improvement activity must aim to complement the core ongoing engagement role of elected members, continually representing and engaging with local people.
- 5.3 The 2011/12 Annual Statement is able to give assurance on the council's ability to support residents' involvement in decision making and the development of services than the 2010/11 statement.
- 5.4 This is mostly due to putting in place a new performance framework and quality assurance process for evidencing consultation's role in informing decision reports.
- 5.5 It is likely that future Annual Statements will be able to build on the current level of assurance on community engagement, due to the planned improvement work to create a new operating framework that gives better guidance, support and practical tools for officers designing a delivering community engagement.
- 5.6 The council's governance arrangements for managing community engagement meet the current relevant elements of the Code of Corporate Governance.
- 5.7 There are still a number of historic challenges and risks associated with community engagement in Leeds, including legal or other challenge to decisions, significantly reduced financial resources, and the emerging impact of parts of the Localism Act.
- 5.8 Changes to national legislation on the use of consultation should be noted, but may not have great impact on the way we work locally, as our own policies compensate.
- 5.9 The Localism Act and resource pressures make it likely that the council will need to allocate more effort and resource to empowering communities to act for themselves in the future.

6 Recommendations

- 6.1 That the Corporate Governance and Audit Committee notes the sound assurances provided by this Annual Statement.

1 Background Documents¹

- 1.1 Community Engagement Policy and Guide (Toolkit)
http://intranet.leeds.gov.uk/Interest_Areas/Corporate_communications/Community_Engagement.aspx

¹ The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.

- 1.2 Leeds City Council Code of Corporate Governance:
[http://intranet.leeds.gov.uk/files/Intranet2008/2010/3/091217%20final%20amended%20code%20of%20cg\(2\).pdf](http://intranet.leeds.gov.uk/files/Intranet2008/2010/3/091217%20final%20amended%20code%20of%20cg(2).pdf)
- 1.3 Statement of Community Involvement
http://intranet.leeds.gov.uk/Interest_Areas/Corporate_communications/Community_Engagement/Statement_of_community_involvement.aspx