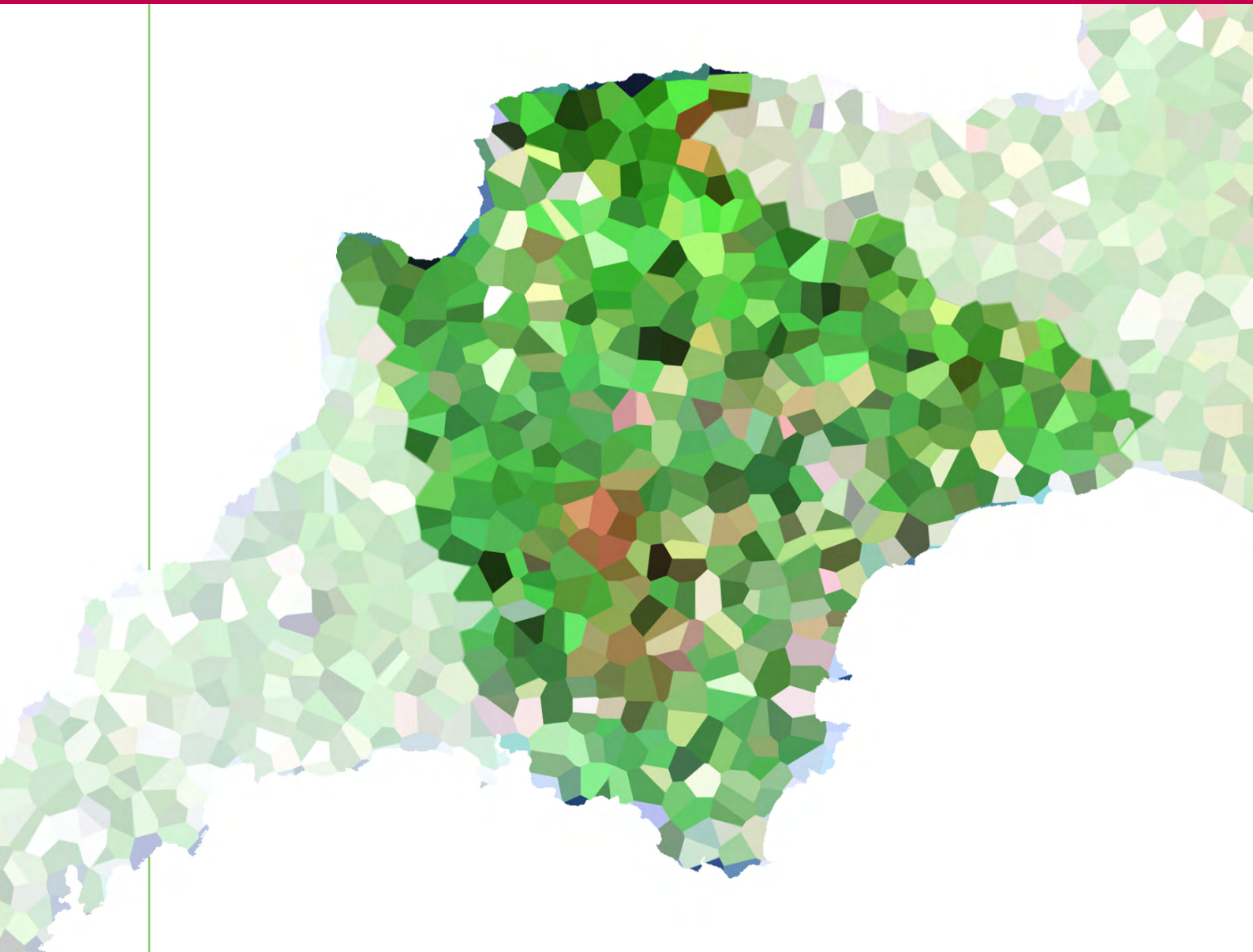


# A Compact for Devon

## Consultation







*Code of Good Practice*

June 2008





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## Compact for Devon

The Compact is the agreement between the Statutory Sector (including Devon County Council, District Councils, Devon Primary Care Trust, other Healthcare Trusts, Connexions, Police, Fire Service etc.) and the Voluntary and Community Sector, to improve and develop their relationship for the benefit of each other and the communities they serve. It was revised in 2005. For further details contact [www.dacvs.org.uk](http://www.dacvs.org.uk) (DACVS\*).

*The Compact sets out:*

- A shared vision and principles
- Actions from both sides
- The Statutory Sector's commitment to respect the independence of the Voluntary and Community Sector, and
- Systems to help make sure that the agreement works

*The Compact is supported by six codes of good practice covering:*

- Funding and Procurement
- Volunteering
- Equality and Diversity
- Consultation
- Community Groups
- Partnership

The Funding and Procurement Code, the Volunteering Code and the Equality and Diversity Code were published in November 2006. The Consultation Code, the Community Groups Code and the Partnerships Code were published in June 2008. The Compact is informed by the Codes of Practice and together they form Devon's agreed approach to partnership working. None of the documents should be taken in isolation.

Local Compacts have been agreed in most areas to cover relations between local councils, other local public bodies and the voluntary and community sector. The Compact for Devon and this Code of Practice are informed by the national Compact on Relations between Government and the Voluntary and Community Sector in England (Home Office, 1998), a national code of good practice and numerous Codes from other places.

For more information go to [www.thecompact.org.uk](http://www.thecompact.org.uk) or [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk). The Volunteering Code is also informed by the Working Together for Devon Code of Practice on Volunteering and Community Action.

The Compact for Devon and its Codes of Good Practice have been developed by the Devon Compact Hub, whose representation stretches across the diverse range of organisations (both voluntary & community and statutory) in the County. Individuals from organisations across the spectrum of the sectors took part in the consultation on the draft documents in a variety of ways including:

- Working groups
- Voluntary sector forums
- Postal/email questionnaires
- Local Strategic Partnership meetings
- Internal organisation meetings

Implementation of the Compact and its Codes of Practice is the responsibility of each organisation. The Compact Hub sees the Compact and its codes as living documents that will be used as the basis of continued partnership working between the two sectors.

The Devon Compact Hub is responsible for carrying out regular monitoring and an annual review of the Compact for Devon and its Codes of Good Practice. For a list of Compact Champions and their contact details please go to [www.dacvs.org.uk](http://www.dacvs.org.uk) or telephone 01392 202057.

## Rurality

The Compact for Devon recognises the issue of rurality\* and the impact that this has on providing services in rural areas.

## 1

# Summary

This Code of Practice forms part of the Compact for Devon and aims to have a positive impact on the way in which the statutory sector consults with the voluntary and community sector. It also offers best practice pointers for consultation within sectors. This Code of Practice does not cover arrangements for consulting with individual residents and members of the public.

It sets out the key responsibilities and commitments that each sector has to ensure that consultation exercises deliver the best possible outcomes.

This Code of Practice is not intended to replace or over-ride any existing consultation guides and guidance already in place, but rather to add value to these guides.

## 1.1 The headlines of this Code of Practice are:

- a. consultation should take place where it represents clear and established added value\*, and where the outcomes of the exercise are genuinely open to influence and change
- b. the nature, scale and scope of each consultation exercise will be proportionate to the resources\* available and the outcomes of the consultation
- c. the additional costs to the voluntary and community sector of engaging in consultation will, as far as possible, be met by those agencies consulting
- d. consultation exercises will be well planned in terms of the approach, principles and methods used
- e. who to consult with will be thought about carefully, so as to be as inclusive as possible, whilst bearing in mind the need to take proactive steps to genuinely engage hard to reach\* sections of the community
- f. consultation outcomes will be well publicised
- g. review and evaluation will be built in to all consultation processes

Organisations which are responsible for carrying out consultation and/or which take part in consultation exercises, are asked to consider how this Code of Practice can influence and modify their practice for the better.

*“Robust guidelines for effective consultation really do help to prevent ‘consultation for consultation’s sake’, where there is a genuine risk that no real change will take place”*

## 2

## Introduction

Building a cohesive and sustainable community requires involving all of the voluntary and community sector and the public sector in consultation exercises carried out around policy development, service provision and delivery.

At a local level, the consultation process should maximise opportunities for all voluntary and community groups to have their views and concerns heard and taken into account, in a suitable format, and before a decision is made.

### 2.1 Why Consult?

Effective consultation is an essential part of ensuring that the relationship between the statutory and the voluntary and community sector works. Good consultation enhances the quality of decision making, which leads to better policy outcomes and benefits everyone. Clear and early decisions should be made about when consultation is appropriate and about what resources are required and are proportionate to ensure that the consultation has maximum impact.

### 2.2 What is the Consultation Code of Practice?

The Consultation Code of Practice aims to have a positive impact on the way in which the statutory sector consults with the voluntary and community sector. By doing this, it will enable voluntary and community organisations to make an effective contribution to the development and implementation of policy at a local level. As well as containing messages for best consultation practice across sectors, it also contains important messages to shape good practice where consultation takes place within sectors.

### 2.3 How does the Consultation Code of Practice complement the Compact for Devon?

Effective consultation contributes to local democracy. For the statutory sector, consulting appropriately with outside interests ensures that in developing policies and practices, it is informed by a wide range of experience and takes into account the impact of its proposals on different sectors of society. For voluntary and community organisations, consultation presents an opportunity to bring their knowledge, experience and expertise to bear on policy on behalf of the people and causes they work for.

This Code complements the overall aims of the Compact for Devon, to improve and develop the relationship between sectors for the benefit of each other and the communities they serve.

## 3

## Key Commitments and Undertakings by Stakeholders\*

These good practice points are intended as a useful checklist for stakeholders, and are further developed in the remaining sections of this Code.

### Good Practice Checklist

In supporting this Code, stakeholders commit to a range of practical and value based issues and actions in order to establish and maintain best practice in effective consultation. Headlines of these commitments are below:

#### 3.1 The statutory sector undertakes to:

- a. carry out an appraisal of issues, policies and procedures in order to assess their impact on the voluntary and community sector. Where there is significant impact, and scope for change, there should be meaningful consultation with the sector
- b. determine the likely effect of proposals on specific sections of the voluntary and community organisations, so that those sections can be targeted
- c. recognise and use the gatekeepers\* and intermediary bodies\* that exist in Devon, so that consulting with small community groups can also take place through bodies that those small community groups trust, understand and have a relationship with
- d. make the greatest impact possible out of the time and resources available for consultation, whilst bearing in mind proportionality\* in relation to the outcomes of each consultation
- e. recognise that participating meaningfully in consultation costs the voluntary and community sector, both in terms of taking individuals away from core business, and in terms of out of pocket expenses, and where possible and on a case-by-case basis, meet those costs if they are genuinely additional and not met elsewhere or in other ways
- f. use a range of methods for consultation which allow groups and organisations that are not traditionally active in consultation exercises to participate

- g. where appropriate, build consultation with the voluntary and community sector into plans for policy development
- h. consult at the earliest possible stage of policy development
- i. develop and maintain a consultation calendar showing actual or anticipated start and end dates for planned consultation exercises, and contact details of those leading the exercise. This should be shared as early as possible with voluntary and community sector infrastructure agencies\* via appropriate methods such as websites, newsletters, e-consultation tools\* etc.
- j. be sensitive to:
  - the resource implications of consultation exercises – keep consultation exercises proportionate to the expected outcomes
  - the most appropriate timescales for consultation exercises, being aware of holiday periods, festivals, school holidays etc.
  - the best way to make consultation materials available and accessible
  - giving enough advance warning of consultation exercises
  - how best to publicise consultation exercises and outcomes
- k. prepare appropriate consultation materials (avoiding jargon, using plain English, translations as appropriate etc.)
- l. take positive account of the specific needs, interests and contributions of all sections of the voluntary and community sector, including traditionally socially excluded\* sections
- m. respect confidentiality within the constraints of legislation
- n. carry out appropriate analysis of the results of consultation exercises
- o. provide feedback on the results of consultation exercises in the most appropriate way
- p. evaluate consultation exercises, both in-house and with the voluntary and community sector, to develop and disseminate best practice

### 3.2 The voluntary and community sector undertakes to:

- a. encourage and support effective participation in consultation exercises
- b. define and demonstrate clearly how they represent their membership and ensure that a clear mandate\* exists for that representation to take place
- c. wherever possible consult with all sections of their membership directly

*“We are really moving towards a culture of better practice in planning and undertaking consultations”*

- d. take positive account of the specific needs, interests and contributions of all sections of the voluntary and community sector, including traditionally socially excluded sections
- e. ensure that information that they present to the statutory sector is accurate, objective and unbiased
- f. appropriately address issues of confidentiality
- g. ensure that feedback to the membership on consultation outcomes takes place
- h. have regard to the regulatory framework that governs their organisation when representing their membership
- i. promote best consultation practice amongst their membership, specifically in the case of infrastructure agencies

## 4

## Practicalities

This section breaks down the consultative process in detail, and provides information and ideas for managing that process well.

### 4.1 Why and When to consult

Agencies should embark on consultation exercises where:

- there is a regulatory requirement to consult
- a clear added value can be gained from the consultation process
- outcomes are genuinely open to being shaped and influenced by those being consulted
- the subject/issue in question is not already being consulted on in a different arena, or has not already been subject to a very recent consultation, the results of which might usefully be drawn on

### 4.2 Ways to consult – choosing the right approach, principles and method

How to consult is as important as why and when to consult. Consultation in a local context needn't always be about large, paper based exercises set to specific timescales. The challenge at a local level is to keep consultation flexible and innovative and to engage organisations that are not traditionally involved, as well as those that are frequently successfully consulted.

Best practice around how to consult includes important key 'ingredients' for success:

- a. plan and consult early – consultation at a sufficiently early stage of policy development can help to ensure that the resulting proposals are in line with current experience and thinking in the field and avoid incorrect assumptions and misunderstandings at later stages
- b. ongoing dialogue – can help to keep all organisations informed about developments and avoid unnecessary surprises. Although it may not always be possible to share the detail of new policy before it is announced, it may be useful to make voluntary and community organisations aware in general terms of forthcoming developments, receive their initial views on the subject and allow them to prepare and prioritise their consultation work. In addition, ongoing dialogue can help improve the development and delivery of programmes based on partnership, where improved mutual understanding can enhance joint working and policy outcomes

*“This Code of Practice has helped to build a better understanding of the purposes and need for effective consultation”*

- c. open and meaningful – consultation has to be a genuinely open and meaningful process if it is to have credibility and make the best use of the time and resources of the partners involved. Partners have to genuinely want to hear what each other has to say, even if they don't always like or agree with it, or end up taking action based on it. The statutory sector should make explicitly clear in the consultation process those matters which are open to change and those that are fixed and not negotiable. This will make it clear to voluntary and community organisations where they need to concentrate their efforts
- d. clarity around decision making – who will ultimately make the decision about the way forward during and after consultation must be clear and well understood, and how decisions are communicated needs to be well thought through
- e. transparency about constraints – consultation exercises will not always be unconstrained, and at times the consultation itself and the intended outcomes will be subject to limitations which should be recognised and made transparent

## 4.3 Consultation Methods

There is no single 'right' way to consult. All sorts of conditions and circumstances will impact on which consultation methods are most appropriate. All organisations involved in driving the consultation should be involved in the design process for consultation, and the following should be taken into account:

- the overall aims of the consultation
- the target group being consulted
- the timetable for consultation
- whether a single method of consultation, or a variety of methods, are appropriate

The overall aim when planning which consultation methods to adopt must be to get the best spread of views from those organisations most likely to be affected by consultation outcomes, and from those organisations with the most to contribute. The views of hard to reach organisations should be proactively and creatively sought to enhance the consultation findings. This might involve some form of proactive outreach to that group.

Methods that have been used to good effect include:

- opinion surveys (postal and face to face)
- meetings (voluntary and community sector open meetings and invitation only)

- focus groups
- email and internet information gathering
- written consultation

Those planning a consultation exercise should not only rely on traditional methods of consulting, but should be open to innovation and experiment, especially if they genuinely want to canvass the views of organisations with whom they do not ordinarily have a relationship with.

## 4.4 Consultation documents

Having said that new and innovative ways of consulting should be explored, many consultation exercises are accompanied by written documents at some stage in the process. Where this is the case, these should be clearly laid out and written in plain English (external testing for plain language is good practice) and targeted at the intended audience.

Consultation documents will ideally contain:

- a. a summary of the aims and an outline of the consultation process
- b. a more detailed description of the issue, problem or proposal being addressed
- c. the purpose of the consultation and the objective which the proposal or exercise is intended to deliver
- d. the issues on which views are being sought
- e. an explanation of what decisions, if any, have already been taken, and explicit clarity around what can and can't be influenced and changed
- f. if a particular option is favoured, an explanation of why it is considered most appropriate
- g. various sources of opinion and information that are relevant to the consultation
- h. an explanation of who is likely to be affected by the outcomes of the consultation
- i. a clear set of deadlines / milestones for response
- j. name, address, telephone, email of the person whom respondents can contact with queries
- k. a list of those being consulted, and an invitation to suggest other partners who should be involved
- l. a statement clarifying the confidentiality of data, information and material received during the consultation

- m. an explanation of any constraints in the process that have meant the full Consultation Code of Practice has not been adhered to
- n. an invitation to give feedback on the consultation process itself, including any suggestions for future improvements

## 4.5 Making consultation material available in accessible formats

Partners should be proactive in making consultation materials available in accessible formats. Partners should be positive about the prospects of including organisations which might otherwise be excluded, not negative about the extra time that this inclusion might involve.

## 4.6 How to decide who to consult

It is crucial that the overall aspiration of any consultation exercise should be inclusive rather than exclusive. Having said this, the limited time and resources that partners might have to give to consultation, and the danger of 'over consulting' or 'consultation fatigue'\* need to be borne in mind.

Where possible and appropriate, statutory sector agencies should target their consultation at a wider audience than just those organisations already in receipt of public funds or those organisations that have a developed relationship with the statutory agencies. It is precisely in the process of consulting with organisations whose views are not usually heard that new information is uncovered and new ways of working are identified and prioritised.

Organisations should be proactively encouraged to register their interest in forthcoming consultations so that those who are genuinely interested and have the most to say are never left out. E-consultation tools are a useful way of doing this.

Voluntary and community sector infrastructure agencies should be approached and their knowledge about the sector used to establish who to approach and how to identify hard to reach organisations.

## 4.7 Confidentiality

Confidentiality has to be given serious consideration, so that those organisations responding to consultation exercises can express their views fully without fear of reprisals. This is particularly the case where the information being collected is of a sensitive nature. In some instances, consultation responses may not be anonymised, and this must be made explicit.

Where confidentiality is specifically requested, the wishes of the organisation responding should be respected in accordance with legislation on Freedom of Information\* and the Data Protection Act.\* Agreements around confidentiality should always be made explicit so that no misunderstandings occur.

## 4.8 How long to allow for consultation

It is not always possible to set local timescales for consultation, for example where the deadlines are pre-set by outside agencies and criteria. Having said this, if pre-determined timescales seriously undermine the success and integrity of a consultation exercise, then this should be noted and actively challenged by all partners.

For written consultations a minimum of 6 weeks, and wherever possible, 12 weeks, should be allowed for responses. This will help to accommodate the work cycles of organisations working with voluntary management committees, as well as giving time to include local level member organisations and more informal organisations. If 12 weeks is not possible, then explicit reasons as to why this best practice benchmark\* has not been met must be made clear and justified. Note that some 12 week periods are better than others, and where possible it's best to avoid the summer holidays, festivals etc.

For consultations with small and specialist groups, a shorter timeframe may be justified and appropriate.

In almost all cases, it is better for some consultation to take place, rather than none at all. Careful pre-planning should reduce the likelihood of many instances of having to rush a consultation exercise that should have been given more time.

## 4.9 Publicising consultation exercises

Early and appropriate publicity is crucial to the integrity and success of a consultation exercise. Consideration should be given to the intended target audience and how best to ensure effective communication with them.

Possibilities to consider include:

- local press releases targeted at the voluntary and community sector
- using voluntary and community sector infrastructure agencies as conduits\* for publicity
- using other relevant existing networks
- targeting publicity in places where relevant organisations from the voluntary and community sector congregate
- use of the internet
- e-consultation tools

Thought should be given as to how the publicity can best reach the less established sections of the voluntary and community sector and those organisations that might not be represented by existing networks.

## 4.10 Acknowledgement of receipt of responses

It is hard to feel meaningfully involved in a consultation exercise if the feedback given seems to disappear into a vacuum. Where possible, it is good practice for those leading the consultation to acknowledge the receipt of responses and clearly set out the next stages of the consultation exercise. It should be acknowledged however that it is not always possible to respond directly and in detail to the individual points made by each organisation.

## 4.11 After the consultation period: analysis and feedback

Gathering the information and data from a consultation exercise is an important step, but it only makes sense once that information and data is carefully analysed and views adequately weighted, in order to inform the way forward. Particular attention should be given to the views of representative bodies and those most directly affected by the proposals. Care should be given to ensure that larger organisations' views are not necessarily given more weight than the views of smaller organisations.

A full report on the outcome of the analysis should be made available and organisations should be made aware of how to access this report. This should explain the process followed, how consultation outcomes reflect the views collected and what will happen next.

If respondents ask why it doesn't seem that their views are reflected in the outcomes, a prompt and full explanation should be forthcoming.

Where views are collected that are not entirely relevant to the consultation exercise, but have a bearing on policy or practice in other areas, these views should be channelled to the appropriate individuals or agencies where possible and with the explicit permission of the respondent.

*“Good consultation processes sit at the very heart of a democratic society”*

## 4.12 Review and Evaluation

Reviewing and evaluating the success of a consultation exercise or process is vital.

### **REVIEW**

Dependent on the length, scale and nature of the consultation, interim reviews can help to determine whether:

- the level of feedback / response rate is appropriate to the task
- the target group has been adequately reached
- changes need to be made prior to the completion of the consultation in order to get the desired results

### **EVALUATION**

At the end of a consultation exercise, 'unpack' the consultation process, and consider all the separate elements:

- the consultation objectives
- the target audience
- the consultation methods used
- publicity
- timescales
- information provided
- consultation costs (direct and indirect)
- consultation outcomes

It is also important to actively seek feedback on the process itself, so that organisations can effectively identify what worked and what didn't. It might be that aspects of the process were a great success, whereas other areas need modification and improvement.

# Appendix 1

## Glossary

### **Added Value**

The additional value created through the combined contribution of joint working.

### **Best Practice Benchmark**

A method used for gauging performance by comparing it to the performance of other organisations, partnerships etc. of similar size and nature.

### **Conduit**

A means by which something is transmitted, e.g. information and ideas.

### **Constituency**

A cohesive group of people from whom an individual or organisation hopes to attract support, or the group of people or geographical area that have shared structures, goals or loyalty. It can be used to describe an organisation's customer base and stakeholders.

### **Consultation Fatigue**

Over using the same stakeholder group or geographical area for consultation on different issues, to the point that the group ceases to give fulsome feedback.

### **DACVS**

Devon Association of Councils' for Voluntary Service works to support the voluntary and community sector to develop and improve its contribution to the lives of citizens in Devon. It is made up of the eight district CVS in Devon.

### **Data Protection Act**

The DPA defines a legal basis for the handling of information in the UK relating to living people, and is the main piece of legislation that governs the protection of personal data. Please see [www.opsi.gov.uk](http://www.opsi.gov.uk)

### **E-Consultation tools**

These are web based tools to find out about current consultations, register interest in future consultations and find out results of former consultations.

### **Freedom of Information**

The Freedom of Information Act 2000 is the implementation of information legislation in the United Kingdom on a national level, with the exception of Scottish bodies, which are covered by a separate act. Please see [www.opsi.gov.uk](http://www.opsi.gov.uk)

*“Meaningful consultation makes all the difference, and leads to meaningful relationships. This Code will help towards that goal”*

**Gatekeepers**

An individual or group who monitors or oversees the route towards something, e.g. accessing a service, information etc.

**Hard to Reach**

Those organisations whose views are not normally heard or are overlooked or those organisations unwilling to engage because they are under-represented, marginalised, disadvantaged or socially excluded. This may include minority ethnic organisations, travellers or asylum seekers' organisations.

**Infrastructure agencies**

Often called 'second tier' or 'umbrella' organisations, they support frontline voluntary and community organisations to develop and deliver services effectively.

**Intermediary Bodies**

A third party that offers intermediation or acts as a conduit between two groups and which facilitates something between two other parties or a range of parties.

**Mandate**

A type of contract or authority which gives explicit permission to act in a specific way or represent a specific group.

**Proportionality**

Having corresponding proportion to the resources required and the outcomes achieved by the work undertaken.

**Resources**

This implies varies forms of support such as people's time, expertise, skills, meeting rooms and costs etc.

**Rurality**

Expressed as the density of households outside urban areas with less than 10,000 population, and may also include sparsity, social, environmental and economic challenges. This includes population, transport, remoteness, access to services and deprivation. Please refer to [www.defra.co.uk](http://www.defra.co.uk)

**Socially Excluded**

This term is used to describe organisations or areas that suffer from a combination of factors that might include unemployment, high crime, low incomes, poor housing, disability, mental health or lack of access to transport, factors which can combine to prevent organisations from fully engaging in consultation.

**Stakeholder**

A person or group that has an interest in, and is potentially able to influence the work of an organisation or the delivery of a service.

## Appendix 2

### Taking the Code Forward

To sign up to the Compact for Devon and its Codes of Good Practice, please go to [www.dacvs.org.uk](http://www.dacvs.org.uk) or ask for a signatory form from [compact@dacvs.org.uk](mailto:compact@dacvs.org.uk) or telephone 01392 202057.

## Appendix 3

### How this code was produced

The Devon Compact Hub wishes to thank the members of the working group who enabled the development of this Code of Practice:

<b>Duncan Goodman</b>	Torrige Community Transport
<b>Chris Griffiths</b>	Exmouth Citizens Advice Bureau
<b>Jo Hooper</b>	Devon County Council
<b>Caroline Leaver</b>	North Devon District Council
<b>Debbie Williams</b>	Devon & Somerset Fire and Rescue Service

Thanks are also extended to all of those who made comment on the Code during the consultation period and helped to make it work for Devon. Your input is greatly appreciated.





This Code of Practice can be made available in alternative formats.

Please contact: **[compact@dacvs.org.uk](mailto:compact@dacvs.org.uk)**  
or 01392 202057 for further information



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