

## **Cabinet Office consultation 'Effective Consultation' - Wildlife and Countryside Link's response - September 2007**

Wildlife and Countryside Link (Link) brings together 39 voluntary organisations concerned with the conservation and protection of wildlife and the countryside. Our members practise and advocate environmentally sensitive land management and food production and encourage respect for and enjoyment of natural landscapes and features, the historic environment and biodiversity. Taken together, our members have the support of over 8 million people in the UK.

Link's role is therefore to bring our member organisations together to work on policy issues. In carrying out this role, we are required to respond to a number of Government consultations. In 2006 we submitted 14 responses to Government consultations across a wide range of subject areas. So far in 2007 we have submitted 9 consultation responses to date, with another 4 currently in draft.

This response is supported by the following organisations:

- Anglers' Conservation Association
- Association of Rivers Trusts
- Bat Conservation Trust
- British Mountaineering Council
- Buglife - the Invertebrate Conservation Trust
- Campaign to Protect Rural England
- Council for British Archaeology
- Council for National Parks
- Environmental Investigation Agency
- Froglife
- International Fund for Animal Welfare
- Open Spaces Society
- Plantlife International
- Ramblers' Association
- Royal Society for the Prevention of Cruelty to Animals
- Royal Society for the Protection of Birds
- The Wildlife Trusts
- Whale and Dolphin Conservation Society
- Wildfowl & Wetlands Trust
- Woodland Trust

### *Link's rationale for responding*

As an umbrella body, a great deal of Link's time and resources go towards ensuring that detailed, accurate responses are provided to Government consultations. For all these responses, Link operates on a 'positive sign up' basis. This means that only those organisations that agree with every element of the response will add their organisation's support to a Link document. By operating in this manner, Link can ensure that the wishes and views of our members are respected and included. This process involves a great deal of time and negotiation in coming to the agreed common position. In responding to this consultation the same process has been followed, and therefore this response reflects the collective views of those organisations within our membership that have indicated their support.

### *Current policy*

1. Do you think the Government's Code of Practice has led to an improvement in the way the Government consults and to improved policy outcomes? Please illustrate your answer with any concrete examples you may have.

Link believes that in most cases the implementation of the Government's Code of Practice has resulted in an improvement in the way the Government consults, as it provides departments with a set of rules against which they must perform in order to ensure their work is of best practice standard. However, increasingly Link is finding that a 12 week consultation is being carried out, with a request within the consultation document for an early response. An example where this has taken place is the Defra consultation on the Rural Development Programme for England (2007 - 2013), which ran from April to June 2007. Within the consultation letter however, was a request for responses by 1<sup>st</sup> May, which Link understands was as a result of an EU deadline. In these cases, Link suggests more consideration be given to the best approach for a consultation, rather than imposing two deadlines on stakeholders, the first of which in Link's case was not possible to meet due to the increased time required in order to submit a coalition response.

*2. Are 12 weeks generally the right amount of time for the formal, written element of Government consultations to last? Do you think that there are circumstances where a shorter or longer duration may be more appropriate?*

In general, Link agrees that 12 weeks is an appropriate period, however we would encourage the Government to be more flexible with the application of this principle. There are times when the sheer number of consultations realised by a single department reduces the ability of organisations to respond. When publishing consultations, Government departments should therefore be aware of the deadlines of other closely related consultations and extend the consultation period accordingly. In addition, increasingly consultations are being published shortly before either the Summer or Christmas holiday periods. This consultation is a case in point, having been published in June. As Link is an umbrella body, it is required to consult with its member organisations when preparing a response to a consultation and circulate draft responses for member's approval. When consultation documents are published in periods when many staff members are taking their annual holidays, discussion amongst the Link membership has to be delayed until the majority have returned. In these cases, the 12 week period should be extended to deal with these situations.

#### *Monitoring compliance*

*3. Is the system for monitoring and promoting performance of departments in relation to the criteria in the current Code of Practice on Consultation right? What improvements could be made?*

No comment

#### *Consultation and Impact Assessment*

*4. Is the new approach to Impact Assessment sufficient to improve public consultation on the evidence base for Government policymaking? How could consultation policy improve consultation on Impact Assessments?*

No comment

#### *Consulting for the right reasons at the right time*

*5. When in the policy development process do you think the Government should consult stakeholders? Please cite any relevant examples when you have been consulted at the right or wrong time.*

Currently there is considerable frustration with the types of questions consultations are asking. Consultations frequently ignore wider policy objectives and focus around questions of process. This may lead to the impressions that most of the policy decisions in a consultation are already taken and only how it is done is still up for discussion.

Link encourages early consultation with the appropriate stakeholders wherever possible. By acting in this way, Government can ensure that stakeholders' views are taken into account in the earliest possible instance.

#### *How best to seek stakeholder input?*

*6. Do you think that more emphasis should be placed on alternative or supplementary approaches to consultation in a revised consultation policy? What supplementary approach or approaches would work best for you/your organisation?*

It is Link's experience that Government departments are increasingly using alternative approaches to consultation for example, stakeholder workshops and roundtable discussions. In many cases this is a useful means by which organisations can engage with departments, however it is often beneficial to have these approaches take place both before and after written responses have been submitted, to allow the thinking behind responses to be fully informed, explained and discussed within policy teams. Link would be concerned if Government policy were to move away from a formal written response, which due to the detailed, technical nature of many consultations, is often the most effective means of consultation.

#### *Awareness-raising*

*7. How do you generally become aware of Government consultations and how would you like to learn about upcoming and current Government consultations?*

Link becomes aware of consultations through a variety of sources. Often we are identified by the appropriate Government department as a consultee, or we receive information regarding a consultation through our existing contacts within Government departments or via our members. In addition, our membership of other umbrella bodies and regular email sources ensure that we hear about the majority of relevant consultations. We do not consider any amendments are required to this system, although we would encourage the Government to make the most of advances in technology as these become available.

#### *Reporting back following consultations*

*8. How do you rate the feedback you have seen from Government departments following consultations and what improvements or changes would you like to see in relation to reporting back?*

Link's experience on feedback from consultations varies enormously within and between Government departments. In many cases, feedback is in person through arranged meetings following the end of the consultation period. We sometimes receive detailed written responses, however in most cases no response is ever received. Link believes that for all Government consultations, a requirement should be inserted into the code to ensure that all respondents to consultations are provided with a copy of the Government's response, either by email or post. We believe that these responses should be provided to consultees even if, following the consultation, the policy is abandoned due to a change in focus of the department, a situation which Link has also experienced.

#### *Consultation fatigue*

*9. Is "consultation fatigue" an issue for you? If so, why is this and how do you think this issue could be overcome?*

The major issue for Link and its member organisations is capacity. In many cases, there simply isn't sufficient time to review a consultation document and provide a detailed response. In this way, we would encourage more alternative approaches to encourage Link and its member organisations to provide input in whichever way they are best able to depending on their capacity at the time a consultation is published. As with the answer to Q2, the Government should consider the staggering of

deadlines for submission or the granting of extensions on closely related consultations in order to assist organisations with capacity constraints.

#### *Other issues*

*10. Please feel free to give us any other views you may have about the effectiveness of current consultation policy, the future of consultation policy, the case studies in this paper and other examples from the UK or elsewhere.*

Link's major concern is the way in which consultations are accounted for. As an umbrella body, a great deal of Link's time and resources go towards ensuring that detailed, accurate responses are provided to Government consultation. For all these responses, Link operates on a 'positive sign up' basis. This means that only those organisations that agree with every element of the response will add their organisation's support to a Link document. By operating in this manner, Link can ensure that the wishes and views of our members are respected and included. However, this process involves a great deal of time and negotiation in coming to the agreed common position. It therefore concerns us when a response submitted to a consultation, which has the support of a large number of often diverse organisations with a wide range of policy requirements, is counted as if it were a single response from a single stakeholder organisation. It is our opinion that as a consensus document, responses submitted by Link are worth more than the sum of its collective parts and therefore should be recognised for the contribution they provide to the issue under consultation, in addition to the responses of our members. Although we understand that responding to a consultation is not a box ticking, number counting exercise, a Link response which has the support of 17 organisations, should be given its due weight of 17 responses.

In many situations, Link's members may also submit a response in addition to the Link response. It is our opinion that their individual response(s) should be counted additionally to the collective Link response and that they should not effectively 'cancel each other out'.

Link would also like to see, in the Government's summary of consultation responses, a more explicit statement that shows how the comments submitted are being taken into account (or otherwise) and why, which we understand is common practice in Scottish Government consultations. This would help us to know that our views have been listened to and that the, often very significant, effort put into responses is worthwhile in making a difference. It is Link's opinion that this would add real value to the process for everyone.

#### *Options*

*11. Do you think any of these options would make for a good consultation policy? If so, which option and what changes could be made to improve it?*

It is Link's view that Option One - Written consultation plus one other method - is the most appropriate for a good consultation policy. This is due to the fact that it allows Government departments flexibility, whilst still ensuring that sufficient time is allowed for organisations to submit detailed technical responses to consultations.

*12. Are you content with the Government's preliminary analysis that the options identified in the consultation document would not impose costs on the private or third sectors?*

No comment