

Social Justice and Regeneration Committee

EOC(2)-04-05(p.4 - annex 2)

Consultation

What is consultation?

Consultation and participation are means of engaging individuals and organisations in discussing, shaping and delivering policy.

Consultation is the formal process by which outside interests are asked for their views on proposed policies. It is a way of testing these proposals with those who have expertise in the area and of demonstrating a willingness to make changes as a result of responses.

Consultation is not an option. It is a statutory duty. Statutory guidance can be found [here](#).

Who should I involve?

Involving outside interests in developing policy, from participation in identifying needs through to formal consultation, should lead to better and more inclusive policy-making.

You should, as a matter of course, consult all those who have an interest in your policy area. A diversity of views and ideas should be sought in order to test received wisdom and avoid unintended consequences.

When those who will benefit from specific initiatives are relatively few in number, they should always be directly involved. Those bodies best able to reach potential beneficiaries should be directly involved.

Where there is a wide range of interests, all relevant intermediary or representative organisations should be involved. Intermediary organisations should be assisted so that they can fully engage those with whom they work in consultation and participation.

Umbrella and representative organisations include:

- all public bodies or agencies that will have to adhere to or implement the policy,
- professional or representative bodies in that policy area, and
- the three sectoral interests with which the Assembly has Partnership Councils, which are Local Government, the Voluntary Sector and Business.

Consultation should involve those who are expert in the field, such as academics, regardless of where they are based. REACT, the Assembly's Research & Evaluation Advice & Co-ordination Team can provide help in identifying experts in the field.

There is currently no central database for consultees, but some departments hold lists of contacts. Contact your Group Business Unit to see whether they are able to help.

Most departments have their own distribution lists, statutory and scheme commitments and in-house expertise to identify appropriate organisations to target – your Group Business Unit should be able to help you.

Groups

It is important when you're consulting to think about the impact your policy might have in the widest terms possible. This means you need to consult with as many disadvantaged groups as possible.

The Assembly has a duty to work in partnership with business, the voluntary sector and local government in creating and implementing policies. This commitment should be reflected in your work at all times. Information on how you can consult with these groups is attached [here](#).

How do I consult?

There is no single way to consult. Different approaches will suit different target groups, and a mix of techniques is often best.

All consultations, however, should be presented bilingually in hardcopy and should be made available on the Internet.

Different techniques for consultation include focus groups, public meetings, citizens' panels and written consultation. The Cabinet Office has produced a Code of Practice on Consultation, which can be found [here](#). However, it is useful to note that the UK Government's Code of Practice on Consultation does not directly apply to the Welsh Assembly Government.

How long should a consultation period last?

You should allow 12 weeks for all public consultation exercises, but where this is not possible 8 weeks should be the absolute minimum allowed.

For consultations with clearly defined or specialist groups, shorter consultation periods may suffice, depending on the nature of the subject and the scale of the exercise. Where less than eight weeks has been given the document should specify why a longer response time was not possible.

Where English and Welsh consultation papers are unavoidably issued on different dates, both English and Welsh consultees should be given the same time to respond.

Allowances should be made for holiday periods and other potential timing difficulties. Arrangements for dealing with requests to extend the deadline for comments should be established at the outset.

During pre-election periods, you shouldn't publish anything that could be deemed to favour one party or candidate. When it comes to consultation you will need to make an assessment of whether you feel your policy falls into this category or not. It is advisable where possible to avoid publishing your document for consultation around this time, and where the consultation unavoidably runs into a pre-election period, it is best to avoid making any announcements relating to it until the pre-election period ends.

What should a consultation document look like?

It is important when you're putting together your consultation to think about the people you are trying to reach, and therefore to make your document as accessible as possible.

This means thinking about how you'll make the document available, what style you write it in, and what languages you use.

As a result of consultation with partner organisations, the following requirements for a successful consultation document have been agreed:

- Provide a summary. Make it clear from the outset the purpose of the consultation. Describe the issues and proposals.
- Be concise. Most organisations do not have the capacity to read and respond to all documents that are sent to them, and producing shorter documents makes it more likely that yours will be read
- Be clear. Use simple and jargon-free language where possible. Be clear about your purpose. Say exactly what the purpose of the document is, the audience at which it is directed, to what extent they can or cannot affect the proposed policies and what will happen to their responses.

- Describe the consequences. An explanation of who is likely to be affected, and how, including an assessment of the impact on particular groups such as small and medium sized enterprises, the voluntary sector, charities and consumers.
- Provide feedback. Help yourself by providing structured response forms. And remember to acknowledge responses. When organisations and individuals have given time and thought to responding it is only right that their responses are acknowledged. You are expected to explain why proposed changes have not been accepted, either in the body of the final policy document or in the summary of responses to the consultation document.
- Be realistic. If you want to retain the good-will of external partners and receive good quality responses do not place them under undue time-pressure. Allow a realistic time for consultation and be prepared to allow for some flexibility where possible.
- Give contact details. The name, address, telephone, fax, email details for an official who can provide extra copies of a document or respond to inquiries on its content.
- Request contact details. These will be necessary for providing feedback and acknowledgements. Who they are and, where relevant, who they represent (to help ensure that responses from representative bodies are properly weighted).
- Be open about Data Protection. Include the following advice from the Directorate of Legal Services in all documents:

"The National Assembly for Wales intends to publish the responses to this document.

Normally, the name and address (or part of the address) of its author are published along with the response, as this gives credibility to the consultation exercise. If you do not wish to be identified as the author of your response, please state this expressly in writing to us."

Cabinet have agreed that all Assembly consultations will have an electronic element. Cymru Ar-lein provide a free service to manage this element of your consultation, all you need to do is add a few key phrases to your consultation papers.

For more information, contact:

Cymru Ar-lein (individual's contact details provided in the internet version)

What are the language requirements?

Consultation documents should normally be issued in English and Welsh.

An assessment of language requirements should be made at the initial planning stage

using translation guidance. If the methodology indicates that the document should be in Welsh and English, the Translation Service should be contacted immediately in order that they can provide an estimated turnaround time. This should then be built into the production schedule

The methodology is included in the Welsh Language Scheme for the Welsh Assembly Government.

Sufficient time for translation and proof reading by Translation Unit should be built into the timetable.

How is it best to consult disabled people or those from minority language groups?

Welsh and English are not the only languages you should consider.

People with specific requirements may ask for the document to be made available in a suitable format, for example, in Braille or audio formats (further advice on this can be obtained from the Royal National Institute for the Blind). Producing the document in Arial font size 14 will automatically make it easier to read for many people.

Ethnic groups may ask for it to be made available in their languages. An assessment of language requirements should be made at the initial planning stage. Anticipate these possibilities by seeking the views of ethnic minority and disability groups in advance about whether they would like the document in a different format or language. Always be ready to deal with requests from individuals requiring information in different formats, either because of language or disability barriers, and deal with each request on its own merit. If necessary, consider other ways of consulting these groups, for example, through face-to-face discussions.

Equality Policy Unit, who can advise on these matters, have produced a Good Practice Guideline for producing Accessible Information, which is available [here](#).

The Equality Policy Unit can provide advice on which bodies to engage in developing policy.

There are three statutory equality organisations: The Equal Opportunities Commission, The Commission for Racial Equality and the Disability Rights Commission.

The Assembly also supports the work of other representative bodies that can help inform policy development and assist in engaging communities of interest. These bodies are: All Wales Ethnic Minorities Association, Wales Women's National Coalition, Stonewall Cymru and Disability Wales.

How can I make the consultation document available?

65 copies of all consultation papers published in hardcopy should be sent to the Publications Centre, Pierhead Building on the day of publication. If your document is procured through the Print Procurement Unit, the printers should send the copies automatically. Contact the Print Procurement Unit for further advice.

Copies are distributed to the following:

Information Link Libraries 40

Legal Deposit Libraries in UK (statutory requirement) 08

Cardiff Bay / Cathays Park Libraries 04

House of Commons Library 01

House of Lords Library 01

Northern Ireland Assembly 01

Health Promotion Library 01

Publications Centre Archive 01

Publications Centre Stock 08

Total 65

Further information on the Publications Centre can be found [here](#).

On request from the policy division, the Publications Centre will hold one copy of any set of consultation paper responses for the public to inspect. Copies are normally held for six months, unless the division specifies otherwise, then returned to the division.

The results of all consultation exercises should be carefully analysed. Once a decision has been taken on the way forward, let respondents know promptly how the work will proceed (for example, through a press release or a statement in an Assembly debate or question session) and explain how the decision reflects the results of consultation. Where circumstances permit, produce and make available a summary of views - unless they are confidential - and information collected from the consultation exercise. Where respondents ask why their views have been rejected, try to give them a prompt and full explanation.

Pay particular attention when assessing the results of consultation to those with most experience of the issue, for example representative bodies such as trade associations, trades unions, consumer groups and those most affected by the proposals

How do I handle consultation responses?

Respondents should be identified by name in reporting on consultation unless the respondent has expressly stated otherwise, in which case the summary should state that the name was withheld. Where there is doubt as to whether a consultee wishes to remain anonymous then it may be useful to approach the consultee and seek clarification. Where there are any doubts as to the lawfulness of the content of the response (e.g. potentially defamatory remarks) then further advice of OCG should be sought.

How do I weight responses?

Providing feedback on responses received is an important part of the consultation exercise, and can usually be done through the summary of responses. An example of how to summarise responses is available [here](#).

Responses to consultations can typically come from individuals, public or private bodies, or representative and professional bodies. Every response must be assessed on its merits based on the quality of the argument and the degree of knowledge of the subject shown by the consultee.

It is important that the views of representative and professional bodies are clearly brought out in summarising the reaction to consultation, as these will themselves have been subject to wider consultation.

While listing total numbers of those replying to consultation questions in different categories can be useful information, it is a very crude measure and must not be used as the basis for recommendations.

What do I do with the responses?

Provide a summary of response, which should always be made available promptly in hardcopy at the Assembly libraries in Cardiff Bay and Cathays Park and the Pierhead Publications Centre. Summary documents should include a name-only list of all respondents, except those who have requested confidentiality. Significant responses, however, should be attributed in the body of the text, unless the respondent has requested confidentiality.

A copy should also be provided in electronic format on the Assembly Intranet and

Internet. This will normally coincide with reporting the results to the Assembly in plenary or to Committee.

Divisions may also deposit in the Assembly Libraries copies of the full written responses - except those where confidentiality has been requested. This is at divisions' discretion and will be most appropriate where there are likely to be numerous requests for access to the original material. Divisions should retain the originals of responses.

Where only a summary is provided, the Library will act as intermediary in relaying requests from Members and others to view original responses and divisions should make all non-confidential responses available on request.

Where do I go for more advice?

There are a number of individuals in the office who are happy to give you advice on specific aspects of the consultation process. They can also put you in touch with external organisations which can provide guidance and resources:

(individual's contact details available on the internet version)

Consultation techniques and guidance - Strategic Policy Unit

Consultation with Business - Economic Policy Division 3

Service First – the New Charter programme

Public Administration and Briefing Unit

The Better Regulation Guide and Regulatory Impact Assessment -

Business Services Division

Voluntary Sector - Voluntary Sector Team

Consultation with Local government - Local Government Modernisation Division

Welsh language requirements - Welsh Language Scheme Officer

Translation services - Translation requests mailbox

Equal access and equal rights - Equality Policy Unit

Getting people involved

(further guidance linked from 'groups' section above)

Engaging communities of interest is central to delivering responsive 'Made in Wales' policies. This is consistent with the Government's commitment to developing inclusive forms of governance in the development and implementation of policy. This can be done through participation and can also be formalised through partnership arrangements.

Partnerships

It is important when you're developing your policy to think about the impact it might have in the widest terms possible. This means you need to engage as many disadvantaged groups as possible.

The Assembly has a statutory duty to work in partnership with business, the voluntary sector and local government in creating and implementing policies. This commitment should be reflected in your work at all times. Information on how you can involve these groups is attached here:

[Business](#)

[Voluntary Sector](#)

[Local Government](#)

[How do I involve the business community?](#)

[Umbrella organisation, such as the Wales TUC, CBI or the Federation of Small Businesses, and representative bodies, such as the Freight Transport Association will provide the usual route to engaging with the sector.](#)

[The Wales Social Partners Unit provides an additional point of contact with the sector. The Unit can:](#)

- [provide advice on the most appropriate means of consulting with business and employees;](#)
- [help to focus consultations on issues which are likely to be of most interest to the business community;](#)
- [help to target the right organisations/people and provide contact details;](#)
- [help to find business/trade union members for committees/working groups;](#)
[and](#)
- [advertise consultations and encourage responses to them through their](#)

newsletters and briefings.

There is a statutory duty to consult business where policies are likely to have an impact on the functions or interest of business. Business includes the trade union movement.

The engagement of the business community in consultation is monitored and evaluated. It is important to note that the Business Partnership Council is presented annually with an analysis of consultations in which business has been involved, which includes data on the length of the consultation period.

How do I involve the voluntary sector?

There are a huge number of voluntary organisations, and they can be a particularly difficult sector to reach.

As with the business sector, there are different means of engaging the voluntary sector. It is important to engage the sector not only in areas where it is already contributing, but also in developing policies where they might not automatically spring to mind. The voluntary sector can be a useful group to engage in exploring new ways of delivering policies or services. This can not only help inform policies but also ensure policies are proofed for the impact that they will have on the sector. The Voluntary Sector Scheme details these commitments to engaging fully with the sector, and gives a useful set of principles to guide this work.

The Voluntary Sector Partnership Council is a useful means of building good relationships and provides a forum for discussing policy implications. Voluntary sector representatives have regular meetings with Ministers, and this can be an important forum for initiating and monitoring policy.

Liaison with voluntary organisations provides a means by which policy can be formulated. The Voluntary Sector Branch can provide assistance in engaging the voluntary sector. More information on the Voluntary Sector can be found here or by contacting: Voluntary Sector Unit

Another useful way of reaching the voluntary sector is through umbrella organisations, such as the Wales Council for Voluntary Action, who can advise on the potential for voluntary sector involvement in generating and implementing policy.

The WCVA provides advice and information, and also runs Participation Cymru, an Assembly- sponsored programme that provides training in participation techniques.

How do I involve Local Government?

Local Government encompasses the 22 unitary county and county borough councils, town and community councils, and the national parks and police and fire authorities in Wales. The sector's involvement in implementing and formulating policy is great, and the level of engagement with officials should reflect this.

As with the other sectors there is a formal Partnership Council, and umbrella organisations, such as the Welsh Local Government Association, can provide information and assistance.

Effective partnership working can bring benefits. It encourages civic engagement. It reduces the chances of duplicating work and effort and provides opportunities to coordinate actions. It can encourage the more efficient use of resources. It can be a vehicle for sharing ideas and expertise. It can make for more cost-effective policies that bring a closer alignment between the provision of services and the needs of users.

Partnership working can take different forms, which can affect their objectives and have implications for resourcing and delivery. In making existing or new partnerships work more effectively the following guidance should be consulted.

To read the full report, click [here](#).

Participation

What is participation?

Consultation and participation are means of engaging individuals and organisations in discussing, shaping and delivering policy.

Participation should run through all aspects of policy-making, from development to consultation and delivery. Participation means involving organisations with expertise in all aspects of policy development.

Consultation and participation should not be add-ons to policy-making. They are integral to successful policy formulation; implementation and evaluation, about making policies fit people. More detailed information on Consultation is available [here](#).

Why involve people?

It makes sense to involve people. Policies affect individuals and organisations. It is only right that those affected are asked their opinion of proposed policies. Views should be sought from all relevant interests to improve the quality of decisions and to ensure equality of access.

The participation process can be an opportunity:

- to engage with communities of interest,
- to get organisations and the public to feel a sense of ownership over policies,
- to make necessary changes before implementation, and avoid wasting resources and good-will,
- to produce policies that are responsive and tailored to the needs of practitioners and those affected by proposed change,
- and to demonstrate the Assembly's commitment to open and responsive government.

When is participation appropriate?

You should engage communities of interest whenever proposing changes to, or developing, policies or programmes that will impact on people or groups.

This can involve:

- participation of different interests in policy development before formal consultation takes place;
- participation by people and communities in identifying needs and priorities to be addressed by government and other public bodies;
- participation by people and communities in taking their own action to address their own needs;
- participation in partnerships involving relevant agencies and communities in planning or managing services.

How is it best to involve people?

At the development stage of your policy it might be worth considering hosting a special event or public meeting that will allow groups to discuss your policy more widely. Sustainable Wales has put together a guide Simply the Best! Best Practice Conference and event Guide that is useful in helping to organise meetings that meet the varying needs of different groups. Copies are available from the Strategic Policy Unit.

What about Consultation?

More detailed guidance on consultation can be found [here](#).