

What is consultation and why is it important?

Issues for consideration

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This section defines consultation, explains the purpose of consultation in relation to the audit and strategy process, places its importance in context, and identifies various principles for consideration and adoption.

1. What is consultation?

Consultation is defined by the Audit Commission (1999) as ‘**a process of dialogue that leads to a decision**’. It is a very useful working definition. This definition brings to the foreground four important aspects of what consultation is that are worth introducing at this point in the guidance. These aspects are detailed in Box 1.

Box 1 Four important aspects of consultation

Defining consultation as ‘a process of dialogue that leads to a decision’ highlights four important aspects of consultation. These are:

- First, consultation is about a dialogue – the sharing, publicising, informing and promoting of interest – in order to ensure that all relevant persons, bodies, organisations, agencies and groups are sufficiently aware to engage in consultation. Consultation is therefore **educative and inclusive**.
- Second, consultation is a process – it is an ongoing activity rather than a one off duty. In the context of audits and strategies, this means that consultation is more than a statutory duty carried out once every three years. Consultation should be seen as an opportunity carried out on a regular and ongoing basis and one that should be embedded in the core work of CDRPs and partners agencies. Consultation is therefore **iterative and ongoing**.
- Third, consultation is a dialogue amongst people. Consultation involves a wide range of individuals from within communities, social groups and stakeholders, and these groups should reflect the composition of the population and its agencies and organisations of the local area. Consultation is therefore **participatory and inclusive**.

- Fourth, consultation is about action and outcome. It is an important process of decision-making about policy and service development. Consultation must ensure that the views of those consulted inform the decision making of CDRPs. Consultation is therefore **action and outcome orientated**.

According to MORI (2003) distinctions can be made between consultation and research.

‘The words research and consultation are often used interchangeably to describe particular initiatives. But there is an important distinction to be made. Quantitative research will tend to comprise an attempt to systematically **measure** the views of a particular group of people at a particular point in time. Attempts are usually made to ensure that the people taking part are as representative as possible of the population as a whole, to facilitate extrapolation. Consultation involves an authority seeking contributions and views about a policy or service, whether from individuals or groups. Consultees may not be representative of the population as a whole, but they usually have clear views about the issue under consideration’ (emphasis in original) (MORI 2003: 5).

MORI go on to argue that as the range of services delivered and the number of initiatives undertaken by local authorities have grown, the distinction between research and consultation has become blurred. This is certainly the case in the context of ever increasing statutory responsibilities for local agencies and organisations to carry out consultation on a range of issues over recent years. Simply put – expertise and experience has developed in relation to doing consultation.

MORI also indicate that an effective process will often involve elements of both research and consultation – for example using research to help discover where there are concerns and inform policy proposals on which agencies and organisations can then consult.

Note 1 Consultation and research

This guidance recognises that distinctions between consultation and research should derive less from the *approach* that CDRPs take and more from the *context within* which they have to carry it out. Carrying out consultation involves methods and techniques not dissimilar to those used to deliver research, whether of a social or market research orientation. However, CDRPs are constrained in their delivery of consultation as part of the audit and strategy process by factors including capacity, resources, timescale and expertise.

This guidance also stresses that CDRPs should note the original CDA 1998 guidance that acknowledged the importance of context in developing and delivering consultation:

In consulting, it should be made clear that there is a limit to what can be done, that trade offs between alternatives will have to be made, and that it will not be possible to respond to everyone's priorities. Reasonable time will have to be set aside to collect comments together (Hough and Tilley 1998: 27).

Consultation should therefore draw upon the theory, methods and principles of research, and should, wherever possible, ensure that it is representative and that the findings are valid and reliable.

Signposting: See Jupp, V. Davies, P. Francis, P. (2000) Doing Criminological Research and King, R. and Wincup, E. (2000) Doing Research on Crime and Justice for excellent reviews on doing research on crime, community safety and criminal justice, including evaluation and consultation.

2. Statutory requirements

The Crime and Disorder Act 1998 (CDA 1998) as amended by the Police Reform Act 2002 (PRA 2002) places a duty on specific agencies, known as responsible authorities, to work together and with other agencies within the community to tackle crime and disorder and misuse of drugs (substance misuse in Wales).

Working in partnership, these responsible authorities are required to carry out an audit to identify the extent of these problems within their community and develop strategies that deal effectively with them. These statutory requirements are contained in Sections 5 and 6 of the CDA 1998 as amended by the PRA 2002.

The new legislation means that partnerships are required, for the first time on a statutory basis, to complete a crime, disorder and drug audit and strategy and to consult on them (see Box 2).

Box 2 What is consultation in relation to audit and strategy?

Consultation is a requirement for the crime audits, most importantly at the stage between data collection and production of the final strategy. The main aims of this consultation are to confirm that the audit has construed problems accurately and that it does not contain crucial omissions, and to canvass opinion about proposed priorities and options (Newburn and Jones, 2002).

Consultation can also be carried out at other parts of the audit and strategy process. The full range of consultation stages are discussed in **When should consultation be carried out?**

3. Doing audit and strategy consultation

Consultation should be delivered at the stage between data collection and production of the final strategy. As laid out in the original guidance on the CDA 1998 (Hough and Tilley 1998), the main purpose of consultation at this stage of the audit and strategy process is to:

- Confirm that the audit has construed problems accurately
- Check that it does not contain crucial omissions
- Ensure that it is not based on misconceptions about the communities to which it relates
- Canvass opinion about proposed priorities and options.

Signposting: This is not the only stage at which consultation can be carried out as part of the audit and strategy process, but it is the stage of consultation described in the original guidance of the CDA 1998 as amended by the PRA 2002. For a further discussion of the purpose and stages of audit and strategy consultation, go to the section entitled **When should consultation be carried out?**

Guidance on doing audit and strategy consultation is given in relation to three main groups:

- Persons and bodies which will be specified by the Home Secretary under section 6(2)d and 5(3) of the CDA, and other relevant local organisations – including voluntary organisations;
- The general public; and,
- Significant hard-to-reach groups, where no adequate representative organisation exists.

Signposting: This guidance is explored in detail in the section on **Who should be consulted?**

4. The wider context of consultation

Beyond the statutory responsibility of local CDRPs to consult with local communities and relevant other stakeholders including agencies, organisations and businesses as laid down in the CDA 1998 as amended by the PRA 2002, consultation is now central to much public sector thinking and practice. In some areas of working, such as policing, consultation has a relatively long history of engaging the police and local communities in constructive dialogue. However, over recent years, the present government has made improving the level of involvement of local persons, communities and bodies a major aspect of its agenda to modernise public services and the public sector.

In some respects, this movement towards increasing consultation between groups and organisations across the public sector is a matter of common sense (Cabinet Office 2004). In the private sector dissatisfied customers can make a decision as to which provider they utilise – ‘if customers don’t get the service they want they can go elsewhere’. The same degree of choice and movement is not available across the public sector. Indeed, as the Cabinet Office further acknowledges:

‘people often have little or no choice over who provides their public services ... As public services users ourselves, we know, for example, that we can’t choose which fire service will answer our emergency call, which council will collect our rubbish, or who to pay our tax to’ (Cabinet Office 2004: 4).

Consultation in this sense allows active partnerships to be created between users and providers so as to secure quality of service as well as to ensure that services are planned and targeted appropriately where choice and movement are limited. This is why consultation should be seen as beyond a duty and more as an opportunity.

Consultation has been long standing in some areas of crime prevention and policing, and current consultative arrangements can be described as an extension of previous thinking about engaging with key stakeholders and the public. For example, the Police and Magistrates’ Courts Act 1994 requires police authorities to formulate annual objectives for the policing of the authorities area, in consultation with the Chief Constable, and with regard to issues raised in police community consultative groups originally set up to obtain the views of people in each police force area about matters concerning the policing of the area as well as in helping the police prevent crime under S106 of the Police and Criminal Evidence Act 1984 (now S96 of the Police Act 1996). Police Authorities are also required to produce an annual plan.

However, in other respects, the movement towards developing consultation relates directly to the broader ‘modernising’ agenda across local government and relevant other authorities. As the Audit Commission (1999: 7) details, public sector bodies now ‘have a much broader and more extensive duty to consult local people on the way that services are delivered overall, rather than just on specific issues’, such as the power to promote social, political and economic well-being; the requirement to draw up a community strategy and to consult about this (Local Government Act 1999) and the monitoring of public services by Comprehensive Performance Assessment. Many local authorities now have tracking data showing how residents rate their performance over time, and there is more likely to be partnership and joint working between agencies on matters of shared interest such as quality of life issues (Mori 2003).

Councils, police authorities, fire authorities and health authorities already have statutory responsibilities placed upon them to consult the public on a range of issues, while best value for local authorities, the police and the fire services changes the requirements to consult the public in significant respects (Audit Commission 1999). Before the introduction of Best Value, local authorities had no overall requirement to consult the public on issues affecting them and

the services they receive. However, under Best Value, local authorities must consult council tax and business ratepayers, service users and others with an interest in their area 'for the purpose of deciding how to fulfil the duty' of making arrangements to secure continuous improvement (Local Government Act 1999). The police are also subject to best value, and the police are also subject to a variety of other requirements to consult with the general public. The Health Care and Social Care Act 2001 and the NHS Reform and Healthcare Professions Act 2002 have also enabled the development of new structures for consultation with local communities and for the improved involvement of patients in decision making.

Furthermore, as the Audit Commission (1999) identify, the above arrangements are in addition to the consultation requirements relating to specific decisions, plans and arrangements, such as school closures, planning applications, local structural plans, early years development plans and education development plans. While such consultation is to an extent governed by the legislation associated with the requirement, 'generally more recent requirements have a more prescriptive, and more comprehensive, consultation requirement' (Audit Commission 1999: 49).

Finally, the development of consultation also relates to the growing agenda within the statutory and voluntary sectors to understand the lived experiences and to assess the needs of communities, including disadvantaged peoples and those often inappropriately termed 'hard-to-reach' and, to recognise their rights, and to support their greater involvement in policy-making structures.

Signposting: The wider context is described effectively in the Audit Commission (1999) report Listen Up: Effective Community Consultation; the Audit Commission Report (2003) Connecting with Users and Citizens and the Cabinet Office (2004) report How to Consult Your Users: An Introductory Guide.

5. Benefits of consultation

Consultation must be seen as an opportunity, not simply a duty, and an opportunity that is promoted regularly across the CDRP area. A number of benefits associated with the delivery of ongoing consultation in relation to the audit and strategy process can be detailed (these are not mutually exclusive). These are described below.

- Consultation can help inform, publicise and promote interest in the work of the CDRP as well as publicise evidence as to the state of the CDRP area in relation to crime, disorder, drugs, victimisation, perceptions of crime and the fear of crime. In this sense, the benefit of consultation is that it can play an **educative** role.
- Consultation can help identify and bring together individuals views about crime, disorder, drugs, victimisation, perceptions of crime and the fear of crime. In this sense, the benefit of consultation is that it can provide quantitative and qualitative **verification and identification** of local problems, issues of concern and lived experiences.

- Consultation can help uncover the extent to which local communities and relevant other stakeholder groups agree with the identified priorities of the CDRP. Communities understand their own problems as well as, if not better than service professionals. Nevertheless, communities are all too often seen to be less knowledgeable than professional service deliverers. Local agency professionals often use consultation as a means of conveying negative views rather than actively engaging communities in dialogue about their own experiences and of ways in which solutions could be identified and developed. In this sense, the benefit of consultation is that it can ensure the **appropriateness** of the audit and strategy to local communities and groups.
- Consultation can provide important information regarding the performance of the CDRP and services. In this sense, the benefit of consultation is that it can help identify **satisfaction** levels amongst local communities and stakeholders regarding the work of the partnership and related agencies and organisations.
- Consultation can help target resources by informing a problem solving approach to devising local solutions to local problems. Communities are often more flexible and creative than large service bureaucracies in problem solving, solution focusing and implementation. Where consultation has been delivered, 'the process can yield creative ideas from residents about how to tackle crime and disorder and develop community safety in their neighbourhoods' (Ballintyne and Fraser, 1998:168). In this sense, the benefit of consultation is that it can ensure that local partnerships are **responsive** to local lived experiences and that multi agency and partnership working is inclusive of local communities.
- Consultation can play an important role in improving the **legitimacy and accountability** of local partnerships, agencies, organisations and services. For example, Newburn and Jones (2002) acknowledge that in the first round of consultations as part of the audit and strategy process,

'Consultation appeared to have a significant impact on strategies in several ways. These included confirming, narrowing and ordering priorities for tackling crime, identifying priorities among hard to reach groups, providing alternative voices; and facilitating cooperation and communication between partners'. (Newburn and Jones 2002)
- Consultation can provide a much-needed rejuvenation to local democracy by allowing communities greater involvement in local decision-making. In this sense, the benefit of consultation is that it can help promote **democracy** amongst local communities and stakeholders. Ballintyne and Fraser (1998: 166) highlight the consequences of failing to promote consultation:

'If consultation is restricted – either through design because it suits the agencies or through a failure to grasp its importance – then the very process which takes power away from local communities and encourages reliance upon others who appear to be better placed to

intervene on their behalf, may be reinforced. To build safer communities exclusion needs to be removed from local decision-making’.

Therefore, consultation can help tackle exclusion from local decision-making.

According to the Cabinet Office (2004: 5), six benefits of consultation can be discerned. These are detailed in Box 3 below in order to provide ‘at a glance’ checklist of the benefits of doing consultation.

Box 3 Cabinet Office benefits of consultation

- Helps you plan services better to give users what they want, and expect
- Helps you prioritise your services and make better use of limited resources
- Helps you set performance standards relevant to users’ needs
- Fosters a working partnership between your users and you, so they understand the problems facing you, and how they can help
- Alerts you to problems quickly so you have a chance to put things right before they escalate
- Symbolises your commitment to be open and accountable: to put service first

6. Limitations and barriers to consultation

This section details a number of potential limitations and barriers to consultation.

Box 4 lists a number of limitations to consultation identified by Newburn and Jones (2002). These limitations were identified in their research on consultation carried out during the first round of audit and strategy by CDRPs.

Box 4 Limitations to consultation

- Methodological limitations associated with limited understanding of social research methods and the problems and limitations associated with using particular methods
- Deadline and timescales which were too tight
- A lack of consistency and enthusiasm for undertaking the consultation
- Duplication of effort in some local areas
- Conflicts with other targets
- Costs

Note 2 Limitations to consultation

CDRPs must identify the potential limitations associated with doing consultation in their local area and identify the ways and means through which such limitations can be addressed. This is an important part of doing consultation and failure to do so will affect the effectiveness of the

consultation carried out. For a further discussion of limitations and planning effective consultation, go to the section entitled **What needs to be in place?**

A further limitation of doing consultation is that different interests and aims are often attached to it by the various different groups involved (Elliot and Nicholls 1996). For example, the aims of doing consultation for a CDRP will be to reach a broad cross section, representative of the general public in order to:

- i. Verify findings from the audit in relation to crime, disorder and drugs
- ii. Identify public priorities to influence the strategy document and action plan
- iii. Identify public priorities for immediate local action
- iv. Provide the public with information on the CDRP and its activities
- v. Develop partnerships with the public to prevent and reduce crime.

In contrast, the aims of consultation for the general public may very well differ across the particular groups involved. In their review of the first round of audits and strategies, Newburn and Jones (2002) found that partnerships had multiple aims when undertaking consultation, rather than consulting simply in order to comply with their statutory responsibilities.

Note 3 The aims of consultation

It is imperative that any consultation arrangements meet the aims of the various groups involved, particularly if it is to secure and maintain support for and confidence in the process from all involved.

7. Principles of consultation

A number of organisations including the Local Government Association (2000), the Audit Commission (1999/2003) and the Cabinet Office (2004) have laid down a number of principles of consultation. In a number of cases, the guidance has been written in relation to specific statutory duties. Often this documentation overlaps. Particular documents approach the subject in different ways. Some documents outline the key principles; others begin from barriers to achieving involvement and identify a set of principles that may overcome such barriers. Yet each document details various principles upon which consultation should be embedded.

The Local Government Association (2000) identify a range of principles that should 'guide the development of strategies for consulting and involving communities', and although the principles articulated relate to consultation about the development of structures of governance that work locally, such principles are relevant to doing consultation on crime, disorder and drugs. These principles are that consultation must be:

- Inclusive
- Open
- Impartial
- Informative
- Understandable
- Strategic
- Reported
- Involving
- Joined-up
- Resourced
- Professional
- Timely
- Appropriate
- Listened to

Certainly the LGA is correct to stress that whilst any such principles of consultation must meet the requirements of relevant legislation (in this case the CDA 1998 as amended by the PRA 2002), that consultation should meet the individual circumstance of every authority and is relevant to local people.

The Audit Commission (1999) originally identified and acknowledged the growing importance of consultation in its document Listen Up! Effective Community Consultation, which also set out practical guidance on how to involve communities in decision-making and service provision. Within this document, four key principles of good practice were identified. These principles are that consultation must be:

- Related to a decision that the authority intends to take
- Competently carried out
- Inclusive
- Used in practice

In a later publication – Connecting with Users and Citizens, published in 2002, which draws upon evidence of practice across England and Wales, the Audit Commission identified six common underlying principles of effective consultation and involvement. These principles are that consultation must be:

- Commitment and culture
- Support and structure
- Diversity and representation
- Handing over control
- Learning from experience
- Real results

The Cabinet Office in November 2000 published the Code of Practice on Written Consultation, which set out principles for departments to follow, which applies to all UK public consultations carried out by government departments and agencies, including consultations on EU directives. This code was revised and re-launched in 2004, and provide six consultation criteria. These principles are:

- Consult widely and allow twelve weeks for written consultation
- Clarity about proposal, who may be affected, what questions are being asked and the timescales for responses
- Ensure consultation is clear, concise and accessible
- Give feedback regarding responses and how the consultation process informed the policy
- Monitor departments effectiveness of consultation
- Ensure consultation follows regulation best practice.

In reviewing the above, it is possible to identify one list of principles that should inform and guide a CDRP approach to doing consultation as part of the audit and strategy process. As an overriding principle, it is possible to suggest that consultation must be developed and delivered within a principled framework. This should avoid being hierarchical or extractive, should involve individuals as active participants and should connect with them and effect change for them in ways that reflect their wishes. It must be delivered in partnership with relevant local organisations and agencies.

Principles underpinning audit and strategy consultation are detailed in Box 5.

Box 5 Principles for audit and strategy consultation

- The planning of it needs to be strategic, planned and joined up
- The approach needs to be inclusive, representative and transparent
- The information prepared for consultation needs to be clear and concise, accessible and informative and impartial
- The process needs to be rigorous and robust, timely and resourced, iterative and ongoing
- The findings of the consultation need to be reported and must inform decision making as well as fed back to those persons, communities and bodies involved
- The delivery and practice of it should be mainstreamed and sustainably embedded within the partnership and relevant local organisations, authorities and agencies

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