



Executive Committee

All Wards

22 July 2009

DUTY TO INVOLVE – IMPLICATIONS

(Report of the Head of Strategy and Partnerships)

1. Summary of Proposals

This report advises Members of the implications of the Duty to Involve and considers the arrangements required for ensuring effective involvement of local people in planning for and delivering services.

The principle behind the new duty is to ensure that local people have enhanced opportunities to have their say. In meeting the duty the Council will need to consider how it provides information, consults and involves throughout all functions.

2. Recommendations

The Committee is asked to **RESOLVE** that

- 1) the requirements of the Duty to Involve be noted; and
- 2) a self-assessment be conducted in order to establish areas of compliance, analyse gaps and identify actions required in order to meet the Duty to Involve; and
- 3) a Communications and Engagement Strategy be developed, taking into account the findings from the gap analysis.

3. Financial, Legal, Policy, Risk and Sustainability Implications

Financial

- 3.1 Community engagement activities are currently funded from existing budgets within service units.
- 3.2 When gaps have been identified within the current arrangements it is likely that funding will be required for future activities in discharging the Council's responsibilities under the Duty to Involve. Further financial implications including resource requirements will be identified through the gap analysis.

Legal

- 3.3 The Duty to Involve is set out in section 138 of the Local Government and Public Involvement in Health Act 2007. The new duty does not replace existing requirements on authorities to engage users or citizens. Specific requirements are addressed within the report.
- 3.4 When considering if and how representatives of local persons should be involved authorities should bear in mind that the duty does not give any new powers. For instance it does not enable authorities to pass on duties or responsibilities to another body, group or individual beyond the powers set out in other legislation (eg s.101 of the Local Government Act 1972)

Policy

- 3.5 The Corporate Plan was adopted by Council on 20th April 2009. The Well Managed Organisation key objective WM9 to develop and introduce a Communications and Engagement Strategy was approved as part of a range of objectives.
- 3.6 The vision for Redditch Sustainable Community Strategy, adopted by Council on 27 October 2008 is for 'Redditch to be successful and vibrant with sustainable communities built on partnership and shared responsibility. Shared responsibility promotes active community participation.

Risk

- 3.7 There will be implications for the Comprehensive Area Assessment if the Council demonstrates poor performance against the requirements of the Duty to Involve. CAA will assess how well the Council and its partners know and understand the needs and aspirations of their communities. The inspectors will be seeking evidence of the effective implementation of the Duty to Involve.
- 3.8 The Council's overall engagement arrangements may be subject to challenge if they are insufficiently robust to meet the requirements of the new duty.
- 3.9 Without effective citizen involvement there is the risk that the intended benefits such as services which better reflect the needs of users, will not be achieved.

Sustainability / Environmental

- 3.10 Engagement with citizens and communities is central to sustainable development. The Council has an important part to play in enabling

involvement in decision-making, and ensuring that sustainability becomes embedded in local services.

Report

4. Background

- 4.1 'Engagement should be embedded as standard practice throughout the authority, central to service delivery, policy and decision making' as promoted by Communities and Local Government (CLG), in their guidance document.
- 4.2 Central government is placing an increasing emphasis on involvement and devolution of power. Various government departments have evidenced the benefits of involving citizens in decision making and service provision:
- a) strengthening the democratic legitimacy of government and the civic life of the community
 - b) more efficient and effective services that better reflect the needs of users and have higher levels of customer satisfaction
 - c) safer communities and a more attractive built environment that meets people's needs
 - d) strengthening community cohesion
- 4.3 The Council already undertakes a range of engagement activities to meet the existing requirements of individual service functions (such as spatial planning). The new duty will need to be considered in addition to existing activities in order to identify gaps.
- 4.4 There are strong links between community engagement and the performance of local authorities. There are seven indicators in the national indicator set that relate to empowerment:
- a) NI 1 – percentage of people from different backgrounds who believe people get on well together in their local area
 - b) NI 2 – percentage of people who feel they belong to their Neighbourhood
 - c) NI 3 – level of civic participation in the local area
 - d) NI 4 – percentage of people who feel they can influence decisions in their local area
 - e) NI 5 – overall general satisfaction with the local area
 - f) NI 6 – participation in regular volunteering
 - g) NI 7 – environment for a thriving third sector

5. Key Issues

- 5.1 The Duty to Involve came into force on 1st April 2009. It requires the Council to take steps considered appropriate to involve representatives of local persons in the exercise of any of their functions, where they consider it appropriate to do so.
- 5.2 The following three ways of involving must be considered:
- a) **Providing information** about the exercise of the particular function
 - b) **Consulting** about the exercise of the particular function
 - c) **Involving** in another way
- 5.3 A summary of the requirements is presented at Appendix 1 setting out who the Council will need to engage with, how this will be conducted, what factors need to be considered in applying the duty and what success will look like for both the Council and local people.
- 5.4 There are a range of issues and considerations to be addressed in order to successfully implement the Duty to Involve. The Council's Communication and Engagement Strategy will need to ensure:
- a) involvement leads to change
 - b) involvement is co-ordinated
 - c) the authority is set up for involvement
 - d) information is tailored and targeted
 - e) involvement is broad and inclusive
 - f) councillors lead involvement
 - g) involvement harnesses the third sector
 - h) involvement is monitored and evaluated
- 5.5 Community empowerment is the outcome of effective community engagement. It is also defined in the *Communities in control: real people, real power* white paper as 'passing more and more political power to more and more people, using every practical means available'.
- 5.6 The Improvement and Development Agency (IDeA) has developed a framework for an 'ideal empowering authority' and provides a benchmark against which the Council can assess its empowerment work. The framework uses diagnostic questions and identifies detailed success factors in the following key areas:
- a) Mainstreaming community empowerment
 - b) Working with communities, neighbourhoods and localities
 - c) The role of Members in community empowerment
 - d) Building the evidence and business case for community
 - e) Empowerment

- f) Integrating community empowerment with community cohesion,
- g) equalities and human rights

5.7 The findings from this self assessment will help to inform the Communication and Engagement Strategy. In addition, the Strategy will identify the practical ways in which to engage with communities including empowerment methods, consultation methods and participatory techniques.

5.8 A timetable for carrying out the self-assessment and developing the strategy is shown below.

Audit existing communications and engagement activity – July 2009
Conduct self assessment in relation to compliance with the Duty to Involve – August 2009
Introduce revised corporate identity – August 2009
Introduce new Media Relations Policy – August 2009
Produce Communications and Engagement Strategy document – September 2009

6. **Other Implications**

- Asset Management - No specific implications
- Community Safety - Improved customer engagement will assist the Council and its partners to develop actions to meet the requirements of section 17 of the Crime and Disorder Act 1998 as amended.
- Human Resources - Human Resource implications will be identified through the self-assessment process.
- Social Exclusion - Strengthening the way in which the Council engages will have a positive impact on social exclusion in the area

7. **Lessons Learnt**

7.1 Community engagement should be mainstreamed as part of everything that the Council does with the aim of better outcomes for people and places. This endorses the legal requirement *'to take appropriate steps to involve representatives of local people in the exercise of any functions'*.

8. Background Papers

Creating Strong, Safe and Prosperous Communities: Statutory Guidance, Communities and Local Government, 2008

Community Empowerment, Improvement and Development Agency, April 2009

The Duty to Involve: Making it Work, Community Development Foundation, 2009

9. Consultation

This report has been prepared in consultation with relevant Borough Council Officers.

10. Author of Report

The author of this report is Liz Bellaby, Acting Policy Manager, who can be contacted on extension 3318 (e-mail: liz.bellaby@redditchbc.gov.uk) for more information.

11. Appendices

Appendix 1 – Summary of the Requirements of the Duty to Involve.