

# The Role of Healthwatch Kent in Consultations by Commissioners and Providers

## Introduction

**The purpose of consultation is to ensure that the decisions made are the right ones for the people of Kent. Putting local people at the heart of the decision making process is key, with decision makers demonstrating how they have used this intelligence to inform and influence the decision-making process.**

The public tell Healthwatch Kent that they are not always confident in consultation processes, sometimes seeing them as a box ticking exercise when the outcome has already been decided behind the scenes.

Even when people have been genuinely listened to through a good consultation process, they have not always been informed of the outcome, and communication is often an area which could be improved.

Effective consultation is not always about a one-off, single-issue exercise, but is a process of ongoing communication and engagement that aims to build trust and keep people informed.

Healthwatch Kent can provide both a critical friend role and support to organisations regarding Consultation and Engagement activity, and how the feedback is communicated to the public.

## Purpose of this Guide

This guide to consultation has been compiled to achieve the following:

- To encourage organisations to view the public as a vital resource who can help them solve the significant financial and other resource issues they face
- To provide guiding principles to help organisations deliver genuine and meaningful public consultations
- To help organisations understand best practice and the legal requirements around consultations
- To improve the quality of engagement in developing ideas and options, and improve the communication relating to public consultations in Kent
- To help avoid public money being wasted on consultations that could be challenged
- To understand what Healthwatch Kent will be assessing when it acts as a critical friend

## Best Practice Principles

All organisations must also adhere to the Gunning Principles which are legal requirements, and which are reviewed in any legal challenge. These are:

1. Consultation must take place when the proposal is still at a formative stage.
2. Sufficient reasons must be put forward for the proposal to allow for informed consideration and response.
3. Adequate time must be given for consideration and response.
4. The product of consultation must be conscientiously taken into account.

In addition health organisations (those receiving funding from the Department of Health) need to meet four further requirements known as the Lansley Tests.

- First, there must be clarity about the clinical evidence base underpinning the proposals.
- Second, they must have the support of the GP commissioners involved.

- Third, they must genuinely promote choice for their patients.
- Fourth, the process must have genuinely engaged the public, patients and local authorities

The four tests are not set out in the order they should be undertaken, for example, Healthwatch Kent would not expect engagement with the public to be delayed until clinical engagement is completed, the two processes can and should occur at the same time.

Whenever consultation takes place it should demonstrate

- **Honesty**
- **Transparency**
- **Visibility**
- **Integrity**



## Processes of consultation

The processes of consultation that constitute good practice are divided between phases. These phases are:

1. **Establishing the case for change**
2. **Pre-consultation**
3. **Consultation**
4. **Post consultation**

This guide should be viewed in conjunction with current legal requirements and statutory guidance relevant to the organisation. Healthwatch Kent does not provide legal advice on carrying out consultations.

### Healthwatch Kent

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## Healthwatch Kent Recommendations

### 1. Establishing the case for change

- This stage helps to identify the issues, analyse the current situation, and identify and develop evidence for and against any need for change.
- It is vital that patients and the public are involved at this stage.
- A review of similar and previous consultations at this stage may help shape any future consultation. An initial impact screening will help identify those who may be affected by the changes that are being considered
- The focus should be on enabling people to gain understanding of the need for change, and what the financial or other resource restrictions are, so they can help develop the best options.

### 2. Pre-consultation

- This should occur over an appropriate length of time. The aim is to develop a robust set of options for the potential change, to present in the consultation process. Involving the public at this stage means issues related to service delivery can be discussed e.g. transport.
- A full Impact Assessment should be undertaken to identify the sections of the community that will be most affected. Using this information, those sections of the community should be prioritised for discussion.
- Engagement could be through networks of patient/carer groups, voluntary sector organisations, and directly with Kent residents.

### 3. Consultation

- This is the process where you present the options developed to the wider population for their views, to help you make a better informed decision.
- Consultations should be undertaken for an appropriate and proportionate length of time, taking into account the time of year and the changes being proposed within the consultation.
- Public Consultations should be as accessible as possible to include anyone directly affected by the proposed change, as well as the wider public who may access the new service now or in the future.
- Clear information should be made available about the reason for change and the options being put forward. This should include the information about the pre-consultation phase.
- Consultations should be accessible to everyone. This includes using multiple methods for accessing the information and translation services should be made available if required.
- It should be clear how people can respond to and give their views on the proposals.
- Opportunities should be available for the public to discuss the options. Consultations should be accessible for everyone in the community. Traditional public events are not always the most effective method and other approaches should be considered.
- If there are any changes to the proposals or related information, this should be made available to the public.

### 4. Post consultation

- This phase communicates the final decision, and how the feedback you received from the public contributed to this decision.
- You should describe what changed in your approach, evidencing that the feedback you received was taken into account as part of the decision making process.
- The findings of the consultation should be easily accessible, and available to the public.
- You should describe the decision-making process and the next steps.