Making Consultation Meaningful

...putting consultation in its place

November 2007

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Executive Summary

This report is one of the outputs of a 12 month part time research fellowship jointly funded by the ESRC and Defra. The aim of the research was to help Defra consider how best to take account of stakeholder and public perspectives in the process of policy development. The formal written ‘public consultation’ is routinely required within the process of policy development and is visible to other stakeholders and to the public through the production of a consultation document and a summary of the responses. For each of the past four years Defra has undertaken at least 100 formal consultations – more than any other Government Department.

This research has looked at how the formal written consultation functions in Defra and how it might be improved. This was addressed in two main ways. First by looking in detail at the 78 consultations that started and ended within 2006. Second by talking with policy makers responsible for both these and other consultations across Defra. The results from both avenues of research are linked with the literature in this area and with other Defra reports.

There are many practical suggestions in this report drawn from the experience of policy officials who have been involved in consultation
processes. Detailed implications for Defra practice have been noted in relation to various aspects of designing consultations, analysing consultation responses and preparing the Summary of Responses document. Lessons that can be learned around the use of consultants, understanding response rates, and dealing with standard responses to consultations are also highlighted.

The research has also identified two areas where further research is needed:
- Understanding more fully what Defra’s stakeholders think of consultations
- Understanding the implications of electronic consultation for Defra.

**Research Conclusions: Headline Implications for Defra**

1. **Opportunity to reflect on processes.** In the light of a variety of external and internal drivers (including revisions to the Cabinet Office guidelines) it is a timely moment to consider how the process of formal consultation in Defra might itself be made more meaningful.

2. **Terminology matters.** The terminology around consultation should be clarified and used consistently. ‘Consultation’ can carry a range of connotations that may be unhelpful if the term is used to refer to more participative types of engagement.

3. **Be clear about the aims of formal consultation.** Formal written consultation serves multiple roles in Defra: getting a message across, explicitly seeking views, making a mark in the sand or formal mopping up. The value of formal consultation is largely a function of the quality of engagement that precedes it. Extensive engagement with stakeholders often precedes the formal written consultation in Defra and better ways should be found to represent this process and the difference that it has made.

4. **Know your stakeholders.** Explicit and systematic identification of stakeholders will enable ongoing reflection about the value of the consultation process both to Defra and to stakeholders themselves.
Identifying likely motivations of stakeholders to engage and barriers to their engagement will assist in identifying their preferences for (e.g.) desired stage(s) of involvement and methods of engagement.

5. **Recognise the implications of the context.** There is likely to be more value in engaging citizens within the process of policy creation in some contexts than in others. For example, there is greater value in engaging people in contexts of uncertain science, public interest or where behaviour change is required.

6. **Frame the issue.** Clarity of questions may help elicit clear responses as often, the ‘devil is in the detail’ in the eyes of the stakeholder. The provision of detailed advice by Defra around the design of consultation questions and the analysis of consultation responses would be a valuable resource (this includes linking to impact assessments).

7. **Show the space to make a difference.** The space that consultees have to make a difference to the policy varies – early engagement usually means that there is more room to take stakeholder views into account. Accountability is enhanced by being clear about the space that consultees have to make a difference. Forms of engagement other than formal written consultation may be better suited to engaging with stakeholders and citizens early in the policy process.

8. **Provide clear ‘lines of sight’ in the consultation document.** There should be clear lines of sight both backwards and forwards. The document should be clear about how the current position has been informed by the evidence - including previous engagement. The way ahead – including the time line for the Summary of Responses and the Government Response should also be indicated.

9. **Analysis of responses.** The Summary of Responses provides an opportunity to signal responsiveness to consultees. Guidance should be provided in the summary of responses as to how to interpret any numbers provided. Particular consideration should be given to the
meaning of large numbers of standard responses. A credible indication of the Government response to the consultation should be provided.

10. **Evaluation.** Processes of stakeholder and citizen engagement should be evaluated in a proportionate manner. An analysis of the response rates to consultations can provide useful information to improve consultation practice and relationships with stakeholders.

11. **Role of central support.** This is an important function and there needs to be a continuing mix of proactive and responsive involvement with policy teams. There are a number of implications for central consultation support in Defra from the findings of this research

**In brief: Top Tips for Policy Teams**

- Be clear about the aims of engaging stakeholders
- Recognise and explicitly acknowledge how stakeholder engagement preceding formal written consultation has been valuable
- Identify stakeholder abilities and preferences for engaging and take this into account when planning engagement and formal consultations
- Consider what message the number, range, and type of consultation questions gives to different stakeholders
- Develop consultation questions that give stakeholders an opportunity to explain reasoning and provide evidence
- Be clear in the consultation document about the space that there is for responses to make a difference
- Provide clear lines of sight in the consultation document – both backwards and forwards
- Provide meaningful ways of eliciting stakeholder views on the impact assessment
- Consider how consultation responses will be analysed when the consultation questions are being developed
✓ Recognise the limitations of presenting quantitative information about consultation responses
✓ The summary of responses document is a key opportunity to demonstrate respect and responsiveness to stakeholders
✓ A government response to consultees – albeit initial or provisional - is part of an ongoing conversation in the policy development process and should be provided as part of the summary of responses document
✓ Learn from the response rates to consultations
✓ Discern the significance of standard responses to consultations and take account appropriately
✓ Recognise the potential dangers – and possible benefits – of using consultants to assist with the formal consultation process
✓ Recognise the policy areas where it is most appropriate to seek the insights of citizens - as well as insights about them
✓ Recognise that although it may sometimes be most appropriate to get citizen perspectives early on in the process of policy development it may also be valuable to understand broader public views on well developed policy options
✓ Include one or two questions in the consultation document that will provide insight into stakeholder views of the consultation process
✓ Evaluate the outcome of the consultation from the point of view of the policy team and stakeholders
✓ Recognise the value of sharing learning about consultation with other policy teams