

# **BBSRC GUIDANCE ON THE PROCESS OF CONSULTATION**

## **Introduction**

As part of its policy making process, BBSRC will, from time to time, wish to consult with its stakeholders and wider community. The following guidance should be applied to all BBSRC written or web based consultations, it does not prevail over statutory or mandatory external legal requirements, such as those that arise under the Human Rights Act, the Data Protection Act and laws against discrimination and defamation.

## **Criteria for BBSRC Consultations**

The following criteria should be applied to all BBSRC consultations.

### **1. Consult widely throughout the process**

- Identify at an early stage relevant interested parties and those whom the policy will be likely to affect. These groups should be contacted and engaged as early as possible in the policy development process.
- In some instances it may be appropriate informally to make contact prior to the written consultation. This has the advantage of a more informed consultation and better understanding of the policies.

### **2. Allow for a minimum of 12 weeks for written consultation**

- The formal consultation period should always include a written consultation exercise.
- The written consultation period should be a minimum of 12 weeks. Longer periods may be necessary in some circumstances e.g. during summer holiday periods.
- Although there may be circumstances that require a consultation period of less than 12 weeks, e.g. timetables linked to Government requirements, health and safety or security issues, these should be the exception and should be avoided wherever possible.
- Where a consultation period is less than 12 weeks, it should be highlighted in the consultation document, with reasons.

### **3. Be clear about the proposals, who may be affected, what questions are being asked and the timescale for responses**

- Questions should be focused and clear about the areas on which views are being sought. Respondents should be encouraged to provide evidence to support their responses.
- If some options have had to be ruled out, for example, because of Government or EU requirements, these should be made clear.
- The risks and consequences of doing nothing should be outlined.
- Particular areas where input would be valuable should be highlighted.

- Representative groups should be asked to give a summary of the people or organisations that they represent.
- A list of consultees should be included with the consultation document and suggestions for other potentially interested parties should be requested.
- State clearly:
  - the deadline for responses
  - the name, address, telephone number and email address of a person who can deal with queries
  - the name and address and email address to where responses should be sent.

**4. Ensure that the consultation is clear, concise and widely accessible.**

- The consultation criteria should be reproduced in all consultation documents, and it should be explicitly stated that the consultation will abide by these criteria.
- The consultation document should also state that a summary of the responses received will be published and by what date and where.
- Use plain language; avoid jargon and only use technical terms where absolutely necessary. Explain complicated concepts as clearly as possible and, where there are technical terms, use a glossary.
- Provide an executive summary to the written consultation document that covers the main points of the document, preferably no longer than two pages. Even if the document is technical, ensure that the executive summary is accessible to all. Having read the executive summary consultees should be in a position to decide whether the consultation is relevant to them, and whether they need to read further.
- Ensure that the consultation document is available in paper format and with the fullest use of electronic means. It should be available and easily found on the internet from the day that the consultation is launched.
- Efforts should be made to bring the consultation to the attention of all interested parties. As well as using the internet publicising the consultation in ways that are most appropriate for the groups to be targeted.
- Produce documents in electronic formats appropriate to achieving wide accessibility. Consider the range of electronic response methods to ensure that providing a response is simple, engages a broad range of people and encourages deliberation. Costs to users should never be such that they are an obstacle to effective consultation.
- Consider groups which cannot access traditional written consultations or the online versions of these. It may be necessary to produce the document in different languages, including, for example, Welsh. There may be some circumstances in which written consultation is not the best way to reach your target audience and it may be necessary to consider alternative means, such as meetings, focus groups, regional events or targeted leaflets.

- Invite respondents to comment on the extent to which the criteria have been adhered to and to suggest ways of further improving the consultation process.
- Explicitly state whom to contact if respondents have comments or complaints about the consultation process. This should be someone outside the team running the consultation and is likely to be the consultation co-ordinator for the department.

## 5. Follow better regulation best practice

- When consulting on a review of policy area, ensure consideration is given to opportunities for **reducing** bureaucracy and regulatory burdens, for example simplification or repeal of existing regulations.
- Ensure that a **Regulatory Impact Assessment (RIA)** is attached, where required, highlighting the costs, benefits and risks of the proposal. Respondents should be encouraged to comment on and challenge the assumptions in an RIA.
- Consider **alternatives** to regulations, such as voluntary codes, and encourage respondents to suggest alternatives when responding to the consultation exercise.
- Consider any unintended consequences of the proposal and ask respondents to highlight these in their response.
- When consulting, ask about the practical enforcement and implementation issues of the proposed policy, including asking respondents for alternative approaches to implementation.
- More generally, seek to ensure that the Principles of Good Regulation are followed whenever policy is being developed. These are:
  - proportionality
  - accountability
  - consistency
  - transparency, and
  - targeting

## 6. Analysis and feedback on responses received

- Responses should be carefully and open-mindedly analysed; do not simply count votes. Particular attention may need to be given to representative bodies, such as business associations, trade unions, voluntary and consumer groups and other organisations representing groups especially affected. In order to ensure that responses are analysed correctly, it is important to understand whom different bodies represent, and the methodology used to gain members' input into the response.
- Particular attention should be paid to:
  - possible new approaches to the question consulted on;
  - further evidence of the impact of the proposals; and
  - strength of feeling among particular groups
- The consultation document should state the date when, and the web address where, **the summary of responses will be published**. As far as possible this should be within three months of the closing date of the consultation. Those without web

access should be able to request a paper copy of this summary and it should also be available in formats which are appropriate to the audience.

- The summary should give an analysis of the responses to questions asked: for each question there should be a summary of responses to that question and then an explanation of how it is proposed to change the proposal in light of the responses received. There should also be information provided on themes that came out of the consultation which were not covered by the questions.
- Explain that information provided in response will be dealt with in accordance with the access to information regimes. These are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations (2004).
- When providing copies of responses, it is legitimate to make a reasonable charge for copying and postage.

#### **7. Outcome of the consultation**

- Wherever possible the summary of responses should also include a summary of the next steps for the policy, including reasons for decisions taken.

#### **8. The effectiveness at consultation of an organisation should be monitored.**

- There should be a nominated consultation co-ordinator who ensures that the Consultation Code is followed, and who is an adviser to those conducting consultation exercises.
- Consultations should be evaluated and used to inform future consultations and to identify any lessons learnt.