

Customer Access Review – Full Assessment

Assessment details	
Assessment area	Consultation and Engagement Strategy and Toolkit
Date of assessment	February 2020
Directorate and Service	Internal – Policy & Corporate Support
Manager	Policy & Corporate Support Manager
Officer conducting assessment	Policy & Projects Officer

Step 1: Scoping the assessment	
1. What are the aims and objectives of the activity or proposal?	<p>Consultation is the ‘dynamic process of dialogue between individuals or groups, based upon a genuine exchange of views, with the objective of influencing decisions, policies or programmes of action’ (Source: The Consultation Institute). Dartford Borough Council’s Consultation & Engagement Strategy 2019-22 sets out its overall approach to consultation and engagement. The Strategy contains the following aims:</p> <ul style="list-style-type: none"> • To ensure that local people have a say on decision-making and service delivery; • To undertake effective consultation and engagement with all communities, including those often seen as ‘seldom heard’; • To provide consistent standards of consultation and engagement across the authority; • To ensure the effective use of resources, skills, and experience to reduce consultation fatigue and duplication; • To produce clear guidance and standards for consultation and engagement activity by staff, partners and stakeholders; • To ensure the fulfillment of statutory and policy requirements for consultation and engagement; • To help produce an evidence-informed approach to policy and service development. <p>The Strategy and details of the Council’s current consultations can be found on the consultation page on the Council’s website.</p> <p>The internal Consultation & Engagement Toolkit complements the Strategy by setting out advice and guidance for staff on:</p> <ul style="list-style-type: none"> • Deciding the purpose of the consultation/engagement; • Deciding when and how to consult/engage; • Ensuring equality of opportunity when consulting/engaging; • Analysing and reporting back results.

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Step 1: Scoping the assessment	
2. Who will be affected by the activity or proposal?	All persons with a right to participate in consultation will be affected. This could include, for example, residents, Councillors, voluntary and community organisations, businesses, stakeholders and staff.
3. How does the activity or proposal contribute to: a) any key performance indicators? b) policies, values or objectives of Dartford Borough Council?	<p>a) There are currently no key performance indicators in relation to consultation and engagement as the Government abolished these in 2011. The Council does monitor consultation and engagement activity through an internal Consultation Database.</p> <p>b) The Consultation & Engagement Strategy and Toolkit meet the Council's Corporate Plan's strategic aim of 'providing high quality services that reflect public aspirations and demonstrate improvement' and the strategic objective of 'informing and consulting residents and stakeholders about Council services'.</p>
4. Which aspects of the activity or proposal are dictated by legislation/regulation and where do we have discretion in how they are delivered?	<p>Best Value Duty - Best Value Duty Statutory Guidance states that councils are required to 'make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness'. When deciding how to fulfil its 'best value duty', the Council is under a 'duty to consult' local residents, local voluntary and community organisations, small businesses, those who use or are likely to use services provided by the Council, those appearing to the Council to have an interest in any area within which it carries out functions and in the commissioning cycle, including when considering the decommissioning of services. The 'duty to consult' is not optional but a continuing obligation on the Council, unless the Council has good reason to depart from it.</p> <p>Doctrine of Legitimate Expectation - This doctrine is one of the Court's controls over the exercise of a decision-maker's powers where the Courts recognise consultees' rights to expect a fair process, which incorporates guidance and management promise. The doctrine applies in the following circumstances:</p> <ul style="list-style-type: none"> • When there has been a clear promise of consultation; • Where official guidance or policies imply a promise to act in a particular way; • Where there is a withdrawal of a benefit with significant impacts to be considered; • Where the nature of the relationship would create unfairness if there were to be inadequate consultation. <p>The Gunning Principles - In carrying out consultation, the Council must follow the 'Gunning Principles', which are a set of legal rules for public consultation that originated from R v Brent LBC ex parte Gunning (1985). The principles are that:</p>

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Step 1: Scoping the assessment	
	<ul style="list-style-type: none"> • Consultation must take place when the proposal is still at a formative stage; • Sufficient reasons must be put forward for the proposal to allow for intelligent consideration and response; • Adequate time must be given for consideration and response; • The product of consultation must be conscientiously taken into account. <p>Equality Act 2010 - The Council must have full and proper regard to the Equality Act 2010 when consulting and engaging; aiming to involve all sections of the community to ensure there is an understanding of the impact of its activities and decisions on different people. Consultation is a key element of informing the Council's Customer Access Reviews.</p>
Step 2: Information collection	
5. What do you know about the groups of people who will be affected? (i.e. demographic information in relation to the protected characteristic groups of age, disability, pregnancy and maternity, religion or belief, race, sex, sexual orientation, gender reassignment, marriage and civil partnership)	<p>The Council's approach to consultation and engagement is implemented corporately across all Council departments and information on the individuals and groups contacted and reached by consultation, is held by individual departments. Council departments can make use of a corporate Equality Monitoring form to capture information about consultees by protected characteristic groups.</p>
6. What consultation has taken place with affected groups? Please describe who was consulted and the key findings	<p>Consultation specific to this Strategy and Toolkit has not been undertaken.</p>
7. Are there any gaps in information? If so, what additional research and/or consultation is needed to ensure that affected groups needs and views are taken into account?	<p>Information on the individuals and groups contacted and reached by consultation, is held by individual departments. We are satisfied additional research does not need to be undertaken at a corporate level. Individual service area Customer Access Reviews will consider specific consultation and engagement activities in more detail.</p>

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Step 3: Assessing the equality impact

8. Consider whether the activity or proposal has or will have any positive or negative equality impacts on the protected characteristic groups in relation to the following aims of the Public Sector Equality Duty:

a) tackling unlawful discrimination
 b) promoting equality of opportunity
 c) promoting good relations

NOTES:

- The Initial Screening will have identified which aims of the Public Sector Equality Duty are relevant to the activity or proposal for consideration
- For existing activities, consider how they are working in practice for each relevant protected group
- For new proposals, consider whether there is anything that could give rise to positive and negative equality impacts for each relevant protected group
- If there is no identified equality impact, please tick the 'No Impact' box and explain why in question 9
- If the equality impact is unclear, please tick the 'Unknown' box and explain why in question 9

Step 3: Assessing the equality impact				
PROTECTED CHARACTERISTIC	POSITIVE IMPACTS	NEGATIVE IMPACTS	NO IMPACT	UNKNOWN
Age	<p>Dartford Borough Council facilitates an Elders Forum and a Youth Council, which are mechanisms for engaging and consulting with older and younger people.</p> <p>The Consultation & Engagement Toolkit covers how and when to consult with children and young people to ensure that their welfare is promoted when taking part in such activities.</p> <p>The Toolkit advises that consulters should consider contacting particular community groups or organisations that represent certain groups in order to help access a target</p>		<input type="checkbox"/>	<input type="checkbox"/>

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Step 3: Assessing the equality impact				
PROTECTED CHARACTERISTIC	POSITIVE IMPACTS	NEGATIVE IMPACTS	NO IMPACT	UNKNOWN
	<p>population, for example, Age Concern for older people.</p> <p>The Toolkit promotes the use of the Corporate Equality Monitoring form when carrying out consultation. This form collects information on the consultee’s background including their age. This type of information can help establish the extent to which different age groups have been reached and engaged in consultation activity, and the impact of proposals on this protected characteristic group.</p>			
Disability	<p>The Consultation & Engagement Toolkit recognises that some groups and individuals may find it more difficult to get their views heard if they have a disability and therefore promotes equality of opportunity by stating that consulters must take account of the accessibility of any venues to be used e.g. wheelchair access, accessible toilets, induction loops, accessibility by public transport and the provision of disabled parking facilities.</p> <p>Where work is being undertaken with people with low levels of literacy or learning difficulties, the Toolkit assists in promoting equality by</p>		<input type="checkbox"/>	<input type="checkbox"/>

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Step 3: Assessing the equality impact				
PROTECTED CHARACTERISTIC	POSITIVE IMPACTS	NEGATIVE IMPACTS	NO IMPACT	UNKNOWN
	<p>stating that a more pictorial style should be used for any presentational material.</p> <p>Under the corporate Translation and Alternative Format Policy, the Council will, on request, provide information in alternative formats for people with sensory impairments to ensure that information is accessible to everyone. This includes, for example, Braille, audio tape and large print communications. British Sign Language interpreters and Deaf-blind communications are also provided on request.</p> <p>The Toolkit promotes the use of the Corporate Equality Monitoring form when carrying out consultation. This form collects information on the consultee's background including disability. This information can help establish the extent to which people with disabilities have been reached and engaged in consultation activity, and the impact of proposals on this protected characteristic group.</p>			
Sex	The Toolkit promotes the use of the Corporate Equality Monitoring form when carrying out consultation. This form collects information on the consultee's background including		<input type="checkbox"/>	<input type="checkbox"/>

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Step 3: Assessing the equality impact				
PROTECTED CHARACTERISTIC	POSITIVE IMPACTS	NEGATIVE IMPACTS	NO IMPACT	UNKNOWN
	their gender. This information can help establish the extent to which people have been reached and engaged in consultation activity by their gender, and the impact of proposals on this protected characteristic group.			
Gender reassignment	The Toolkit promotes the use of the Corporate Equality Monitoring form when carrying out consultation. This form collects information on the consultee’s background including gender reassignment. This information can help establish the extent to which transgender people have been reached and engaged in consultation activity, and the impact of proposals on this protected characteristic group.		<input type="checkbox"/>	<input type="checkbox"/>
Race	The Consultation & Engagement Toolkit recognises that some groups and individuals may find it more difficult to get their views heard if English is not their first language and therefore promotes equality of opportunity by stating that consulters must consider whether information should be translated. Under the corporate Translation and Alternative Format Policy, the Council will, on request, provide information in alternative formats for		<input type="checkbox"/>	<input type="checkbox"/>

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Step 3: Assessing the equality impact				
PROTECTED CHARACTERISTIC	POSITIVE IMPACTS	NEGATIVE IMPACTS	NO IMPACT	UNKNOWN
	<p>people where English is not their first language to ensure that information is accessible to everyone. This includes translation and interpreting.</p> <p>The Toolkit assists in promoting equality by stating that consulters should consider contacting particular community groups or organisations that represent certain groups in order to help access a target population, for example, the Kent Cohesion and Equality Council or local Mosques/temples if they want to speak to a particular minority ethnic group.</p> <p>The Toolkit promotes the use of the Corporate Equality Monitoring form when carrying out consultation. This form collects information on the consultee’s background including race. This information can help establish the extent to which people from different ethnic groups have been reached and engaged in consultation, and the impact of proposals on this protected characteristic group.</p>			
Religion/Belief	The Consultation & Engagement Toolkit assists in promoting equality of opportunity by stating that you		<input type="checkbox"/>	<input type="checkbox"/>

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Step 3: Assessing the equality impact				
PROTECTED CHARACTERISTIC	POSITIVE IMPACTS	NEGATIVE IMPACTS	NO IMPACT	UNKNOWN
	<p>should consider the timing of the consultation and, for example, be aware of religious events or festivals which may affect response rates.</p> <p>The Toolkit promotes the use of the Corporate Equality Monitoring form when carrying out consultation. This form collects information on the consultee's background including religion or belief. This information can help establish the extent to which people with or without a religion or belief have been reached and engaged in consultation activity, and the impact of proposals on this protected characteristic group.</p>			
Sexual Orientation	<p>The Toolkit promotes the use of the Corporate Equality Monitoring form when carrying out consultation. This form collects information on the consultee's background including sexual orientation. This information can help establish the extent to which people with different sexual orientations have been reached and engaged in consultation activity, and the impact of proposals on this protected characteristic group.</p>		<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy/Maternity			<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marriage and Civil Partnership*	N/A		<input checked="" type="checkbox"/>	<input type="checkbox"/>

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* Regarding the protected characteristic of Marriage and Civil Partnership – public bodies need to comply with the first aim of the Public Sector Equality Duty and only in the context of employment.

Step 3: Assessing the equality impact	
9. If 'no impact' or 'unknown' was selected, please explain	There is no evidence to suggest that the Consultation & Engagement Strategy and Toolkit will have a negative disproportionate impact on people because of the protected characteristic group of pregnancy or maternity. Marriage and civil partnership applies only in the context of employment, which is not the subject of this assessment.
10. If Dartford Borough Council works with partners to deliver the activity or proposal, please describe any circumstances that could give rise to positive or negative equality impacts between different groups	The Council may use external research organisations to undertake consultation on its behalf, or the Council's partners may also carry out consultation work. The Consultation & Engagement Toolkit makes clear that external organisations must have regard to the aims and principles of the Consultation & Engagement Strategy and Toolkit.
11. Any other comments	None

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Step 4: Action plan

12. Based on the information in Steps 1 to 3, please list the actions that will be taken to address:
 a) any gaps in information and consultation
 b) how any negative impacts on equality will be mitigated or eradicated

a) If additional information and/or consultation is required or the impact is still unclear, what actions will you put in place to gather the information you need?

Information needs	Action	Intended outcome	Date for completion	How this will be monitored	Responsible officer
None					

b) If any negative impacts on equality were found, what actions will you put in place to mitigate or eradicate these impacts?

Identified impacts (and who is affected)	Action	Intended outcome	Date for completion	How this will be monitored	Responsible officer
None					

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Step 5: Decision making and future monitoring	
13. Which decision making process does this Customer Access Review need to go through? i.e. who does this need to be approved by?	Strategic Director (Internal)
14. Is the subject of the Customer Access Review going to committee? If yes, include your findings in the committee report and attach this assessment to the report	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
15. How will you continue to monitor the activity or proposal on protected characteristic groups?	Continue to collect and analyse results of DBC surveys, equality monitoring forms and other surveys through the Consultation Database.
16. When will you review this Customer Access Review?	Every three years or when the Consultation & Engagement Strategy and Toolkit documents are reviewed.

Step 6: Final steps

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| 17. Once this Customer Access Review has been approved, send this assessment to the Policy & Projects Officer |
| 18. Implement the actions identified from this Customer Access Review and ensure progress is monitored and recorded |