

Derbyshire County Council

Consultation and Engagement Strategic Framework

March 2025

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Version Control

Version	Department	Date	Contact
0.1	Strategy and Policy, CST	11/09/2024	Armon Williams
0.2	Strategy and Policy, CST	13/09/2024	Mel Turvey
0.3	All – CCEG Group Members	27/09/2024	CCEG
0.4	Strategy and Policy, CST	30/09/2024	Armon William
0.5	Strategy and Policy, CST	01/10/2024	Mel Turvey
0.6	Strategy and Policy, CST	11/10/2024	James Rhodes
0.7	Corporate Management Team	11/02/2025	James Rhodes
0.8	Legal Services, CST	14/02/2025	Jeanette Bloor
0.9	Strategy and Policy, CST	26/02/2025	Mel Turvey
1.0	Approved at Cabinet/CMT	12/03/2025	Mel Turvey

Last updated: 12 March 2025, v1.0

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1. Introduction and Purpose

Derbyshire County Council is committed to listening to residents' feedback on services and local needs. We recognise that effective consultation and the involvement of residents, services users and stakeholders in the Council's decision-making are key to improving services and enhancing quality of life.

Public sector bodies have a Best Value Duty¹ to consult and robust consultation is integral to meeting this duty. This strategic framework establishes Derbyshire's values and goals and outlines when and how to effectively consult and engage. It also supports the Council's principle of putting the customers and residents first and underpins our Customer Experience Strategy which will provide a dedicated channel for listening to and gaining insights from our customers, gathering valuable feedback, identify areas for improvement, and ensure we continually strive to improve so that our services are aligned with the needs and expectations of the community.

The purpose of this Consultation Strategic Framework is to promote best practice, encourage cooperation, and provide guidance on listening to and involving service users, customers, residents, businesses, and stakeholders in order that we carry out consultation and engagement across the council in a consistent way, to ensure that our consultations are timely, meaningful, and impactful.

The aim of consultation processes is to hear what the public of Derbyshire have to say and to take that fully into account in our decision making.

This framework does not apply to the internal consultation with staff or any process relating to collective

2. Our vision

Our vision is to foster a thriving, inclusive community where every customer, service user, resident, business, and stakeholder feels valued and empowered. By actively engaging and collaborating with all voices, we aim to shape a future that reflects local needs, promotes equality, and enhances the quality of life for everyone. Our commitment to transparency, fairness, and meaningful consultation will ensure that every individual has the opportunity to influence decisions and contribute to the success of our community.

3. When to Consult - Our Duty

1. Statutory Provisions

These are legal requirements mandating that a consultation must take place. They are present in several crucial areas:

- Best Value Duty - Local Government Act 1999 [section 26]²
- Health and Social Care Act 2012 [section 14Z2]³
- Childcare Act 2006 [section 5D]⁴
- Children and Families Act 2014 [section 38]⁵
- Environment – Town and County Planning (Environmental Impact Assessment) Regulations 2017⁶
- Equality – Equality Act 2010 [section 149]⁷

In addition to specific statutory requirements, statutory guidance can also require consultation. Where it does, the statutory guidance must be followed unless there are exceptional reasons not to.

2. Doctrine of Legitimate Expectation (common law)

Under common law, the courts recognise consultees' rights to expect a fair process that includes guidance and management commitments. The legitimate expectation applies:

- when there has been a clear promise of consultation
- where official guidance/policies imply a promise to act in a particular way

In essence, when people justifiably anticipate a consultation process, such as with local authority service reductions or major changes.

3. Common law duty of fairness

A requirement to consult may arise from the common law duty of fairness, meaning a public authority must act fairly in the exercise of its functions. The more serious the implications of a proposal, the greater the likelihood of a common law duty to consult. The duty is applicable when:

- A benefit or service is withdrawn or altered in a manner that significantly affects individuals.
- The relationship's nature would result in unfairness without proper consultation

4. Interest

The Council can decide of its own volition to consult with the public over any issue it determines relevant. This may not be as a result of any of the above scenarios.

Where a decision to conduct a consultation is made (whether legally required or not), it must be executed properly to ensure the fairness of the consultation process.⁸

4. Our Aims

This framework supports our vision for consultation ensuring all practices meet legal standards and good practice:

- Make processes meaningful, timely, and fit for purpose
- Ensure inclusivity, providing equal opportunities for contribution and participation
- Build trust in the Council through fair, open, and transparent engagements
- Provide value for money by reducing costs and avoiding duplication.
- Strengthen strategic planning with a consistent, coordinated approach
- Ensure a legal basis for all consultation and engagement

Our **aim** is to ensure that all consultation processes:

- Value and respect people's time and contributions
- Provide clear, accessible, and inclusive opportunities for contribution
- Use well-designed, visible methods appropriate to need
- Keep participants informed throughout, including key findings, decisions, and actions

To achieve these aims and values we adhere to the Gunning Principles which underpin our consultation activities.

The Gunning Principles

These are a set of legal principles that have been established as good practice when conducting consultation exercises:

1. **Proposals must be at a formative stage:** No final decision has been made or predetermined, by the decision makers
2. **Sufficient information is provided to give 'intelligent consideration':** The information must be relevant, accessible, and understandable for participants to make informed responses
3. **There is adequate time for consideration and response:** The timeframe should suit the subject and impact of the consultation and allow a reasonable amount of time for effective participation in a consultation process
4. **'Conscientious consideration' must be given to the consultation responses before a decision is made:** Decision-makers must fully consider the outcome of the consultation and evidence they have considered consultation feedback before making a decision.

These principles establish a legal foundation for all consultation activities with the public. This framework is designed to instil a culture of consultation grounded in these principles.

5. What do we mean by consultation, engagement and involvement?

The terms consultation, engagement and involvement are often used interchangeably. However, while all aim to gather others' views or expertise, they differ. It's crucial to define if an activity is a consultation or engagement from the start for an effective process.

Involvement

Involvement is characterised as by the Consultation Institute as:

"Effective interactions among planners, decision-makers, individual and representative stakeholders to identify issues and exchange views on an ongoing basis."

This includes active participation with the Council and other local service providers in policy development, service planning and review, or improving outcomes. Decision-making authority may rest solely with the Council or be shared, depending on the issue. The extent of involvement will differ based on the specific consultation, with no fixed methodology.

Engagement

The purpose of engagement is to develop ongoing, inclusive and mutually beneficial working relationships with our customers, residents and stakeholders, incorporating their views and values early on in any decision-making process, providing an opportunity for a more participatory role before any consultation activity occurs.

Engagement enables people to influence and shape council policy and local services or to improve local outcomes and is the cornerstone of partnership working. In this framework, we define **engagement** as an activity or process that:

"Brings people together to help to understand and solve local problems, to influence and shape council policy or council services, or to address issues of common importance and to achieve positive change."

Consultation

Is a specific and time-bound process of asking for and listening to people's and partners' views to inform or influence a particular proposal, council decision, policy, strategy, or action. The Consultation Institute defines **consultation** as:

"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."

6. Our standards for consultation

We recognise that effective consultation requires flexibility and transparency. To guide our efforts, we have adopted key standards:

- 1. Clarity and Purpose:** We will clearly explain why we are consulting and how feedback will be used. We will ensure consultations are open, honest, and conducted at stages where public input can influence decisions.
- 2. Inclusiveness:** We aim to involve a wide range of community members, ensuring that everyone, particularly under-represented and hard-to-reach groups, has an equal opportunity to participate.
- 3. Accessibility:** We will organise consultations that are easy for all to access and understand, using appropriate language and cost-effective methods suited to the needs at hand. Providing the information required in a manner suitable for participants to make informed responses.
- 4. Transparency and Feedback:** We will keep participants informed throughout the process, reporting back on input received, decisions made, and actions taken.
- 5. Informed Decision-Making:** We will use consultation findings to make decisions that improve services and enhance the quality of life for the community.

By integrating these standards into all consultation and engagement activities, we aim to ensure the delivery of meaningful and effective consultation and engagement.

7. Meeting our commitments

There are several key governing Council Strategies and Policies which form the central core of the Council's approach to conducting consultation. These strategies and policies form the foundation of our approach to ensuring that we meet our duties and involve our residents, services users and stakeholders in decision making processes.

The Council's Constitution

The Council's Constitution is the core document that defines the basic principles specifying the powers and responsibilities of the Council, Cabinet, and elected representatives.

Article 7.2 of the Derbyshire County Council's Constitution establishes the principle that consultation **must be incorporated into the Council's decision-making processes**

The Council Plan 2025-29

The Council Plan outlines the Council's strategic direction and priorities. It serves as the main planning framework for delivering our services. Data from consultations is crucial for improving service delivery and meeting local needs. This framework supports the Council Plan, ensuring a consistent approach to decision-making in line with the vision of being a resident-focused and efficient organisation that delivers value for money.

More information about the current Council Plan can be found here: [Working for Derbyshire. Our Council Plan - Derbyshire County Council](#)

Customer Experience Strategy

The Council is developing a new Customer Experience Strategy and Customer Charter aimed at improving customer care and interactions with Council services. This Strategy will be based on three key customer commitments:

- We will be responsible, open and honest
- We will work together to achieve positive outcomes
- We will listen and be open to new ideas

The Customer Experience Strategy will be another mechanism by which we can gain important customer insight about our services and how we can continually improve.

Equality, Diversity and Inclusion (EDI)

Derbyshire County Council has an important role to play in helping to reduce inequalities and safeguard the rights of people protected by the Equality Act 2010.

Following a Council decision in June 2024, the Council has revised its approach to EDI by moving away from a separate EDI Strategy towards focusing on four equality objectives. This shift allows the organisation to raise awareness around EDI issues and apply an EDI "lens" as part of its everyday business and organisational culture, while simplifying the current approach and maintaining realistic outcomes. The objectives are to:

- Understand all our diverse communities and use that understanding to shape organisational policy and practice
- Lead by example on equality, diversity and inclusion
- Create a working environment that is inclusive where all colleagues feel that they belong and can be their best at work
- Design, provide and deliver services that are accessible, inclusive and responsive to the needs of the people of Derbyshire and reflect our organisational culture.

By embedding these EDI principle and objectives into our consultation activity, we will be ensuring that all colleagues and our communities will have a voice, ensuring we listen and engage, shape and respond to enable an inclusive

culture. As a result, our inclusive culture will ensure equality, diversity and inclusion underpins our planning and service delivery leading to improved outcomes for our communities.

Corporate Consultation and Engagement Group (CCEG)

The Corporate Consultation and Engagement Group (CCEG), which includes Departmental Consultation Leads and team representatives, oversees council consultation activity. The CCEG collaborates to develop strategic frameworks and governance structures for consultations, ensuring adherence to best practice including quality assurance, compliance with UK GDPR, and adherence to Equalities and Diversity legislation. Furthermore, it strives to represent the voices of all communities and deliver solid consultation within a legal framework.

8. Developing effective processes

Our framework focuses on empowering everyone by establishing transparent, meaningful, and inclusive processes. Whilst much of the framework outlines our guiding principles for consultation, we also aim to ensure robust procedures are in place that allow communities and individuals to initiate discussions and voice concerns.

Timescales and Processes

Effective project management and a delivery plan for consultation activities are essential. The process, from planning to reporting, needs adequate time for effective consultation engagement. There may be specific statutory requirements or guidelines regarding the timeframe that must be followed, and for particularly complex matters, a longer period might be necessary.

9. Methods for consulting and engaging

Derbyshire County Council engages and involves people in a number of different ways, utilising a range of different engagement approaches and activities tailored towards the most appropriate methods for different groups and audiences ensuring we communicate effectively and reach the residents, groups and service users to gain their views. We engage by:

Clear timescales and processes are crucial for planning and executing effective consultations within our deadlines.

- **Information** - sharing information via e-newsletters, email, websites and social media.
- **Process** – developing clear and accessible processes based on best practice
- **Compliance** - following statutory or regulatory requirements
- **Structures** - engaging various formal and informal forums and partnerships utilising the most appropriate methods of engagement.
- **Consultation** - performing consultations with adequate information and time for responses.

- **Co-production** - collaborating to define issues, design responses and deliver solutions effectively
- **Consultation activities for this purpose does not include consultation with staff** (redundancies)

Inherent within each of these approaches, is a commitment to equality and our duty to provide best value within a legal framework.

10. Keeping our information safe

In order for the Council to deliver over 140 services to our residents, many of which are statutory, we need to monitor our customer satisfaction levels, service user opinion, monitor quality of life, health and the local economy. We cannot perform our duty as a Council without resident and customer interactions.

We typically gather information to:

- provide, plan and manage our services
- carry out our regulatory, licensing and enforcement roles
- carry out any other tasks which we have to do by law
- make and take payments and grants and spot fraud
- listen to your ideas about our services
- tell you about our services

We can only use personal and identifiable information if we have a lawful basis for doing so. Information gathered as part of consultation and engagement must be gathered lawfully, with an opt in for consent to take part in the consultation activity. The consultation will also be subject to the Consultation, Engagement and Prize Draw Privacy Notice or the relevant departmental/service privacy notice for statutory consultation, the project Data Protection Impact Assessment (DPIA) and/or Information Sharing Agreement.

Council's website

Data Protection and UK GDPR

The Council is legally obligated under UK General Data Protection Regulation (GDPR)⁹ and the Data Protection Act 2018¹⁰ to regulate how personal information is used. Organisations and the public sector must adhere to data protection principles, ensuring data is:

- processed lawfully, fairly, and in a transparent manner
- collected for specified, explicit and legitimate purposes
- adequate, relevant and limited to only what is necessary
- accurate and, where necessary, kept up to date
- kept for no longer than is necessary

- processed in a manner that ensures appropriate security, including protection against unlawful or unauthorised processing, access, loss, destruction or damage

More information on Information Security is available in the Council's Safe Haven policy and GDPR pages on the [website](#).

11. Conclusion

Derbyshire County Council's strategic framework for consultation and engagement is designed to ensure that our processes are consistent, transparent, inclusive, and effective. By adhering to our guiding principles and standards, we aim to foster a culture of meaningful dialogue with our community, integrating their insights into our decision-making processes.

Through the implementation of this framework, we are committed to providing clear, accessible, and timely opportunities for all voices to be heard.

Our dedication to informed decision-making, supported by thorough consultations, reflects our pursuit of service excellence and accountability. We are committed to listening and taking your views into account in our decision making. The outcome of consultation activities will be conscientiously considered at all levels when making decisions.

As we move forward, we will continue to refine our approach, embracing best practices and innovations to better serve our residents, businesses, and stakeholders. By working together, we can build a responsive and resilient community that thrives on collaboration and mutual respect. Your continued engagement and feedback are paramount to our success, and we deeply appreciate your support.

Thank you for being an integral part of our journey towards a more inclusive and effective Derbyshire County Council.

References

¹ [Statutory guidance on the Best Value Duty for local authorities in England, issued under section 26 of the Local Government Act 1999 and](#)

[revised 2015:](#)

The Best Value Duty applies to how “authorities should work with voluntary and community groups and small businesses when facing difficult funding decisions.” It states that authorities are to “consider overall value, including economic, environmental and social value, when reviewing service provision.” To reach this balance, prior to choosing how to achieve the Best Value Duty, authorities remain ‘under a duty to consult representatives of a wide range of local persons.’ This duty to consult is not optional.

² [Section 3\(2\) of the Local Government Act 1999](#) provides details on those who should be engaged in such consultations.

³ [Health and Social Care Act 2012](#) states that "the clinical commissioning group must make arrangements to secure that individuals to whom the services are being or may be provided are involved (whether by being consulted or provided with information or other ways)."

⁴ [Childcare Act 2006 \[section 5D\]](#) requires consultation in respect of closure or changes to Children’s Centres

⁵ [Children and Families Act 2014 \[section 38\]](#) requires the LA to consult with parents of the relevant child on the contents of their draft EHC Plan

⁶ [Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017](#) In consultations relating to the development of environmental policy, Environmental Impact Assessments must be carried out, to determine potential effects on the natural environment.

⁷ The [Equality Act 2010](#) states that public bodies must have “due regard” to a variety of Equalities objectives and consequently, Equality Analysis (formally Equality Impact Assessments) must be carried out to demonstrate that decision-makers are fully aware of the impact that changes may have on stakeholders. The concept of “due regard” was reinforced in 2012 during the review of the Public Sector Equality Duty which “requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities”.

⁸ [New Conversations 2.0, LGA Guide to Engagement; February 2019](#)

⁹ [The UK GDPR | ICO](#)

¹⁰ [Data Protection Act 2018](#) (DPA 2018) is a United Kingdom Act of Parliament which updates data protection laws in the UK. It is a national law which complements the European Union's General Data Protection Regulation and replaces the Data Protection Act 1998.