

Statutory Guidance on Public Participation Strategies

Status of this Guidance

This is statutory guidance made under section 44 of the Local Government and Elections (Wales) Act 2021 (the 2021 Act).

Purpose of this Guidance

This guidance is to support councils in the preparation and maintenance of their Public Participation Strategies which aim to support and encourage decision making which is informed by, understands and reflects the diversity of the communities in the council area.

Policy intent

Public participation is essential to ensuring the needs and aspirations of communities are at the heart of local decision making. Councils must demonstrate they recognise and value the contribution of local people in identifying, shaping and evaluating the services they and their families rely upon. This is central to the ethos of the Well-being of Future Generations (Wales) Act 2015 and sections 39 to 41 of the 2021 Act are intended to work in harmony with the pursuit of councils' well-being goals and complement the five ways of working set out in the Act.

There are many ways of involving, engaging and interacting with individuals and groups of individuals within communities for example, formal consultations, focus groups, public meetings and citizens juries. No one mechanism is the key to developing a partnership approach between members of the public and the council which serves them.

A public participation strategy must go beyond relying solely on traditional requests for feedback on pre-determined plans and establish a relationship with communities built on trust, a commitment to listen to all voices and for those voices to be heard and to work together with the community to explore and resolve issues of concern, promote and recognise achievements and face new challenges together.

The aim of the public participation strategy is to set out the arrangements the council intends to put in place to deliver a culture of partnership with the public. For the public to have confidence in the council's commitment to encourage and act on their views, the participation strategy must be developed in collaboration with the public.

What the Act requires

The Act places a duty on principal councils to encourage local people to participate in their decision making. This includes where councils are making decisions in partnership with another principal council or in conjunction with another individual or body such as a local health board. This is set out in section 39 of the 2021 Act.

Section 40 of the Act then requires a principal council to prepare and publish a public participation strategy setting out how it will encourage local people to participate in its decision making. These strategies must include:

- a) ways of promoting awareness among local people of the principal council's functions;
- b) ways of promoting awareness among local people of how to become a member of the principal council, and what membership entails;
- c) ways of facilitating access for local people to information about decisions made, or to be made, by the principal council;
- d) ways of promoting and facilitating processes by which local people may make representations to the principal council about a decision before, and after, it is made;
- e) arrangements made, or to be made, for the purpose of the council's duty in section 62 of the 2011 Measure (bringing views of the public to attention of overview and scrutiny committees);
- f) ways of promoting awareness among members of the principal council of the benefits of using social media to communicate with local people.

In developing its public participation strategy a councils must consult people who live, work or study in the council's area and anyone else it thinks appropriate. Section 41 of the 2021 Act requires a council's first strategy made under this section to be published as soon as reasonably practicable after the local government elections in May 2022.

Section 41 then enables the council to determine the frequency of the subsequent reviews of its strategy but it must consult with people who live, work or study in the council's area and anyone else it thinks appropriate when undertaking a review. The revised or new version of the strategy must be published as soon as possible after the review.

Terminology

Language is important when communicating with a wide range of people. Terms such as involvement, engagement, participation and consultation are often used interchangeably. There are however differences in the meanings.

This guidance uses the following definitions

Participation - "People being actively involved with policy makers and service planners from an early stage of policy and service planning and review" (Practitioners' Manual for Public Engagement - Participation Cymru, 2012)

Engagement: An active and participative process by which people can influence and shape policy and services that includes a wide range of different methods and techniques.

Consultation: A formal process by which policy makers and service providers ask for the views of interested groups and individuals.

An important approach in Wales is co-production, defined by the Co-production Network for Wales as:

“An asset-based approach to public services that enables people providing and people receiving services to share power and responsibility, and to work together in equal, reciprocal and caring relationships”

Similarly, Asset Based Community Development is another useful approach. See, for example, the five core principles of Assets Based Community Development.

Councils already have experience in participation, engagement, consultation and co-production across their organisations. All of these approaches have benefits and can work together in harmony. The expectation is that councils will build on this experience and move towards promoting even greater participation to ensure that decisions are informed by a range of stakeholder interests leading to improved outcomes for citizens.

Preparing the strategy

In preparing the strategy the council should be clear to those it is required to consult with under section 41 of the 2021 Act on its purpose. The purpose is to set out **HOW** the council will achieve the requirements set out in section 39 of the Act.

Each of the requirements cannot be met solely through formal consultation, although formal consultation may be one of the pathways for participation, demonstrating that the requirements are being met will involve setting out a basket of measures. For example, demonstrating the council is meeting the requirement relating to ways of promoting and facilitating processes by which local people may make representations to the council about a decision, before, and after it is made could include formal consultation processes but could also include how to make representations to your ward member, how to submit questions to the council leader, how to submit evidence to scrutiny committees, how to become a member of a citizens' panel or a co-production forum and so on.

Whilst meeting the requirement relating to promoting awareness among local people of how to become a member of the principal council and what membership entails could include youth councils and youth cabinets, outreach in local communities and

opportunities for shadowing elected members, promotion of how to attend council meetings, podcasts and webcasts about the work of elected members and so on.

The development of the strategy should be informed by discussions and involvement of the public as to its purpose and what participation pathways would best enable them and support them to engage in local decision making. The approach to the development of the strategy and the routes for participation it sets out must go beyond this, focusing on a partnership approach with those impacted by decisions made and services provided the council.

An effective approach to public participation cannot be achieved without investment. It is essential as part of any baseline assessment the current level of resource allocated to engaging with the public is identified with an explanation of what those resources deliver.

The requirement to develop a public participation strategy should not be seen as an indication that councils are not already engaging with the public. Many councils will already have a number of mechanisms in place aimed at helping the council to understand the views of the public it serves. Councils should use the strategy to build on the strengths it already has in this area, while developing new ways of working within a wider partnership approach to demonstrate its commitment to public participation.

Councils should have regard to their statutory duties in respect of equalities, Welsh language and the Well-being of Future Generations (Wales) Act 2015 when preparing their strategy. Councils should also be aware that a well-rounded public participation strategy is integral to demonstrating it is meeting its duties under section 89 of the 2021 Act to keep its performance and governance under review and its duties under section 90 to consult local people on performance.

Baseline assessment

An important part of any strategy is being clear about the starting point. In the case of a public participation strategy it is necessary to understand what is already in place, what works well and where the gaps are. It is essential there is an understanding of the demographics within the local authority area. A local authority should conduct a baseline assessment as part of its preparation for developing a public participation strategy.

Key issues which should be considered as part of this assessment are the demographic profile of the local authority, the existing level and nature of community engagement and the current approach to public participation. The following questions, while not exhaustive, may be useful in establishing the baseline assessment:

- What is the local authority's demographic profile?
- What community networks already exist and under what circumstances does the local authority engage with them?
- What community leaders and local issues champions has the local authority identified, developed and maintained relationships with?
- What mechanisms currently exist for members of the community to put forward ideas to the council for consideration? How is this communicated to the public?
- How does the local authority act upon complaints received and how does the public know whether changes have been made to services / processes as a result?
- What resources are dedicated to community engagement / involvement? What has changed as a result?
- How does the public contribute to the scrutiny of the councils work?

The baseline assessment will help the local authority to focus on its strengths while developing a holistic, public centred strategy.

In advance of drafting a strategy the council should consider the requirement placed on it through sections 39, 40 and 41 of the Act alongside the baseline assessment. This will provide an opportunity to identify key issues which will be important in developing the strategy, the timelines for action and the potential for investment to support both the development of, and implementation of the strategy.

Designing effective public participation

Building on good practice and working with the public, councils can move from traditional approaches and design more collaborative, tailored and imaginative participation. Strategies should explain the approach and guiding principles the council has adopted. There are many approaches a council could follow in the development of its strategy and the following is intended to set out a high level approach of the key steps.:

Design

- Set out clearly the purpose of the strategy and the intended outcomes;
- Identify and set out the process for development such as public and stakeholder engagement and how this will be inclusive and extensive;
- Involve a wide range of staff across the council to bring together an understanding of existing interactions with the public, understand good practice and generate ideas;
- Ensure the design fulfils the statutory requirements relating to the Well-being of Future Generations (Wales) Act 2015, equalities and Welsh language and

considers the social model of disability and responsibilities in relation to children's rights;

- Set out how it will be ensured that the council executive and the council provide leadership for the development and implementation of the strategy;
- Set out how ward councillors will be involved in championing and leading the development process in their communities;

Development

- Map existing participation pathways, existing strengths and weaknesses, identify gaps;
- Identify opportunities where digital could add value or provide new opportunities;
- Use the development process to create participation, harness democratic involvement, both inside the council and with the public, and build it into involvement in decision making;
- Road test proposals in communities;
- Benchmark proposals with other councils;
- Identify on-going resource needs to implement and evaluate the strategy.

Evaluation and Revision

- Develop and use evaluation measures;
- Set timeframes for evaluation and revision.

This should not be approached as a sequential process. It should be noted that the above are interrelated, iterative tasks, not a step-by-step template.

Promoting awareness

Effective public participation relies on there being a range of information available to the public which includes information about the following:

- the role of the council;
- how the council is structured;
- who represents them on the council and what has their contribution been;
- How decisions are made;
- How decisions are scrutinised;
- Key contacts within the council for general and specific issues;
- Short, Medium and Long term plans;
- Financial aspects of the Council;
- Key contact points.

The above is not an exhaustive list, there are many other examples of information which should be easily accessible to the public. It is however important that the public help define what they consider to be important to them as opposed to an approach which solely relies on the council determining what it thinks is important to people.

Much of the above information should be included in the council's constitution and constitution guide which it is required to prepare, publish and keep up to date by section 37 of the Local Government Act 2000. Separate guidance has been published about constitutions and the constitution guide.

The council's public participation strategy should include how it will improve the way it promotes awareness for example by:

- Improving the relevant sections of the council's website;
- Ensuring the council's forward plan supports public engagement by being accessible, timely and user friendly;
- Ensuring information for potential councillors is available and fit for purpose;
- Communicating through council publications, local media and social media, taking steps to use languages such as BSL and Braille;
- Information and support for schools;
- Staff from across the council being involved in its design, development, review and revision so that all interactions with the public can be harnessed;
- Staff training and development on good practice engagement, encouragement to see the participation strategy as a living document with continuous opportunity for improvement;
- How it will measure progress in terms of public participation and
- Providing information to individuals interested in standing to be a councillor.

Reviewing, revising and replacing the strategy

Encouraging and implementing measures to encourage public participation is a challenging aspect of council business. It is expected that as participation levels increase, the new partnership approach between the council and individuals and communities will present more ways of working together which may necessitate amendments to the strategy, which should be developed in conjunction with the public.

The council must review its public participation strategy as soon as possible following each ordinary election, but may review its strategy at any other time. When reviewing the strategy the council must consult local people, and others it considers have an interest in the strategy. Following a review, the council may revise its strategy, or replace it with a new strategy.

The council must publish the revised or new strategy as soon as possible setting out the changes and the rationale for those changes.

However, the public participation strategy should not be viewed as a static 'document', only reviewed and revised to a pre-determined timetable. It should be viewed as an opportunity to constantly learn and develop and process should be in place to ensure learning and good practice can be captured and harnessed in between 'formal' reviews.

Matters to consider

Bringing together and joining up existing pathways for participation under the umbrella of the strategy

Principal councils already have numerous ways of enabling people and communities to get involved with their policy development and service delivery. However, the participation strategy can add value to existing pathways by clearly identifying them, signposting them and recognising them as potential multi-use pathways that could enrich areas of the council's work which they may not previously have been designed to interact or connect with.

Examples of existing participation pathways include:

- Interactions generated through engagement with the guide to the constitution published under section 37 of the Local Government Act 2000;
- Arrangements to support the delegation of functions to individual ward councillors under section 56 of the Local Government (Wales) Measure 2011;
- How the publication of future meeting dates of council, committee and scrutiny meetings and their forward work programmes support the public's knowledge of council business and therefore ability to engage with and participate in it;
- How policies relating to the co-option of members to council committees can support and enhance diversity of perspective;
- How arrangements for fulfilling the statutory duty in section 62 of the Local Government (Wales) Measure 2011 to take the views of the public into account work in harmony with and support the duty in section 39 of the 2021 Act;
- How arrangements for the public to make complaints and submit compliments to the council can be interactive and include feedback on changes or actions that result (this should form part of the Governance and Audit Committee's function to review and assess the effectiveness of the council's ability to handle complaints effectively);
- How the council's policies on the broadcasting of council meetings, including archiving, as required by section 46 of the 2021 Act support the public's awareness and therefore ability to engage with council decision making;

- Ensuring the work and engagement elected members undertake in their wards is recognised and incorporated into participation strategy;
- Connecting the enabling of members' annual reports under section 5 of the Local Government (Wales) Measure 2011 as a means of promoting awareness of the council's functions and the role of elected members;
- The Council's petition scheme and petitions submitted under it as required by section 42 of the 2021 Act;
- The council's duty under section 90 of the 2021 Act to consult local people on performance;
- Schools engagement programmes and work to ensure young people are registered and made aware of their voting rights;
- Youth councils and youth cabinets;
- Focus groups and citizens' panels.

One of the functions of the role of the participation strategy is to coherently set out how these pathways contribute to and enable the public to participate in decision making. It should identify how the added value of approaching participation in a holistic rather than piecemeal way. Mapping of existing pathways is also important to identify both gaps and potential connections which could strengthen the participation networks.

Making the best use of digital

Technology has advanced significantly during the last decade and there are many tools that, if used appropriately can help bring democracy closer to the public. It offers new ways of engaging, which can address previous limitations, rather than simply recreating traditional offline participation online. The use of digital services and communication across Wales varies, however, developing and maintaining the participation strategy provides the opportunity for councils to work together and share experience and learning as to what works. A participation strategy must set out the ways in which the council and the public can exploit the use of digital to maximise opportunities for effective participation.

The Covid-19 pandemic resulted in an increased awareness and use of digital, however these are technologies which present challenges in terms of training and awareness and a wide range of skills are needed to properly embrace digital participation. Councils should consider the cost benefits of investment in digital to promote engagement, including the investment in staff training and expertise required to make effective use of the opportunities digital presents. This is likely to mean taking a medium to longer term horizon for the realisation of benefits.

Participation strategies must include ways of promoting awareness amongst members of the principal council of the benefits of using social media to communicate with local people. This should be co-ordinated with the work of the Democratic Service Committees and its development of a member development strategy. Annual training reviews with individual members can be used to identify specific training needs but the participation strategy should set out how members will be involved in campaigns the council might run or support and how collective efforts of members can be harnessed on social media to promote and enable public participation. Separate guidance has been issued on member support, training and development and councils are reminded of their duties to ensure the well-being of their members is protected and, in particular, members are also provided with high quality training and information to deal with the challenges social media can bring in relation to threats and harm to personal well-being.

Digital is both a benefit and a barrier to diversity of participation and councils should be mindful of this when considering their approach to digital participation. Online channels can accommodate large volumes of participation thus allowing people with work, caring or other commitments to take their time to make their contribution at a time that suits them. However, it also has the potential to exclude some communities and people with protected characteristics from being able to participate in a way which is suitable or comfortable for them and so a mix of participation pathways should always be available.

This is because while digital communication offers significant benefits and opportunities to facilitate participation, the way it is implemented has the potential to exclude individuals. There are many reasons for this including physical and mental health conditions, accessibility of technology, lack of digital skills and socio-economic factors. Therefore, participation strategies must identify how the council will address these and other risks and ensure inclusivity.

Digital advances are likely to be a constant theme in society and it will be important for councils to enable staff to engage in exploration of new ways of working in a way that staff feel supported to try new ways of engaging. This will require appropriate safeguards to be put in place and the strategy should identify how any exploration will take place, how the public will be involved and how it will approach identifying and implementing safeguards.

Ensuring Equality and Diversity

This Welsh Government is committed to increasing diversity across all aspects of public life. This includes tackling the barriers which prevent individuals' active participation in local democracy and provision of local services.

Equality and diversity are fundamental to effective public participation. The public participation strategy must set out how the council will ensure the widest possible range of views from the public inform council business. This will require councils to go beyond what many describe as 'the usual suspects'.

Leadership and culture within councils is key to a successful partnership approach to participation. The baseline assessment councils conduct will assist in identifying existing routes to communication and engagement, while providing an opportunity to identify key communication gaps and opportunities to explore how the more hard to reach groups can be encouraged to participate. The use of representative groups, community leaders, ward councillors and charities can all provide important information about community networks. The involvement of such groups should be welcomed and form a key component of any public participation strategy.

The Equality Act 2010 provides a legal framework for protection against direct and indirect discrimination for people with protected characteristics. These include, age, sex, disability and religion. Councils must ensure its strategy sets out how it will advance equality of opportunity through the establishing and maintaining relationships with individuals and groups with protected characteristics.

In respect of disability, the Welsh Government is committed to the Social Model of Disability. This is an important approach, which goes beyond the Equality Act 2010 and broadens the focus on disability by recognising that what makes someone disabled is not their medical condition, but the attitudes and structures of society which present barriers. This is a key distinction and the removal of societal and attitudinal barriers must form part of the public participation strategy.

There are many ways in which barriers, often not intentional, can present in normal council business. An example would be where there are time limits on contributions to be made at meetings. The conditions some people experience may not be in a position to put forward their views within that time frame and as a result feel frustrated and not heard. This is a simple example of a self-imposed council barrier to participation, there will be others which could be explored further with those effected.

Local Authority Meetings

Much of a council's work is undertaken through meetings both at full council and committees. There are a number of challenges councils face when determining the arrangements for these meetings including the timing of the meetings, opportunities for the public to attend and contribute and communication of the impact on communities and individuals as a result of the decisions made. While the majority of these meetings are open to the public, it is recognised that not everyone will be able to attend in person. It is therefore important that information about the items to be

considered, the evidence base which will underpin discussions and the outcome is readily available to the public. The public participation strategy should be clear about the communication arrangements around all council meetings. Separate guidance about multi-location meetings has been published

The 2021 Act requires principal councils to broadcast meetings of the full council live as they happen. This development will allow the public to follow the proceedings of the full council in real time from wherever they are, hear the contribution of their local representatives and understand the issues raised in respect of agenda items. The council is also required to make the broadcast available electronically for a reasonable period after the meeting. This should be available for at least six months following the meeting. This should not be seen as a prohibition on councils to the broadcast of other meetings of the council. This is the first step in respect of broadcasting and the Welsh Government intends to extend this requirement to a number of other council committee meetings in the future. As part of its strategy councils should explore the views of the public about which of the council's committees they consider should be broadcast. This will require councils to ensure the public are clear about the nature and scope of each of its committees and sub committees.

Influencing decisions

A principal council must set out in its strategy how it will support people to express their views on decisions before and after they are taken. This could include, for example:

- Setting out arrangements for contacting a local councillor, or a relevant cabinet member or senior officer, to make representations directly – and how those representations will be responded to;
- Setting out how representations can be made at relevant meetings;
- Holding local meetings to discuss the issues with local people;
- Including mechanisms for individuals to identify issues for consideration through scrutiny (for example, through arrangements to support the public to suggest topics for scrutiny or opportunities to take part in the scrutiny process);
- Opportunities to make their views known via the council's website or social media channels, these should include opportunities for individuals to speak with 'real people' where appropriate rather than simply relying on automated responses or interaction.

Ensuring impact

The expected impact of participation should be integral to design, delivery and monitoring. Councils should consider impact in terms of:

- Inviting participation when thinking is still at a formative stage;
- Providing information that allows for informed consideration;
- Giving adequate time for consideration and response;
- Giving 'real' consideration to the results of participation before a decision is taken.

Councils should set out how participation will influence the council's decision making, how the executive and relevant committees will be involved and what processes will be put in place.

Transparency should also be a key feature of these processes as should feedback to those participating about what the impact of their involvement has been.

The strategy should set out how this feedback cycle will operate in practice.

Approval and Review

The strategy should set out the arrangements for approval and review within the council and what the proposed review cycle will be. As noted above, it should also set out that the strategy is a living document and to that end processes for on-going review and improvement should also be set out, as well as 'formal' full review periods and processes. The strategy should also set out how the it will be evaluated and how the council will incorporate learning from its self and panel assessments conducted under Part 6 of the 2021 Act into any resulting new or revised participation strategy.



Statutory Guidance on Petitions

Status of this Guidance

This is statutory guidance made under section 44 of the Local Government and Elections (Wales) Act 2021 (the 2021 Act).

Purpose of this Guidance

This guidance is to support councils in the preparation and maintenance of petition schemes aimed at enabling communities to explore support for specific issues to inform council deliberations.

What the Act requires

Section 42 of the 2021 Act requires principal councils to make and publish a petition scheme setting out how the council intends to handle and respond to petitions including electronic petitions.

The petition scheme must as a minimum set out:

- a) how a petition may be submitted to the council;
- b) how and by when the council will acknowledge receipt of a petition;
- c) the steps the council may take in response to a petition received by it;
- d) the circumstances (if any) in which the council may take no further action in response to a petition;
- e) how and by when the council will make available its response to a petition to the person who submitted the petition and to the public.

A principal council must review its petition scheme from time to time and, if the council considers it appropriate, revise the scheme.

If a principal council revises or replaces a petition scheme, it must publish the revised or new scheme.

Designing a petition scheme

A petition scheme should not be considered as the sole method of receiving public views on matters. However, as part of a suite of tools used as part of the council's wider public participation strategy, it can be a powerful tool in gauging support for specific courses of action.

Well designed and resourced petition systems, working in conjunction and harmony with other participation pathways can have a range of benefits for the public and

councils. For example, petitions enable communities to quickly highlight the issues which are of the most concern to them to the council, they can add weight to representations made by ward councillors on their behalf and provide a focus for community discussion. In turn, councils gain valuable insight into the concerns of their communities and can then support communities in addressing these issues.

Petitions should not be considered as a nuisance or threat and should be considered as a good opportunity to hear the views of the public, whether in support or not of something the council may be considering or intending to do.

Councils should, when designing petition schemes, think about the process from the point of view of petitioners, including understanding what petitioners might think “success” will look like at different stages in the process, and how the process can be made as transparent and streamlined as possible.

Councils should have regard to their statutory duties in respect of equalities, Welsh language and the Well-being of Future Generations (Wales) Act 2015 when preparing their petition scheme.

Petition schemes should be developed not just to ensure a fair and robust process but also to provide a helpful and positive experience for those people who take the time to submit and promote petitions. This is likely to involve consideration of the following issues:

- A clear explanation of the matters about which the council will accept petitions, including the criteria for making a decision to accept or reject a petition;
- How and where advice will be given to petitioners to enable them to engage productively with the process, including measures in place for disabled people and individuals with long term health conditions and neurodiversity;
- A clear understanding of the different stages in the petitions scheme, with an explanation of what thresholds will be used to determine the transition from one stage to another;
- How petitions fit in with other opportunities for the public to be involved – and signposting to other opportunities, either as complementary to a petition or instead of it;
- The correct body to consider a given petition. It is right for petitions to be heard by a variety of different bodies, although the default is likely to be full Council unless it is seen as especially useful for the petition to be heard by a committee that focuses specifically on the subject matter of the petition itself;
- Petition schemes will need to consider where petitions are considered in scrutiny committees. These committees have no power to act on petitions but could (for example) adopt petitioners’ arguments as formal recommendations;

- The rights of petitioners to speak in meetings, and how this engages with wider public speaking rights, and rights to make deputations;
- How and within what timeframe the council will provide feedback to the petitioner on the success or otherwise of their petition.

Councils should consider the potential for common elements of schemes such as progression thresholds to be agreed on an all Wales basis, to ensure some consistency of approach across Wales.

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