

Appendix A

Consultation Strategy





Fire Governance Consultation Strategy

This strategy outlines how the Office of the Police and Crime Commissioner (OPCCN) would support the Police and Crime Commissioner (PCC) in consulting on a Full Business Case on the future governance of Norfolk Fire and Rescue Service

The strategy covers the requirements of the consultation and the approach proposed to ensure consultation meets both legal requirements and best practice principles.

The OPCCN has received national recognition for its openness and transparency three years running and is experienced at developing and delivering public consultations.

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1. Background

National context

The Policing and Crime Act, which came into effect in January 2017, places a statutory duty on emergency services (Police, Fire and Ambulance) to collaborate. The Act also makes provision for PCCs to carry out local assessments of the most effective model for fire and rescue services. PCCs have the option to present a local business case to the Home Office where they believe a change in governance would lead to improvements in economy, efficiency and effectiveness and/or public safety.

The Association of Policing and Crime Chief Executives (APACE) in conjunction with the Home Office issued guidance on how the Act should be interpreted and applied locally, and set out the rationale for the new legislation as follows:

Closer collaboration between the police, fire and rescue and emergency ambulance services can bring real benefits to the public and help each service better meet the demands and challenges they face.

Whilst there are a number of good examples of collaboration between the emergency services locally, as set out within the Emergency Services Collaboration Working Group's National Overview of Collaboration, there is a clear expectation from Government that more needs to be done by the services to ensure collaborative working becomes the norm.

Building on the Government's manifesto commitment to "enable fire and police services to work more closely together and develop the role of our elected and accountable Police and Crime Commissioners", the Policing and Crime Act 2017 introduced a raft of measures to enable the emergency services to meet this ambition.

The Government has also been clear that continuing with the status quo is not enough and that improvement is expected.

When outlining the detail within the Policing and Crime Act Brandon Lewis, the then Minister for Policing and Fire, said: "by overseeing both police and fire services, I am clear that PCCs can drive the pace of reform, maximise the benefits of collaboration and ensure best practice is shared." (Brandon Lewis, 2017)

Options

The following options for change are enabled under the Policing and Crime Act 2017:

1. Continue with the Fire and Rescue Authority as part of the County Council and continue with collaboration where appropriate.
2. Continue with the Fire and Rescue Authority as part of the County Council but give the Police and Crime Commissioner (PCC) a position on the Fire and Rescue Authority, which is embodied by a Council Committee.
3. Move the Fire and Rescue Service under the governance of the PCC but keep it independent of the existing OPCC and its Chief Executive.

4. Move the Fire and Rescue Authority under the governance of the PCC by creating a single organisation that includes both police and fire under the command and control of a new Emergency Services Chief Officer.

2. Approach to consultation

Process

The Policing and Crime Act lays down a process where PCCs assess the case for change and, if they believe a case exists to move to the governance or single employer model, they prepare a local business case demonstrating how the change is in the interests of economy, efficiency and effectiveness and/or public safety.

If this is done then a public consultation must be held on the proposal. Once the consultation is complete the PCC then makes a final decision as to whether to submit the local business case to the Home Office. If so, the Home Secretary would then review the case and take a final decision on whether to approve, or not. If approved secondary legislation is laid before Parliament to put in place the statutory instrument to make the transfer possible.

Objectives

- Clearly explain to the public what the options for change set out in the Policing and Crime Act are and the reasons why the PCC has put forward the option he has.
- Set out to the public the background, the context and the case for change to allow for informed decisions to be made.
- Effectively obtain the views and opinions of the public and key stakeholders across Norfolk.
- The PCC is informed of the collated consultation results, allowing him to take the results and feedback into account when making a final decision.
- Ensure the PCC discharges his duties to consult in an effective manner as set out in the Policing and Crime Act, in line with legal requirements and in line with public consultation best practice.

Legal requirements

Clear guidance on consultation methodology has been issued by the Association of Police and Crime Chief Executives, based on the requirements of the Policing and Crime Act.

That guidance says that, prior to submitting a business case to the Secretary of State; a PCC is required to meet a number of consultation duties set out in the Act. These are:

- Consulting each relevant local authority about the business case;
- Consulting people in their local police force area about the business case;
- Consulting those who the PCC considers represent the views of employees who may be affected by the PCC's proposal, including fire and rescue personnel and police staff;
- Consulting those who the PCC considers represent the views of members of the police force who may be affected by the PCC's proposal; and
- Publishing a summary of the PCC's response to the representations and views expressed in response to the

consultation.

The Act does not prescribe how PCCs should go about meeting these requirements. This reflects the principle that PCCs are best placed to determine locally how to consult their local communities based on the nature of their case and its complexity. There is, however, related case law and best practice (outlined below in Consultation principles) in this area that PCCs may wish to draw on when considering how to discharge their consultation duties.

3. Consultation principles

The OPCCN is experienced at carrying out public consultations, including the annual budget/precept consultation and public consultations on the Police and Crime Plan and Community Remedy. The office strives to adhere to the following principles and consultation best practice to deliver the highest quality public consultations possible.

Government Consultation Principles 2018

The Government has published a list of consultation principles. While developed to improve its own approach to consultation, many of those principles are relevant for non-government organisations, including:

Consultations should be clear and concise

Use plain English and avoid acronyms. Be clear what questions you are asking and limit the number of questions to those that are necessary. Make them easy to understand and easy to answer. Avoid lengthy documents when possible and consider merging those on related topics.

Consultations should have a purpose

Do not consult for the sake of it. Ask departmental lawyers whether you have a legal duty to consult. Take consultation responses into account when taking policy forward. Consult about policies or implementation plans when the development of the policies or plans is at a formative stage. Do not ask questions about issues on which you already have a final view.

Consultations should be informative

Give enough information to ensure that those consulted understand the issues and can give informed responses. Include validated impact assessments of the costs and benefits of the options being considered when possible; this might be required where proposals have an impact on business or the voluntary sector.

Consultations are only part of a process of engagement

Consider whether informal iterative consultation is appropriate, using new digital tools and open, collaborative approaches. Consultation is not just about formal documents and responses. It is an on-going process.

Consultations should last for a proportionate amount of time

Judge the length of the consultation on the basis of legal advice and taking into account the nature and impact of the proposal. Consulting for too long will unnecessarily delay policy development. Consulting too quickly will not give enough time for consideration and will reduce the quality of responses.

Consultations should be targeted

Consider the full range of people, business and voluntary bodies affected by the policy, and whether representative groups exist. Consider targeting specific groups if appropriate. Ensure they are aware of the consultation and can access it. Consider how to tailor consultation to the needs and preferences of particular groups, such as older people, younger people or people with disabilities that may not respond to traditional consultation methods.

Consultations should take account of the groups being consulted

Consult stakeholders in a way that suits them. Charities may need more time to respond than businesses, for example. When the consultation spans all or part of a holiday period, consider how this may affect consultation and take appropriate mitigating action, such as prior discussion with key interested parties or extension of the consultation deadline beyond the holiday period.

Gunning Principles:

The 'Sedley' criteria, suggested by Stephen Sedley QC, broadly set out the requirements for good consultation.

In the case, the judge said:

"...these basic requirements are essential if the consultation process is to have a sensible content. First, that consultation must be at a time when proposals are still at a formative stage. Second, that the proposer must give sufficient reasons for any proposal to permit of intelligent consideration and response. Third ... that adequate time must be given for consideration and response and, finally, fourth, that the product of consultation must be conscientiously taken into account in finalising any statutory proposals."

These four points are often referred to as the Gunning Principles of good consultation.

OPCCN principles for consulting on-line

In addition to the more general consultation principles set out above, the OPCCN has some particular guiding principles when it comes to using online consultation methods:

- We are all about digital inclusion, not digital exclusion.
- If you restrict to one response from one url you are excluding members of same family or a couple from using the same computer.
- This is also prohibitive for people without direct access. We urge people to use a library computer for example which would not work if restricted to one response, one url.
- There is also nothing to stop people filling in more than one hard copy form, or having more than one e-mail address.
- Asking for an e-mail address may also exclude some potential responders– some people are unwilling to leave one, especially if the consultation is relating to the police.
- Data analysis to spot any repeats/unusual patterns is we believe satisfactory.
- Overall we believe access issues out-weigh any potential fraud.

General Data Protection Regulation (GDPR)

This strategy has been prepared in full recognition of General Data Protection Regulation (GDPR) and the duties of the OPCCN and PCC under the relevant legislation.

4. Stakeholders

As with all consultations undertaken by the OPCCN the clear aim is to reach the widest and broadest audience possible. As outlined above in **Legal requirements**, before submitting a business case to the Secretary of State, a PCC is required to consult with:

- each relevant local authority about the business case;
- people in their local police force area about the business case;
- those who the PCC considers represent the views of employees who may be affected by the PCC's proposal, including fire and rescue personnel and police staff;
- those who the PCC considers represent the views of members of the police force who may be affected by the PCC's proposal; and

With this in mind, the main stakeholders (not exhaustive) will be as follows:

The public

- Norfolk public at large
- Community groups and organisations
- Business community
- Independent Advisory Group
- Youth commission
- Norfolk's business community

Emergency services

- Fire and rescue officers, staff and volunteers
- Fire and rescue staff representative bodies (Unions)
- Police officers and staff
- Police staff representative bodies (Unions)

Local authorities

- Norfolk County Council
- MPs
- District and Borough Councils
- Town and Parish Councils
- Norfolk Association of Local Councils (NALC)
- Safeguarding Boards
- County Community Safety Partnership (and member organisations)

Media

- Local media (newspapers, radio, television)
- Social media
- Local publications (newsletters, parish circulations etc)

- Community websites
- Emergency services professional publications

5. Methodology

Methods and channels

The OPCCN consultation will include the following consultation methods and channels (not exhaustive):

Survey:

- Online survey run through the OPCCN website; a dedicated area of the website will host the consultation information
- The online survey is made accessible via fire and rescue and police intranets
- Hard copy versions of the survey

Video:

- Video outlining the process and details and explain how to take part in the consultation

Leaflet:

- An information leaflet to outline the process and details and explain how to take part in the consultation

Information poster:

- Information posters to be distributed at key public locations
- Information posters distributed to fire and rescue premises and police premises

Public engagement:

- Public meetings or engagement events across Norfolk (well-advertised in advance)
- PCC engagement with local authorities and local authority meetings where possible
- Community groups

Media

- Press releases to local and trade/industry media
- Media interviews as and when required and appropriate

Social Media:

- A social media campaign will target social media users to outline the process, collect feedback and keep people up-to-date with the consultation process

Direct communication:

- PCC's monthly round-up newsletter
- OPCCN e-mail signatures
- Full list of Frequently Asked Questions to be compiled and developed on OPCCN website

- Other direct communication mediums (Your Voice/Police Connect) as appropriate

Equality considerations

An Equality Impact Assessment will be carried out on the Full Business Case.

The nine protected characteristics covered by the Equality Act 2010 have been taken into account when developing this strategy and will be taken into account during delivery of the consultation and development of associated materials.

In line with the Government Consultation Principles 2018 outlined above, the OPCCN will make sure all consultation documents are clear and concise, written in plain, accessible language. Jargon will be avoided and technical terms explained. Alternative formats will be available on request.

Timetable

The public consultation will be held for a minimum of eight week and is scheduled to begin in July 2018.

6. Results of the public consultation

The results of the public consultation and comments received will be published on the OPCCN website.

The Commissioner's response to the results of the public consultation will also be published on the OPCCN website.