



### **Key points for effective consultation and policy appraisal**

- Build consultation into your regular planning cycle and consult early.
- Appraise new policies and procedures, particularly at the developmental stage, identifying as far as possible any implications for the sector at national, regional and local level.
- Give consultees enough time to respond and be clear about their purpose.
- Write documents in simple language and be clear about their purpose.
- Explain where decisions have already been made – make clear what you can change and what you can't.
- Use more than one method of consultation and learn from others in both Government and the sector.
- Be flexible and sensitive to the needs of those you wish to consult – think about how to reach all of the intended target audience, and take account positively of the specific needs, interests and contributions of those parts of the sector which represent women, minority groups and the socially excluded.
- Encourage those consulted to give honest views, for example by assuring confidentiality when it is requested.
- Publicise the consultation and encourage participation by involving membership and infrastructure organisations.
- Analyse carefully the results of the consultation and report back on the views that were received and what you have done as a result.
- Evaluate carefully after consulting, and learn lessons for next time.

***With the aim of achieving better policy outcomes.***

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## **1. Aim**

- 1.1** This Code of Good Practice aims to make a positive impact on the way in which the Government consults and appraises its policies in respect of the voluntary and community sector. In so doing, it should enable voluntary and community organisations to make an effective contribution to the development and implementation of policy. It embodies the key considerations that emerged from a consultation exercise carried out by the voluntary and community sector's Working Group on Government Relations as well as existing best practice within Government. In this way, the Code underpins the Compact on Relations between Government and the Voluntary and Community Sector in England, published in November 1998.
- 1.2** The Government recognises that the sector has an important role in helping it to achieve its objectives, and that Government can play a positive role in supporting the work of voluntary and community organisations and promoting volunteering. As independent, not-for-profit organisations, they bring distinctive value to society and fulfil a crucial role that is distinct from both the state and the market. In particular, they enable individuals to contribute to public life and the development of active communities by providing opportunities for voluntary action. They act as pathfinders for the involvement of users in the design and delivery of services and often act as advocates for those who otherwise would have no voice. In so doing they promote both equality and diversity. They help to alleviate poverty, improve the quality of life and involve the socially excluded. Effective consultation and policy appraisal is an essential part of ensuring that the relationship works and that the sector is able to fulfil its strategic role.
- 1.3** The Code applies to central Government departments, including Government Offices for the Regions, and 'Next Steps' Executive Agencies in England (separate Compacts have been developed in other parts of the United Kingdom). The Code also applies to the range of organisations in the voluntary and community sector. Further information about the status and application of the Compact and this Code is given at paragraphs 15.1-15.4.

## **2. Why consult?**

- 2.1** Government consults with outside interests to ensure that in developing its policies it is informed by a wide range of experience and takes into account the impact of its proposals on different sectors of society. For voluntary and community organisations, consultation presents an opportunity to bring their knowledge, experience and expertise to bear on Government policy on behalf of the people and causes they work for.

They should be willing to offer their advice to Government based on objective experience and appropriate consultation with those they work with. This helps to establish and maintain the credibility of voluntary and community organisations as a valuable source of informed opinion.

Effective consultation:

- enables others to contribute to the policy making process;
- symbolises Government's commitment to be open and accountable;
- leads to more realistic and robust policy that better reflects people's needs and wishes;
- helps to plan, prioritise and deliver better services;
- can create a working partnership and mutual understanding with those consulted;
- identifies problems quickly enabling matters to be put right before they escalate.

### **3. An effective framework for consultation and policy appraisal as far as it affects the voluntary and community sector**

#### **Undertakings by Government**

**3.1** The Government is committed to establishing and maintaining best practice in effective consultation and policy appraisal. The Government undertakes to:

- consult the sector on issues that are likely to affect it, particularly where Government is proposing new roles and responsibilities for the sector;
- build consultation with the sector into plans for policy development;
- appraise new policies and procedures, particularly at the developmental stage, identifying as far as possible any implications for the sector;
- consult early and, where possible, involve the sector at a sufficiently early stage of policy development (subject to considerations of urgency, sensitivity or confidentiality);
- be sensitive on a case by case basis to any additional resource implications for the sector in disseminating consultations, and to the

most appropriate methods of consultation to encourage responses from the sector, including timescales, making consultation materials available in accessible formats, and giving advance notice of, and publicising, consultations;

- prepare consultation documents that are concise, clearly laid out and written in simple language that will be understood by the intended audience;
- take account positively of the specific needs, interests and contributions of those parts of the sector which represent, women, minority groups and the socially excluded;
- respect the confidentiality of information provided by the sector, within the constraints of the law and the proper performance of public duties, when given access to it on that basis;
- analyse carefully the results of its consultation exercises;
- provide feedback on the results of consultation;
- evaluate its consultations with a view to developing and spreading best practice.

### **Undertakings by the voluntary and community sector**

**3.2** The voluntary and community sector is committed to pursuing recognised good practice in its representational work. In responding to Government consultations, voluntary and community organisations undertake to:

- use their infrastructure to encourage participation in Government consultations (commensurate with their available resources), including co-operating with each other through intermediary bodies and national, regional and local networks to streamline the consultation process;
- define and demonstrate how they represent their stated constituency, by stating who they are, what groups or causes in society they represent and how they involved those interests in forming their policies and positions, and in responding to the consultation itself;
- wherever possible to consult their constituency directly, including service users, volunteers, members and supporters; where this is not practicable or appropriate, to indicate that they are responding on the basis of their accumulated knowledge and experience of working with the groups concerned;

- take account positively of the specific needs, interests and contributions of women, minority groups and the socially excluded;
- ensure that the information they present to Government is accurate and that any research has been conducted in an objective and unbiased manner;
- respect the confidentiality of Government information, when given access to it on that basis;
- give their constituency feedback on the outcome of consultation;
- have regard to the regulatory framework that governs their organisation when representing their constituents, for example, the Charity Commission issues guidance for charities on what they should and should not do in relation to their representational and campaigning work; and
- promote good practice among their members (in the case of intermediary bodies) by issuing guidance on effective representation for voluntary and community organisations, and include consultation performance in quality systems and self-evaluation reports.

#### **4. Appraising the impact of proposals on the voluntary and community sector**

**4.1** When developing policy initiatives, an assessment or impact statement should be prepared covering the likely effect of the proposals on voluntary and community organisations at national, regional and local level, for example: as employers; in their use of volunteers; in terms of additional costs; or in relation to any implementation role envisaged. This can be done in three stages:

- by involving the sector in the development of proposals prior to consultation;
- by securing the sector's views during consultation; and
- through policy appraisal after consultation.

**4.2** It is good practice to include the initial assessment in any consultation materials, to secure further input from the sector, and to provide feedback on any changes to that assessment at the end of the consultation process.

- 4.3 The Better Regulation Guide, the Regulatory Impact Assessment Guide and the Guide to Better European Regulation provide further advice on the preparation of draft regulatory appraisals.

## 5. Ways to consult – choosing the right approach

### Plan and consult early

- 5.1 It is important to build consultation between Government and voluntary and community organisations into plans for policy development, both on specific proposals and services, and more generally. Consultation at a sufficiently early stage of policy development can help to ensure that the resulting proposals are in line with current experience and thinking in the field and avoid incorrect assumptions and misunderstanding at later stages.

### The value of ongoing dialogue

- 5.2 Ongoing dialogue between Government departments and voluntary and community organisations can help to keep both sides informed about developments and avoid unnecessary surprises. Although it may not be possible or appropriate to share the detail of new policy before it is announced, it may be useful to make voluntary and community organisations aware in general terms of forthcoming developments, receive their initial views on the subject and allow them to prepare and prioritise their consultation work. In addition, ongoing dialogue can help improve the development and delivery of programmes based on partnership, where improved mutual understanding can enhance joint working and policy outcomes.

### Consultation should be open and meaningful

- 5.3 Consultation has to be an open and meaningful process if it is to command credibility and make the best use of the time and resources of all those involved. The Government should make clear in the consultation process those matters which are open to change and those on which it has made a firm decision. This will make it clear to voluntary and community organisations where they need to concentrate their efforts.

### Consultation methods

- 5.4 There are many ways of consulting. There is no right method for any given circumstance. All sorts of conditions influence which methods will



provide useful information, and there are no guarantees that just because one method worked well once it will do so again.

- 5.5** It is important to choose the right methods. Careful thought should be given to the aim of the consultation, the nature of those being consulted, and the timetable for action. Sometimes talking to people will be as valuable as writing to them, or more so. Or it may be appropriate to use a variety of methods. Good consultation requires careful planning. The key is to get the best spread of views from those most likely to be affected, and from those with the most to contribute.
- 5.6** It can be helpful to seek views from voluntary and community organisations themselves as to how best to carry out a particular consultation exercise. Consideration should also be given to whether a consultation might best be undertaken in partnership with voluntary and community organisations, and whether that would lead to any additional resource implications for the organisations involved.
- 5.7** The most important tip is not to rely on just one method. Using more than one method increases the chance of a better response – both in terms of quality and quantity. Different methods can also produce different results.

### Written consultation

- 5.8** Written exercises provide a formal means by which people can be invited to comment on policies and proposals. This helps to make policy-making properly accountable, and ensures that knowledge and experience are shared more widely. There are different types of written consultation, ranging from wide public consultations, on for example Green Papers, to small-scale consultations with specialist groups on minor or technical matters. Guidance on consultation documents is set out below.

### Other methods

- 5.9** Written consultation exercises are just one way to consult. Other ways include opinion surveys (postal and face-to-face); meetings; focus groups; user panels; and the internet. Surveys can give an indication of a weight of views, while qualitative research through, for example, meetings, focus groups or panels can provide an understanding of the range and complexity of views. In organising public meetings care should be taken to ensure that they are fully accessible, and adequate notice should be given to relevant interested bodies.

## 6. Consultation documents

6.1 All consultation documents should be concise, clearly laid out and written in simple language that will be understood by the intended audience, avoiding jargon (external testing for plain language is commended). Consideration should be given to making the document available in accessible formats and different languages. Consultation documents will ideally contain or be accompanied by the following:

- a summary (ideally no more than one page);
- a description of the issue, proposal or problem being addressed;
- the purpose of the consultation and, if appropriate, the objective which the proposal is intended to deliver;
- the issues on which views are being sought; wherever possible they should take the form of clear questions and/or fairly argued options and avoid a simple 'Yes/No' format;
- an explanation of what decisions, if any, have already been taken and an explanation of why a particular option is favoured;
- if relevant, various sources of opinion and information, and factual statements that are properly referenced (for example, from academics or consumer groups);
- where appropriate, an explanation of who is likely to be affected, and how, including an assessment or impact statement covering the likely effect of the proposals on voluntary and community organisations (for example, any implementation role or increased costs envisaged);
- where appropriate, an invitation to respondents to submit their own ideas or assessment of how the proposals will impact on voluntary and community organisations;
- the deadline for responses, and wherever possible an outline of the proposed timetable for the rest of the decision-making and implementation processes including a statement of how feedback will be given;
- the name, address and, wherever possible the telephone number and e-mail address of a person whom respondents can contact if they have further queries;

- a list of those being consulted; the document might also ask consultees to suggest any other organisations or individuals who should be consulted;
- a request that those responding should explain who they are and, where relevant, who they represent and specifically who they have further consulted (to help ensure that responses from representative bodies are properly weighted); and
- a statement that responses will normally be made available unless the respondent has requested that they remain confidential;
- an explanation of any constraints that may have limited the full application of the guidance contained in this Code of Good Practice;
- an invitation to provide feedback on the consultation exercise itself and make suggestions for improving consultation in the future.

## **7. Making consultation material available in accessible formats**

- 7.1** Where necessary, consultation materials should be provided in accessible formats, for example, Braille, large print or audio formats (further advice on this can be obtained from the Royal National Institute for the Blind), and languages other than English. Be ready to deal sympathetically with requests for materials to be made available in such formats. If necessary, consider other ways of consulting these groups, for example through face to face discussions. If the consultation applies to the people of Wales, remember that it will probably need to be published in English and Welsh in line with the requirements of the Welsh Language Act.

## **8. How to decide who to consult?**

- 8.1** The voluntary and community organisations to be consulted should not be limited to those in receipt of departmental funding, but should include those with which a department has regular contact or which are likely to have views on the issue in question. Organisations should be encouraged to register their interest in forthcoming consultations (for example, by way of interactive websites that invite users to register their interest in particular policy areas). Membership organisations in the voluntary and community sector will also be able to provide advice on who to consult.

## **9. Forward look at forthcoming consultations**

- 9.1** Voluntary and community organisations need to prioritise their consultation and representative work and to make the best use of their available resources. Early notice of forthcoming consultation exercises, greater clarity about the purpose of the consultation, and different levels of consultation should enable voluntary and community organisations to better plan their representational work and respond appropriately to Government consultations.
- 9.2** Departments should maintain a consultation calendar showing actual or anticipated start and closing dates, and contact points for further information. This should be made available on departmental websites.
- 9.3** Government departments should notify the Active Community Unit of forthcoming consultation exercises of relevance to the voluntary and community sector. These will be collated and placed on the Active Community Unit website.

## **10. Publicising consultation exercises**

- 10.1** The consultation exercise should be appropriately publicised (for example, through an appropriately targeted press release), through voluntary and community sector intermediary bodies (such as the National Council for Voluntary Organisations and local Councils for Voluntary Service) and other national and regional organisations and networks. Attention should be given to how best to consult community groups and Black and Minority Ethnic organisations. The Active Community Unit and membership organisations can provide guidance. Wherever possible, the internet should be used to circulate information and receive replies.

## **11. How long to allow for consultation**

- 11.1** For written consultations, wherever possible 12 weeks should be allowed for replies in order to accommodate the work cycles of organisations working with voluntary management committees and to reach the local level or member organisations. This is more likely to be achieved where consultation has been built into regular planning cycles. It should, however, be recognised that for a variety of reasons a 12 week period will not always be possible, in which case eight weeks for replies will generally be the minimum (in line with Cabinet Office Service First guidance).

- 11.2** Where less than 12 weeks is allowed the document should specify the reason why a shorter response time has been set. For consultations with clearly defined or specialist groups, or where other consultation methods are used, for example meetings or focus groups, shorter consultation periods may suffice, depending on the nature of the subject and the scale of the exercise. Other considerations, such as urgency, can result in a need for more immediate consultation. In such circumstances it is preferable for some consultation to be undertaken rather than none at all.
- 11.3** Allowance should be made for holiday periods, known busy periods and other potential timing difficulties.
- 11.4** Prior to the consultation beginning, consideration will also be given to how to deal with requests for the deadline for comments to be extended.

## **12. Acknowledgement of receipt of responses**

- 12.1** Acknowledgements will normally be sent to those replying to the consultation giving information about the next stages of the process, where this is known. However, it is accepted that it will not generally be possible to respond directly to points made in individual responses.

## **13. Confidentiality**

- 13.1** Where respondents request confidentiality for their comments, their wishes will be respected in accordance with the existing Code of Practice on Access to Government Information and in accordance with legislation on Freedom of Information.

## **14. After the consultation period: analysis and feedback**

- 14.1** The results of all consultation exercises should be carefully analysed and views should be adequately weighted. Particular attention should be paid to the views of representative bodies and those most affected by the proposals. Care should be taken to ensure that appraisal does not place undue weight on responses from larger organisations or marginalise the views of smaller organisations.
- 14.2** Once a decision has been made on the way forward, respondents should be notified promptly how the work will proceed (for example, through a press release, a Ministerial Statement, a letter from officials,

use of a website). This should explain: the consultation process followed; how the decision reflects the results of the consultation (for example, by including an indication of the level of support for the various options canvassed); and include any modified assessment of the impact of the proposals on voluntary and community organisations. Where circumstances permit, a summary of views should be produced and made available (unless they are confidential) together with other information collected from the consultation exercise. Where respondents ask why their views have been rejected, departments should try to give them a prompt and full explanation. **Appendix 1** provides guidance to Government departments on evaluating the consultation process itself.

## **15. Scope and application of the Code**

- 15.1** The Code of Good Practice is not a legally binding document. Recognising the diversity of the voluntary and community sector and its activities, it should be seen as an enabling mechanism to enhance the relationship between Government and the sector. Its authority is derived from its endorsement by Government and by the sector itself through its consultation process. The Code applies to central Government departments, including Government Offices for the Regions, and 'Next Steps' Executive Agencies in England (separate Compacts have been developed in other parts of the United Kingdom). The Code also applies to the range of organisations in the voluntary and community sector.
- 15.2** Following the good practice in this guidance will be the responsibility of individual departments, agencies and bodies and the range of organisations in the voluntary and community sector. Where they do not follow this good practice for a particular consultation exercise, they must satisfy themselves that, if asked, they have good reasons for not doing so.
- 15.3** The Government and the sector's Compact Working Group will encourage other public bodies, for example, Non-Departmental Public Bodies and local government to adopt and adapt the Compact and its associated Codes of Good Practice. This is particularly important given that most voluntary and community activity takes place at the local level.
- 15.4** As part of the process of making the Compact work, there will be an annual meeting between the Government and representatives of the sector to review the operation and development of the Compact, including the Code of Good Practice on Consultation and Policy Appraisal. The report of that meeting will be published. It will also be placed in the Library of the Houses of Parliament.

## EVALUATING YOUR CONSULTATION

### Guidance for Government departments

#### Why evaluate?

1. Evaluating the success of your consultation is vital, and should not be left to the end of the process. It will be much easier to do if you have included it in your initial planning, for example, by deciding at the outset to actively seek feedback on the consultation process from the voluntary and community organisations involved. There are many models for evaluation but try to keep it simple. It can be helpful to seek the views of voluntary and community organisations on the consultation process itself. If you have planned properly, identified what your success and failure criteria are and how you are going to measure them, then the evaluation process should be straightforward. There will always be unforeseen factors that influence results and your evaluation process should be flexible enough to take account of these.
2. Effective evaluation tells you what worked and what did not (and why). It helps to make sure that you get the best value for money from your efforts and time. If one particular method does not work, try to work out why. Problems are always much clearer with hindsight. Evaluation can help you avoid pitfalls next time. Equally, if something works well, try to assess why it was successful, so that you can build on it.
3. If you are able to answer the question ‘what would I do differently next time?’ your evaluation will have been valuable.

#### Points to think about

##### Objectives

4. Set clear objectives from the start of the consultation. Why are you doing it? What do you want to find out? Who are you going to ask? How are you going to do it? What are you going to do with the results? As with all objectives, they should be **SMART** (Specific, Measurable, Achievable, Realistic, Time-bound). At the end, you want to be able to measure whether:
  - objectives were clear;
  - they were relevant to the consultation itself and linked to your wider planning process; and

- they were explained to, and understood by, all relevant staff and those consulted.

### Who you consulted

5. Set specific targets for the levels of response you want from different groups (think about users, potential users, representative groups, and particular groups – for example older people, carers, community groups and Black and Minority Ethnic organisations).
6. Information about which consultation methods worked for which groups will be very useful for the future. At the end, you will want to be able to measure whether:
  - you got views from those you wanted;
  - you were successful in consulting minority, disadvantaged or under-represented groups;
  - different groups responded to different methods;
  - you gave feedback to those you consulted; and
  - those consulted felt that the consultation was worthwhile.

### Methods

7. Identifying which methods to use is clearly central to effective consultation. You need to bear a number of issues in mind, including who you want to consult, what sort of information you want, and how much money, time and experience you have. At the end you want to be able to measure whether:
  - the methods used were right for the objectives of the consultation;
  - if you used more than one method, which one worked better than others and why; and
  - you got the required qualitative and/or quantitative information, response rate and representative sample.

### Timescale

8. The length of time consultation takes is often underestimated. You may give a deadline for responses, but what will you do if people ask for extensions? Have you planned how you are going to report back on the



results? This can take longer than the consultation period itself. At the end, you want to be able to measure whether:

- the timetable was clear and kept to – if not, why not; and
- enough time was allowed for responses.

### Information provided

9. Remember to evaluate the effectiveness of any material you produce as part of the consultation process. Did the posters used to advertise your open meeting attract the right audience? Was putting material on the internet an effective way of encouraging responses? Did you succeed in making information available to the right people? At the end, you want to be able to measure whether information was:

- easy to access;
- relevant to the consultation;
- produced in plain language and easy to understand; and
- available in other languages and in other formats (for example, Braille, audio cassette) where appropriate.

### Costs

10. You need to be able to show that you got value for money from your consultation. Some methods are much cheaper than others, but the information you get may not be of any use. Include staff time and training in your budgets and evaluation – this can be the most expensive element, particularly if you are running the exercise in-house. At the end you need to be able to measure whether:

- you budgeted adequately;
- you made savings in particular areas or overspent in others (and why); and
- unforeseen costs arose and what they were.

### Effect of the consultation

11. The key question is whether anything changed as a result of the consultation. At the end, you need to be able to measure whether:

- you got views that you could use;

- you have actually used those views;
- the consultation has led to some identifiable change in your policy or service; and
- the consultation has changed the relationship between you and those consulted, users and others.

## Training

12. Evaluation is an effective way of identifying any training needs in relation to consultation and policy appraisal. Training which involves input from voluntary and community organisations can be a useful way to meet those needs, and share experience and best practice.

This publication is available on the Compact website at  
**[www.thecompact.org.uk](http://www.thecompact.org.uk)**

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