



Swale Borough Council Consultation Toolkit

A guide for officers planning public consultations

Contents

	Page
1. Introduction	3
2. Consultation process steps	5
3. Step 1 - the aims and objectives of your consultation	6
4. Step 2 - plan consultation and choose method/s	7
5. Step 3 - who to consult	10
6. Step 4 - launch consultation	11
7. Step 5 - re-launch half-way through consultation	11
8. Step 6 - collate findings and finalise Equality Impact Assessment (EqIA)	11
9. Appendix I – policy or strategy development flowchart	13
10. Appendix II – consultation plan check list	15
11. Appendix III – standard equality, diversity and inclusion (EDI questions)	17

Introduction

This toolkit is designed to provide guidance to Swale Borough Council (SBC) officers who are preparing to undertake a formal consultation as part of developing Council services, activities, policies or strategies. It is important to understand the difference between public consultation and public engagement:

- **Public consultation** is a focused, formal process of seeking public opinion on specific proposals or decisions to directly inform those decisions. It's a time-limited activity with defined rules and legal requirements.
- **Public engagement** is a broader, ongoing process of building relationships and sharing information to foster understanding and collaboration. It's not always linked to a specific decision but aims to create a continuous dialogue and improve overall relationships.

This toolkit deals with public consultation. If you wish to carry out some informal engagement with the public to seek some feedback on a piece of work, please contact the Communications & Policy Team for advice.

Reasons for carrying out Consultations

The Council has a statutory duty to consult the public on a range of issues. However, having a statutory duty to consult is not the only reason for doing so. The Local Government Association state that there are a range of other non-statutory reasons councils might want to run a consultation exercise which include:

- to improve planning, policy and decision making
- to make better use of resources
- to access new information, ideas and suggestions
- to encourage greater participation in the activities of the council
- to govern by consent (a full and fair consultation, with careful consideration of all views, can strengthen the legitimacy of the prevailing view among those people not in favour of the final decision)
- to measure residents' satisfaction with the council
- to shape council activities around residents' needs and aspirations

The Gunning principles

To be both lawful and worthwhile, consultations have to follow a number of principles set down in case law (known as the Gunning Principles):

1. Proposals are still at a formative stage

A final decision has not yet been made, or predetermined, by the decision makers.

2. There is sufficient information to give ‘intelligent consideration’

The information provided must relate to the consultation and must be available, accessible, and easily interpretable for consultees to provide an informed response.

3. There is adequate time for consideration and response

There must be sufficient opportunity for consultees to participate in the consultation. There is no set timeframe for consultation, despite the widely accepted twelve-week consultation period, as the length of time given for consultees to respond can vary depending on the subject and extent of impact of the consultation.

4. ‘conscientious consideration’ must be given to the consultation responses before a decision is made

Decision-makers should be able to provide evidence that they took consultation responses into account.

Failing to follow these principles can lead to challenge, including judicial review - which is costly, reputationally damaging and can significantly delay progress.

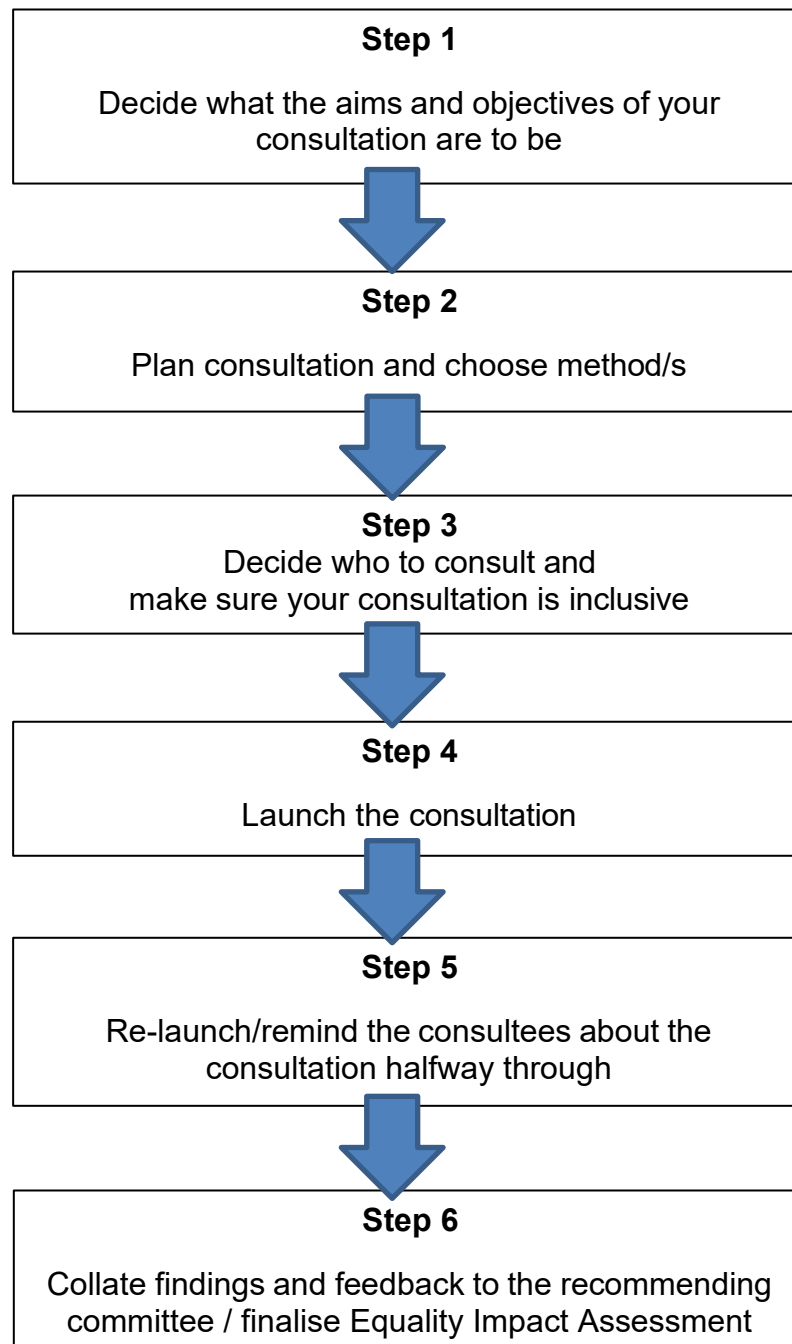
The SBC Public Consultation Policy Statement recommends that public consultations should take place for a minimum period of 6 weeks but preferably 8 weeks. Exceptions to this would be where there is specific legislation and/or statutory guidance stating a different consultation period or where there are exceptional circumstances where this may not be practically possible.

For the annual budget consultation, SBC consult with the public on draft budget proposals at the earliest opportunity. Any changes to service delivery, as a result of budget proposals, are consulted on at a formative stage.

The toolkit

This toolkit is designed as a step-by-step guide to the running of a consultation to give any officer an understanding of how they can meet the Policy Statement on Consultations.

The consultation process



Step 1 - the aims and objectives of your consultation

Before undertaking any consultation, you should decide why you are undertaking it and what it is you want to find out. Think about what you are going to do with the outcomes and what decisions will be influenced. Consultation with the public raises expectations so you need to be sure the people you engage with understand how you plan to use your results.

At an early stage you should ask yourself:

- What are the key aims?
- What information or change is wanted at the end and what do we not have now?
- What type of report do I need to produce at the end?
- What will the information be used for?

Consider your objectives for carrying out the consultation, for example:

- Compare and challenge the existing service – what needs to change?
- Look for unmet need
- Shape the way your service is delivered
- Prioritise future spending

A consultation can provide a wide range of benefits for your strategy or policy, for instance:

- It will provide an insight into what the public or potential users think about the draft strategy/policy.
- It allows the strategy/policy to be examined in public, providing officers with an important opportunity to gain an understanding of their work outside the workplace.
- Empowers residents to be engaged in the writing of a strategy or policy and seeks to demonstrate that the Council listens to the concerns of partners and the community.
- Raises the profile of the strategy or policy and by extension the wider service.

When considering the aims and objectives, it is useful to keep in mind the process for policy and strategy development as this helps to shape the consultation. Appendix I shows where the consultation process sits within the policy/strategy development process.

Step 2 - plan consultation and choose method/s

The next stage should be the writing of a plan to identify what methods will be used during the consultation. Appendix II provides a checklist to use when writing your plan. Please discuss your plan with the Communications & Policy Team at this stage to ensure they are aware of the timing and method/s you will be using and they can work with you to publicise the consultation. They will also check the documents you will be using meet accessibility requirements.

The following should be considered when planning your consultation:

- You must be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
- Consider the timing of the consultation, avoiding pre-election period, and take into account the time of year, for example public holidays and dates of Area Committees, if they are to be used as one of the consultation methods.
- When collecting information for your consultation you need to consider if the information you are processing is personal data. Personal data is any information which allows a living individual to be identified. When processing personal data, the data protection principles should be referred to for good information handling. When collecting information for a consultation, personal information should only be collected where necessary and only relevant information.
- The UK GDPR and the Data Protection Act 2018 sets out how information must be processed. The GDPR principles state that when you collect personal data about people, you must process and store it fairly, lawfully, and transparently. When processing personal information, you need to provide a privacy statement advising data subjects what their information will be used for and the lawful basis you are processing this information under. Do not disclose personal information about people or share information that would lead them to being identified without their consent or a lawful basis to do so. Prior to sharing, collecting personal data or for further information please contact the Information Governance Team
dataprotectionofficer@swale.gov.uk.
- You must ensure that your consultation is clear, concise and widely accessible using plain English.

It is important to consider the chosen method of consultation in comparison with the individuals that you are consulting with. The table on the next page provides a summary of different techniques that could be used when planning the consultation.

Method	Advantages	Risks
Consultation Documents	<ul style="list-style-type: none"> • Individuals can respond directly to the draft document either online or via paper copies for people who do not have internet access. • Officers can set questions that they would like to be answered. • Allows readers to provide a considered response. • Allows group responses from organisations such as Parish Councils or community groups. • Groups can be targeted to receive postal surveys. 	<ul style="list-style-type: none"> • Difficult language in documents may exclude social groups from responding. • Likely to be a poor response rate. • Could be additional cost of publicising consultation. • Could be additional cost of producing paper copies of consultation documents. • Postal surveys can be expensive.
Public Meetings	<ul style="list-style-type: none"> • Area Committees can be used for this purpose. • Opportunity to secure the support of the community. • Opportunity to explain in person why the strategy or policy is needed. • Opportunity to answer questions and comments directly. 	<ul style="list-style-type: none"> • Low turnout could lead to low feedback. • Audience is likely to represent only a small social group. • Difficult to receive considered or in-depth responses. Cost implication.
Website	<ul style="list-style-type: none"> • Relatively cheap. • Enhances the website with the community. • Data can be easily assessed and monitored allowing consultation to reactively develop over the 6-8 weeks. 	<ul style="list-style-type: none"> • Not everyone in the borough can or wants to access a computer. • Can provide a low number of responses. • Can encourage one word responses which do not improve the document. • Can encourage lengthy responses which take a lot of work to process.
Focus Groups	<ul style="list-style-type: none"> • Can reach communities that are difficult to access. 	<ul style="list-style-type: none"> • Resource intensive as a lot of time can be spent for a relatively low level of return. • Lack of confidentiality.

	<ul style="list-style-type: none"> • Allows for ideas to develop through discussion. • Ability to build on consultation findings during the 6-8 week process. 	
Seminars/Workshops led by a facilitator	<ul style="list-style-type: none"> • Enables officers to ask questions directly. • Allows social groups to be introduced to the ideas behind the document. • Large number of the public can cumulatively take part. 	<ul style="list-style-type: none"> • Skillset for facilitation may need to be commissioned. • Resource intensive. • Potential to only receive responses from those who already engage with the Public Sector. • Possibility of officers influencing response.
Exhibitions and Roadshows	<ul style="list-style-type: none"> • Effectively publicises strategy or policy. • Immediate contact with the public. • Exhibitions can be left in a public place without officers. 	<ul style="list-style-type: none"> • Groups will be dependent on representation. • Feedback may be limited. • Cost implication.
Telephone Survey	<ul style="list-style-type: none"> • Can provide a large number of responses. • Potential to select individuals from different protected characteristics. • Allows flexible structure. • Could be undertaken through a contract. 	<ul style="list-style-type: none"> • Resource intensive – need to train callers to ask questions. • Interviewer cannot ask further questions to unusual responses.
Street Survey	<ul style="list-style-type: none"> • Large number of responses. • Possible random selection of the community. • Out of the council so captures community that do not engage. 	<ul style="list-style-type: none"> • Resource intensive – requirement to train street surveyors and can be costly to run for an extended period. • Personal Safety of fieldworkers. • Limited survey of one area-specific group such as shoppers or Library users.

Once the consultation has been approved, the consultation can begin.

Step 3 - who to consult

Consider the following categories when identifying which stakeholders should be consulted:

Service Users

- Those who pay directly for a service
- Those who pay indirectly through Council Tax

Specific Non-Users


- People who are unaware of the service
- People who might need the service at a later date

Other Customers

- Internal customers (eg staff)
- Partner organisations
- Elected members

Interested Parties

- Residents/local people
- Some departments have a consultation database
- Interested agencies – voluntary, private, public sector
- Parish/Town Councils, MPs, local businesses, etc

It would also be useful at this stage to consider the individuals with protected characteristics that must be consulted with under the Equality Act 2010, by comparing your finalised plan with the Equality Impact Assessment template  [Equality Impact Assessment template](#) The nine protected characteristics are:

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership*
- Pregnancy and Maternity
- Race
- Religion or Belief
- Sex
- Sexual Orientation

**For marriage and civil partnership, only the first aim of the duty applies in relation to employment.*

SBC also ask officers to consider other socially excluded groups, which could include people who are geographically isolated from services, with low literacy skills or living in poverty or low incomes, affected by rural deprivation or poor health. This may impact on aspirations, health or other areas of their life which are not protected by the Equality Act, but should be considered when delivering services.

If the policy or strategy will affect any of these groups, it would be useful to build in at this stage a targeted approach to get the social group's comments on your strategy

or policy. For further guidance on Equalities issues or how to contact these groups please contact the Communications & Policy Team or use *Equality Impact Assessments guidance notes*.

Step 4 - launch consultation

Make sure that the consultation webpage launch and any emails/letters are sent on the first day of the public consultation with the deadline clearly stated. This allows the longest time possible for responses and for officers to publicise the consultation. If you do not allow the correct amount of time, your final strategy or policy may be subject to a judicial review if an individual feels that they have been excluded from the process.

Step 5 - re-launch half-way through consultation

It is always useful to re-launch about half-way through the process so that partners and the community are encouraged to respond to the consultation as soon as possible. Statistically, it has been shown that most members of the public will complete a survey as soon as it arrives or not at all. Sending a gentle reminder will ensure that you catch at least some of those that put off responding to another time.

Step 6 - collate findings and finalise Equality Impact Assessment (EqIA)

After the closing date of your consultation, collate your findings and decide whether the comments or points raised warrant changes to your strategy or policy. Make sure that any decision you make can be backed up with sound evidence.





To help this process, it may be useful to complete an EqIA **before** the consultation process begins so as to ensure you address any excluded groups first. The first step of this process is to complete the [Equality Impact Assessment template](#). Once complete, submit the form to the Communications & Policy Team who will provide a 'critical friend' role.




It may however still become apparent after the process that a significant group is seriously under-represented, in which case it may be worth re-launching the consultation with a more targeted approach towards individuals who possess these protected characteristics.

During the reporting process there is also a need to report the findings of the consultation. You could use a 'You Said We Did template', such as the example in the table below, to present the Council's response clearly to residents. Where inappropriate comments have been submitted to the consultation, officers should use their discretion about including those comments in the report. If in doubt, consult your line manager. (*Note - the definition of inappropriate comments is rudeness, swearing, offensive language, or anything that could hurt or upset others. This includes racist, sexist, homophobic, or discriminatory remarks.*)

You Said	We Did
<i>In this column include the questions or issues raised during the consultation</i>	<i>In this column provide a response to the issue raised. Such as, agreed or if the change has been rejected the reason why it could not be adopted.</i>

Policy or strategy development flowchart

<p>Initiation</p> 	<p>Decide the vision and scope of your proposed policy or strategy.</p> <p>Why are you writing a new strategy or policy – statutory legislation, change to a service, internal guidance etc.</p> <p>Make sure you are clear at this stage what is required and consult with your manager and owning/responsible service committee where necessary</p> <p>Ensure the policy/strategy follows the Council's vision for Swale and is in line with the Corporate Plan Council - Corporate Plan (swale.gov.uk).</p> <p>Consider co-design and co-production with the community.</p>
<p>Research and Analysis</p> 	<p>Plan and conduct research and analyse findings.</p> <p>Pre-consultation EqIA to be started, this will ensure all relevant groups are contacted as part of the process.</p>
<p>Development</p> 	<p>Following the research, you will have gained a greater understanding of the issues surrounding the subject and will be ready to write the main body of the document.</p>
<p>Consultation</p> 	<p>Where necessary seek approval from the responsible service committee to carry out a public consultation on the draft policy/strategy.</p> <p>Carry out the consultation.</p> <p>Collate your findings and decide whether the feedback warrant changes to your strategy or policy. Make sure that any decision you make can be backed up with sound evidence.</p>

<p>Impact Assessment</p> 	<p>Finalise Equality Impact Assessment using findings of the consultation.</p>
<p>Adoption</p> 	<p>All new policies/strategies should be considered by EMT (and DMT if appropriate) before they are presented to the owning/responsible committee for adoption.</p>
<p>Implementation</p> 	<p>Policy becomes part of 'day-job'</p> <p>Strategy or policy implemented over a number of months.</p>
<p>Monitoring</p>	<p>Strategy monitored through agreed performance indicators to meet outcomes.</p> <p>Document reaches end of life-cycle and strategy or policy begins again at Initiation.</p>

Consultation Plan check list

Name of Policy/Strategy	<i>This will be agreed by the recommending committee</i>
Service Area	<i>Your service area</i>
Lead Officer	<i>Who is the lead person writing the policy or implementing the service?</i>
Corporate Priority being addressed	<i>Consult the Corporate Plan Council - Corporate Plan (swale.gov.uk) and discuss with your line manager</i>
Recommending/adopting Committee	<i>Service Committee/Policy & Resources Committee/Council?</i>
Consider aims and objectives of the consultation	<i>See Step 1 of the Consultation Toolkit</i>
Date recommending Committee agreed scope of policy/strategy consultation	<i>This will have taken place during the initiation phase of the policy/strategy development</i>
Date early steer obtained from member working group or Committee Review & Forward Planning meeting if required	<i>This will have taken place during the initiation phase of the policy/strategy development</i>
What method/s will you use to consult?	<i>See Step 2 of the Consultation Toolkit</i>
What resources are required for these method/s? Has budget been allocated?	<i>This will have taken place during the initiation phase of the policy/strategy development. Also discuss with your line manager</i>
Who will you be consulting?	<i>See Step 3 of the Consultation Toolkit</i>
Agree press release with Media Officer	<i>This can be agreed during the planning phase</i>
Design Microsoft Forms questionnaire for website <ul style="list-style-type: none"> • Ensure any documents have been checked for accessibility by Graphics Officer* • Pass documents to be uploaded to website to Digital Communications Officer with any covering text, confirm start and close date of consultation.* • Include EDI standard optional questions as per Appendix III. • Carefully consider the questions you will be asking, if including the opportunity for free text comments, plan how you will review and report the responses. (* send workflow requests for above)	<i>Ensure you keep the Communications & Policy Team updated as you progress with the preparation of your consultation</i>

Date consultation author adds item to Service Committee forward plan master (check Corporate Calendar for deadlines)		<i>Discuss sign off process with line manager. Check the Corporate Calendar for deadlines.</i>
Prepare covering report to take to service committee to seek approval to go out to public consultation		
Date consultation document signed off by DMT		
Date consultation document signed off EMT if required		
Date Head of Service discusses covering report and draft consultation at Committee Review and Forward Planning Meeting		
Date consultation document signed off by recommending service committee		
Length of consultation. <i>The SBC Policy Statement for carrying out consultations recommends 6 to 8 weeks. In exceptional circumstances, or when statutory guidance/legislation allows, consultations can take place over a shorter period of time.</i>	<i>This will have been agreed at the outset in the planning phase</i>	
If going to Area Committees confirm which round with the Policy & Engagement Officer (<i>February, June, September or December</i>)	<i>Discuss with the Policy & Engagement Officer during the planning phase so that the items can be scheduled onto agendas</i>	
Launch date of consultation	<i>See Step 4 of the Consultation Toolkit</i>	
Re-launch date (halfway through consultation)	<i>See Step 5 of the Consultation Toolkit</i>	
Close date of consultation	<i>This will be agreed at the planning phase</i>	
Collate findings	<i>See Step 6 of the Consultation Toolkit</i>	
Finalise Equality Impact Assessment	<i>See Step 6 of the Consultation Toolkit</i>	
How will findings be reported? (<i>You said we did? Back to recommending committee?</i>)	<i>See Step 6 of the Consultation Toolkit</i>	

Standard equality, diversity and inclusion (EDI) questions

It is good practice to gather EDI data on respondents to public consultations where relevant. This helps to ensure that people with the relevant protected characteristics have had the opportunity to consider and comment on the draft project, strategy, policy or change to service provision.

Gathering data is included under objective 3 of the Corporate Equality Scheme 2024 – 2028 [Strategies and policies - Corporate Equality Scheme](#) (*Ensuring easy, clear and convenient access to our services*), *action 3 (improve information gathering about our customers to ensure no groups or individuals with protected characteristics are disadvantaged when accessing our services)*.

Responding to the questions should be optional and anonymous.

Below are some template questions to use when designing an online consultation questionnaire:

How would you describe yourself?

- ☐ Female
- ☐ Male
- ☐ Prefer not to say
- ☐ Other

What is your age?

- ☐ 17 years old or under
- ☐ 18-24 years old
- ☐ 25-34 years old
- ☐ 35-44 years old
- ☐ 45-54 years old
- ☐ 55-64 years old
- ☐ 65-74 years old
- ☐ 75-84 years old
- ☐ Over 85 years old
- ☐ Prefer not to say

How would you describe your ethnicity?

- ☐ Asian – Arab
- ☐ Asian – Bangladeshi
- ☐ Asian – Chinese
- ☐ Asian – Indian
- ☐ Asian – Pakistani
- ☐ Black – Black African
- ☐ Black – Black Caribbean
- ☐ White – White British
- ☐ White – White Irish
- ☐ Mixed – Asian and White

- ☐ Mixed – Black African and White
- ☐ Mixed – Black Caribbean and White
- ☐ Traveller – Gypsy
- ☐ Traveller – Irish Traveller
- ☐ Traveller – Romany
- ☐ Prefer not to say
- ☐ Other

Do you consider yourself to have a disability?

- ☐ Yes
- ☐ No
- ☐ Prefer not to say

How would you describe your sexual orientation?

- ☐ Heterosexual (straight)
- ☐ Bisexual
- ☐ Gay man or lesbian
- ☐ Prefer not to say
- ☐ Other

How would you describe your religious beliefs?

- ☐ Christian
- ☐ Buddhist
- ☐ Hindu
- ☐ Jewish
- ☐ Muslim
- ☐ Sikh
- ☐ No religion
- ☐ Prefer not to say
- ☐ Other