



The Consultation Charter

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June 2009

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Introduction & Rationale

Taking important policy decisions today both in Public bodies and in the Private and Voluntary Sectors is a far cry from the traditional ways of decision-making.

Two seminal trends drive the change. One is the steady growth in *transparency*, which is evident well beyond organisations which are democratically accountable. The other is an increase in popular *participation*, as greater awareness and new technologies enable more people to express an opinion on important issues.

These and a number of other factors all contribute towards an explosion of activity - loosely called consultation, but also known as public participation, engagement or a range of other terminology. (See the *Glossary of Consultation Terms* - currently available to Institute Members)

Unsurprisingly, the sheer amount of consultation has led to a wide range of output and outcomes, ranging from poor to excellent, and there is much scope to introduce improved standards and to encourage innovation.

There are, as yet few recognised standards covering consultation, and the Institute has therefore adopted this Charter as an interim measure whilst more detailed standards are developed. Since its initial publication, it has received widespread support, and the Institute has developed detailed checklist to help Members and others ascertain the extent to which specific consultations comply with the Best Practice principles contained in this Charter.

The Institute has developed a *Compliance Assessment* whereby it can deploy its own specialist consultants to conduct an assessment of compliance. It is also using this Charter as a basis from which to develop longer-term Accreditation of consultations, and *consultor* organisations.

Definition

Consultation is the dynamic process of dialogue between individuals or groups, based upon a genuine exchange of views, with the objective of influencing decisions, policies or programmes of action.

Best Practice Principles

For consultation to yield its true benefits, and to assist in the process of evidence-based decision-making, it needs to take account of Seven Best Practice principles.

Principle 1 The **INTEGRITY** of Consultation

The process must have an honest intention. The *Consultor* must be willing to listen to the views advanced by *consultees*, and be prepared to be influenced when making subsequent decisions.

If the decisions subject to consultation have already been taken, it is a waste of consultees' time and a fraud upon all participants to undertake a purposeless exercise, and breaches the principle of Consultation Integrity

Principle 2 The **VISIBILITY** of Consultation

All those who have a justifiable right to participate in a consultation should be made reasonably aware of the exercise. For *Closed consultations*, this will be less demanding than for *Open Consultations*.

Visibility is also important for decision-makers who should have full awareness of any consultation exercise which is relevant to decisions they are about to take.

Principle 3 The **ACCESSIBILITY** of Consultation

Consultees must be able to have reasonable access to the exercise. This means that the methods chosen must be appropriate for the intended audience, and that effective means are used to cater for the special needs of hard-to-reach groups and others with special requirements.

New technology offers an ever-wider choice of consultation mechanism, but consultors must always ensure that the Digital Divide does not disenfranchise citizens or stakeholders.

Principle 4 The **TRANSPARENCY** of Consultation

Many Consultations are highly public, and rightly so. Indeed the principle of Transparency and the Freedom of Information Act 2000 requires that stakeholder invitation lists, consultee responses and consultation results be published. But this should only occur with the express or implied consent of participants. Consultors who intend to publish details of respondents and their responses have a duty to ensure that this is understood by all participants.

Consultation submissions will be publicised unless specific exemptions apply. *Freedom of Information Act* requests can now be used to disclose data previously kept hidden.

Information gathered under Consultation processes, and organisations responsible for gathering, processing and storing such information must also comply with Data Protection legislation applicable in whichever country this takes place. For the UK, the Data Protection Act 1998 applies.

Principle 5 The **DISCLOSURE** obligations in Consultation

For consultation to succeed, and to encourage a measure of trust between the parties, it is important to provide for reasonable disclosure of relevant information.

Consultors are under a duty to disclose information which could materially influence the nature and extent of *consultees'* responses. In particular, areas where decisions have effectively been taken already, and where *consultee* views cannot influence the situation, should be disclosed.

Consultees are also under a duty to disclose certain information. If a representative body expresses a view on behalf of its members, it should inform the *consultor* of the presence of any significant minority opinion within its membership, and be prepared to estimate the extent to which it is held.

Principle 6 The FAIR INTERPRETATION of Consultation

Information and viewpoints gathered through Consultation exercises have to be collated and assessed, and this task must be undertaken objectively.

Only in exceptional circumstances should the decision-makers themselves be involved with primary assessment of the data, and the use of external assessors has many advantages.

Where *consultors* use weighting methods to assist in the assessment process, this must be disclosed to participants and to decision-makers relying on the consultation output.

Principle 7 The PUBLICATION of Consultation

Participants in a consultation exercise have a proper expectation that they will see both the output and the outcome of the process. Except in certain Closed or Internal consultations, the assumption should be that publication in a form accessible to the *consultee* will follow within a reasonable time after the conclusion of the exercise.

Where no publication is intended, it is the duty of the *consultor* to disclose this when initially inviting stakeholders or the public to participate

Further information

In applying these Best Practice principles, organisations need to have regard to the precise circumstances of each consultation exercise, and to the inherited custom and practice of the business or public service involved.

The Consultation Institute however believes that these principles apply to almost all situations, and urge organisations to commit to the Charter as part of their Public Consultation or Public Engagement Strategies.

Organisations are also urged to publicise the Charter to stakeholder organisations so that consultees are aware of the standards which they can expect.

For further information on the Charter, please contact Elizabeth Gammell or Rhion Jones on 01767 689600