

HOUSE OF LORDS

Secondary Legislation Scrutiny Committee

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22nd Report of Session 2012-13

**The Government's  
new approach  
to consultation –  
“Work in Progress”**

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*Secondary Legislation Scrutiny Committee (formerly Merits of Statutory Instruments Committee)*

The Committee has the following terms of reference:

- (1) The Committee shall, with the exception of those instruments in paragraphs (3) and (4), scrutinise—
  - (a) every instrument (whether or not a statutory instrument), or draft of an instrument, which is laid before each House of Parliament and upon which proceedings may be, or might have been, taken in either House of Parliament under an Act of Parliament;
  - (b) every proposal which is in the form of a draft of such an instrument and is laid before each House of Parliament under an Act of Parliament,
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  - (d) that it may imperfectly achieve its policy objectives.
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  - (b) draft orders under sections 14 and 18 of the Legislative and Regulatory Reform Act 2006, and subordinate provisions orders made or proposed to be made under the Regulatory Reform Act 2001;
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## CONTENTS

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<b>Contents</b>	<b>2</b>
<b>Summary</b>	<b>3</b>
<b>Recommendations</b>	<b>3</b>
<b>Chapter 1: Introduction</b>	<b>5</b>
<b>Chapter 2: Analysis</b>	<b>8</b>
<b>Commitment to consultation</b>	<b>8</b>
<b>“Proportionate and realistic” timeframes</b>	<b>9</b>
<b>Practicability of 12 weeks</b>	<b>10</b>
<b>Unworkability of two weeks</b>	<b>11</b>
<b>“Digital by default” - Internet consultation</b>	<b>13</b>
<b>Access to consultations by different groups</b>	<b>14</b>
<b>Transparency</b>	<b>15</b>
<b>Feedback</b>	<b>15</b>
<b>Monitoring consultation practice across Government</b>	<b>16</b>
<b>Chapter 3: Conclusions</b>	<b>18</b>
<b>Appendix 1: Correspondence between Oliver Letwin MP and the Secondary Legislation Scrutiny Committee</b>	<b>20</b>
<b>Appendix 2: Letter and Statistics provided by Oliver Letwin MP</b>	<b>25</b>
<b>Appendix 3: Call For Evidence issued 31 October 2012</b>	<b>48</b>
<b>Appendix 4: List of Written Evidence received</b>	<b>49</b>
<b>Appendix 5: Interests and attendance</b>	<b>52</b>

# The Government's new approach to consultation – “work in progress”

## SUMMARY

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1. This is the report of our inquiry into the new approach to consultation, and the accompanying Principles, which the Government announced in July 2012.
2. We invited interested parties to send us written evidence. We were struck both by the volume of submissions that we received, and by the extent of concerns expressed across groups from civil society. We set out the detail of these concerns in this report.
3. We took oral evidence from Mr Oliver Letwin, MP, Minister for Government Policy, in December 2012. Mr Letwin told us that, while the Government had not consulted on the new approach before the July announcement, they intended to review matters after a year and would take account of the views of individuals and groups concerned. He called this “work in progress”.
4. The written evidence sent to us gives a good picture of how the new approach has played out over the last six months, and what interested parties think of it. The Government wish to apply greater flexibility to consultation processes than the previous guidance under the 2008 Code of Practice seemed in their opinion to allow. The evidence that we have received suggests that the new approach has indeed changed Government practice, but without bringing benefits that are recognised by those being consulted.
5. The new Principles may allow the Government to make legislation more quickly, but there is a risk that the resulting statute will be less robust because rushed consultation processes make it too difficult for external interests to provide expert critique at the right time.
6. In the light of the evidence, we call on the Government to recognise that the July 2012 Principles are failing to provide the consistency and transparency that others look for in consultation exercises.
7. We urge the Government to launch an independent, external review of their new approach to consultation without delay, and to publish the outcome by Easter 2013. Below, we set out our recommendations in full.
8. If handled properly, consultation improves the formulation and implementation of policy. This is an objective of the Government, but we consider that it will be inadequately achieved unless the July 2012 Principles are reviewed and revised. **We make this report to the House for debate.**

## Recommendations

9. We urge the Government:
  - to ensure that the forthcoming review of the July 2012 Consultation Principles draws on concerns voiced in written evidence to us, and particularly on a widely expressed preference for a 12-week standard duration;

- to recognise that six weeks is regarded as the minimum feasible consultation period, save in circumstances which would be generally recognised as exceptional (and not defined as such by Government alone);
  - to ensure that consultation periods do not clash with holidays or peak periods of activity for the target group; and
  - to respond to the wish for the Government to engage with key interest groups prior to launching any public consultation, so as to agree broad outlines (paragraph 42).
10. We recommend that:
- the review of the Principles should be launched in January and publish its findings by Easter 2013 (paragraph 68);
  - the review should be carried out by a unit independent of Government, to ensure that its findings are seen as objective (paragraph 69); and
  - a Stakeholder Reference Group should be convened to provide input to the review team, with members from across civil society (paragraph 70).
11. We also urge the Government:
- to recognise that a “digital by default” approach may exclude vulnerable and other groups, and may constrain comments from those who do respond (paragraph 45);
  - to demonstrate more clearly that the commitment to wider engagement with vulnerable and hard-to-reach groups is being delivered in practice (paragraph 50);
  - to reinforce the commitment to wider engagement in any revision of the Principles (paragraph 50); and
  - to introduce, as soon as possible, a single website listing open consultations in the order in which they close (paragraph 54).
12. We also recommend that:
- revision of the Principles should make it explicit that Departments should always publish a timely Government response to a consultation process (paragraph 56);
  - the Government should strengthen the oversight role of the Cabinet Office in relation to the co-ordination, conduct and communication of consultation exercises across Departments, to monitor compliance with the Principles; and
  - the Government should make clear what redress is open to stakeholders if they consider that any consultation does not comply with the published Principles (paragraph 61).
13. Finally, we recommend that, before placing any new deregulatory Bill before Parliament, the Government should carry out an effective process of public consultation, in the spirit of the Minister’s assurances to us (paragraph 71).

## CHAPTER 1: INTRODUCTION

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### *What the Government want to do about consultation*

14. Twelve weeks has been the accepted norm for consultation exercises since 2000. In 2008, after engagement with interested parties, the previous Government adopted a code of practice on consultation<sup>1</sup> which promoted consistency in the approach followed by different Departments, and reinforced the expectation that such exercises would normally last for at least 12 weeks, unless there were good reasons for a shorter period.
15. In July 2012, Mr Oliver Letwin, MP, Minister for Government Policy, announced<sup>2</sup> a new approach to consultation, setting out “Consultation Principles”<sup>3</sup> which would replace the 2008 code of practice (see Box 1). One of the key changes made was that Departments would have discretion in considering a range of timescales for consultation exercises, rather than defaulting to a 12-week period.

### **Box 1: extract from July 2012 guidance on Consultation Principles**

“This guidance sets out the principles that Government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation. It is not a ‘how to’ guide but aims to help policy makers make the right judgements about when, with whom and how to consult. The governing principle is proportionality of the type and scale of consultation to the potential impacts of the proposal or decision being taken, and thought should be given to achieving real engagement rather than following bureaucratic process. Consultation is part of wider engagement and whether and how to consult will in part depend on the wider scheme of engagement.”

16. In scrutinising statutory instruments (SIs), the Secondary Legislation Scrutiny Committee considers the Explanatory Memorandums (EMs) laid alongside SIs. Our experience has been that Departments’ adherence to the 2008 code of practice has meant that the consultation section of those EMs could generally be relied upon to give a useful insight into the instruments’ impact. We were therefore concerned to understand more about the Government’s new approach, and how it might affect the information provided to Parliament in relation to such instruments.
17. There was an exchange of correspondence between the Committee’s Chairman and Mr Letwin between July and October 2012 (see Appendix 1), which resulted in an invitation to the Minister to give evidence in person to the Committee. The evidence session was held on 11 December 2012.<sup>4</sup>
18. Mr Letwin told us that the Government had seen a need to issue the new Principles because of their sense that Departments “had got into a sort of rigmarole of doing things without particularly thinking about why they were doing what they were doing when it came it came to consultation”. He said

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<sup>1</sup> See: <http://webarchive.nationalarchives.gov.uk/+http://www.berr.gov.uk/bre/policy/scrutinising-new-regulations/reviewing-consultation-process/page44083.html>

<sup>2</sup> HC Hansard, 17 July 2012, Column 115WS

<sup>3</sup> See: <http://www.cabinetoffice.gov.uk/resource-library/consultation-principles-guidance>

<sup>4</sup> The full transcript is published on the website: [www.parliament.uk/seclegpublications](http://www.parliament.uk/seclegpublications)

that the most important of the new Principles was proportionality: the Government did not wish to see either more or less consultation, “but rather a proportional approach, which means doing a kind of consultation that relates in the right way to what you are consulting about and the people that you are consulting in order to invoke the kind of response which will be useful” (Q1). The Prime Minister gave a summary of the Government’s new approach in a speech in November 2012 (see Box 2).

**Box 2: extract from Prime Minister’s speech to CBI Conference on 19 November 2012**

“When we came to power there had to be a three month consultation on everything and I mean everything, no matter how big or small. So we are saying to Ministers: here’s a revolutionary idea – you decide how long a consultation period this actually needs. If you can get it done properly in a fortnight, great, indeed the Department for Education has already had a consultation done and dusted in two weeks. And we are going further, saying: if there is no need for a consultation, then don’t have one.”<sup>5</sup>

19. In fact, Government Departments were not previously constrained to follow a three-month timescale for all consultations. As we have already noted, the 2008 code of practice provided for a 12-week period “under normal circumstances”, but it also recognised that there could be good reasons for a shorter period, which should be clearly explained in the consultation document.
20. In June 2012, the National Audit Office published a report on the effectiveness of central government’s communication with local government<sup>6</sup> which found that, in two-thirds of consultations in the two years to January 2012, the seven departments included in their analysis allowed less than three months.
21. Our own analysis of the statutory instruments considered by the Committee in November 2010 and in November 2012 shows that, in both periods, there had been 12-week public consultation periods in only around 25% of cases. For the remainder, there had been either shorter public consultation periods, consultation targeted at specific stakeholders, or no consultation. As a Committee, we were satisfied with the justification given for these curtailed processes in 94% of cases.
22. In his evidence, Mr Letwin acknowledged that Government Departments had always had flexibility, and that there was “not an absolutely ineluctable rule that everything was 12 weeks”. He told us that the Government’s own analysis showed that “in the six months before the new set of Principles came in, 95 consultations out of roughly speaking twice that number were 12 weeks” (Q8).
23. We subsequently received a letter of 16 December 2012 from Mr Letwin providing Cabinet Office statistics on the duration of consultation processes before and after July 2012 (see Appendix 2). These show that:
  - between January and mid-July 2012, there were 253 consultations: of these, 56.5% were over 12 weeks, and 43.5% were under 12 weeks;

<sup>5</sup> <http://www.number10.gov.uk/news/speech-to-cbi/>

<sup>6</sup> [http://www.nao.org.uk/publications/1213/central\\_and\\_local\\_government.aspx](http://www.nao.org.uk/publications/1213/central_and_local_government.aspx)

- between mid-July 2012 and mid-December 2012, there were 207 consultations: of these, 26% were over 12 weeks, and 74% were under 12 weeks.
24. It was useful to receive this information from the Minister, which demonstrates a more nuanced picture than has at times been presented. **In our view, it would be helpful to the wider public debate if the Government were to recognise more explicitly that Departments have always had, and applied, flexibility over the conduct and timing of consultations.**

## CHAPTER 2: ANALYSIS

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### *What interested parties want the Government to do about consultation*

25. In preparation for the session with Mr Letwin, in October 2012 the Committee issued a call for evidence (see Appendix 3), inviting interested parties to submit written comments by the end of November. In total, 77 original submissions were received from organisations or individuals, as well as 477 submissions from a campaign co-ordinated by the Institute for Employment Rights; a list of those submitting evidence is enclosed (at Appendix 4).<sup>7</sup> We would like to express our thanks to all respondents who sent us comments, which we have considered carefully. We were impressed by the wide range of interests that are represented, and by the general tone of constructive criticism. The response to our call for evidence also demonstrated the benefit of public consultation, by raising a number of relevant issues, particularly about practical problems with digital platforms for consultation. Below, we discuss the main issues raised.

### *Commitment to consultation*

26. We have already noted that Mr Letwin told us that the Government did not intend that the new Principles should either increase or decrease consultation. He also said that, in his experience, “the most useful kind of conversations with the outside world go on before you can get to the proposition itself” (Q1).
27. Most respondents agreed with this sentiment. However, the Government’s handling of the July 2012 announcement planted doubt in the mind of some about the commitment. In its evidence to us, for example, the Chemical Business Association (CBA) said that it had seen “no evidence of the Cabinet Office seeking views on their proposed changes before or since the Written Ministerial Statement of 17 July 2012...The fact that these changes appear to have been introduced with no consultation whatsoever provokes scepticism about their real intentions.” The Confederation of British Industry (CBI) noted that the July 2012 change in approach “was taken with no notice and little input from stakeholders. Given the fundamental change that the new rules will have on the engagement of stakeholders with government departments, steps should have been taken to ensure that they were engaged and that they supported the changes to the Consultation Principles.” The Chartered Institute of Taxation said that, while it would support the new approach if it meant trying to make consultations more effective, “if it is all about allowing policy changes to be pushed through without external input, then we would be very concerned and disappointed”. The Centre for Public Scrutiny commented that, given the emphasis placed by the Government on localism and greater popular involvement, “it would be odd if the effect of the new principles was to reduce the numbers of people participating in local decisions”.
28. We raised this with the Minister, who told us that the reason why the Government decided “to proceed with the new principles rather than consult on them is that we felt that we would ultimately know whether they were good only something like a year in or after six months” (Q1). We note that

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<sup>7</sup> Evidence received has been published on the Committee’s website.

this is in contrast to the 2008 code of practice, which was published after consultation, and which was based on six principles that are still widely supported. Mr Letwin confirmed that it was the Government's intention to review the impact of the new Principles after a year.

29. We return to the issue and timing of this review later. For our part, we find it surprising that the Government announced the new approach as a *fait accompli* without prior consultation. It was perhaps foreseeable that this decision would cause concern about the Government's underlying commitment. **In our view, it is essential that contributors should be assured of genuine engagement, and that consultation should be capable of influencing Government policy and not become a mere public relations exercise.**
30. In its evidence, the Association of School and College Leaders (ASCL) took a step back from consultation, stating that the Government had not apparently understood the fundamental message that there are too many initiatives and too much legislation, both primary and secondary: "the number of consultations is again a symptom of hyper-activity in Government rather than being an issue in itself." Mr Letwin agreed that there was "a sort of overload for many". He said that the Government were seeking to reduce the amount of legislation and regulation on the statute book, although he conceded that proposals for deregulation themselves needed to be considered by those potentially affected (Q3).

*"Proportionate and realistic" timeframes*

31. The Government's Principles of July 2012 included a statement that "timeframes for consultation should be proportionate and realistic to allow stakeholders sufficient time to provide a considered response". This was an issue which attracted much comment, mostly pointing to deterioration in Departments' practice since the new Consultation Principles were announced. We note the rapid change in consultation periods demonstrated by the Minister's own figures, which have dropped from an average 10.2 weeks to an average 8.5 weeks in less than six months. There is variation between different Departments, but it is striking that there has been a reduction of as much as one third in the average periods allowed for consultation both by the Department for Communities and Local Government (from 11.07 to 7.22 weeks) and by the Department for Culture, Media and Sport (from 9.09 to 6.11 weeks).
32. The British Chambers of Commerce (BCC) said that the Department for Business (BIS) had launched a three-week consultation process about the implementation of the new employee-owner status,<sup>8</sup> followed by an overlapping consultation on implementation of Nuttall Review recommendations, "which allowed 13 working days for stakeholders to consult their members and experts, conduct research, formulate their responses and achieve sign-off." The CBI was no less critical: we reproduce their comments.

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<sup>8</sup> On 3 December, BIS published the Government response to the consultation process. This stated that, among the 209 responses, only "a very small number of responses welcomed the scheme". Of 146 responses to the question "what are your views on the take-up of this policy by a) companies b) individuals? ... the large majority (92%) were either negative or mixed".

**Box 3: extract from CBI written evidence****“How not to do it: employee-owner status**

It was disappointing that one of the first consultations issued under the new principles by the Department of Business, Innovation and Skills failed to live up to these expectations. The consultation on implementing employee-owner status opened on 18 October 2012 and closed just three weeks later on 9 November. Given the complicated interaction of employment, tax and company law, the CBI believes it unlikely that many of those affected – the policy is primarily focussed on small businesses – would have been able to respond fully or adequately. This situation was exacerbated by the fact that the policy was only announced by the government the week prior to the consultation opening.”

33. Many who gave us evidence made the point that, in applying proportionality to consultation processes, the Government should take into account the capacity of organisations to comment. The Association for the Conservation of Energy (ACE) said that the complexity of consultation material relating to a Department for Energy and Climate Change consultation in 2012 required studying and commenting on an average of 51 pages for each day of the consultation period. In a comment that was made in similar terms by a number of organisations, the Institution of Occupational Safety and Health (IOSH) said that its members led active professional lives, and so required sufficient time to be able to respond to consultation: since January 2012, IOSH had provided responses to a total of 65 different consultations, “and we have now also been asked to comment on another extensive and wide-ranging one on EU law covering 21 Directives by 31 December 2012”.
34. The Bar Council said that it responded to about half of the approximately 13 consultations notified to it each month, and it commented on what it saw as a recent trend in government departments to issue “multiple consultations in discrete areas of policy, all with short and overlapping deadlines, which show no regard to the burden on consultees. Recent examples include consultations on employment law and consumer law.”

*Practicability of 12 weeks*

35. There was a good deal of support for retaining the 12-week default position from the 2008 code of practice. The City of London Law Society said that the 2008 code was based on public consultation carried out by Government in 2007, and commented that in the absence of any public debate or consultation since 2007 “it is not unreasonable to believe that the majority of those organisations and individuals who wish, or at least are willing, to contribute to the public policy debate, still support the outcome of the 2008 Code.” The British Retail Consortium (BRC) noted that the UK Government had “recently convinced the EU to adopt a 12-week standard approach to consultations”, and said that the BRC failed to understand “why the Government is simultaneously attempting to move away from that as a standard for domestic consultations.”
36. The Earl of Lytton referred to the examples of parish councils and other bodies with a local branch structure, meeting perhaps only 4 to 6 times a year: “12 weeks is a minimum in such cases and holiday periods should be avoided or extra time factored in to compensate.” A number of those submitting evidence also made the point that Government should take

account of inconvenient times of year in planning its consultations. The ASCL said that, for the education sector, Christmas and summer holiday periods should not be counted against the time for response. The Local Government Association gave the example of a consultation on academies funding “launched in 2011 at the end of July for four weeks during the school holidays when school staff who were central to the response would have been on holiday.” The BRC told us that it had strongly objected to the process for the Government’s consultation on the Midata scheme:<sup>9</sup> “not only was it limited to six weeks but also the six weeks chosen were over the summer period which this year coincided with the Olympics “, a period of peak activity for the retail sector. The National Farmers’ Union (NFU) complained about consultations issued during the summer harvest period.

37. We raised with Mr Letwin the omission from the July 2012 Principles of the need to avoid consultation at times that are inconvenient for consultees. The Minister confirmed that any future guidance on Government consultations would include specific reference to avoiding inconvenient times (Q4). We note that on 13 December 2012 the Ministry of Justice launched a consultation on “Judicial Review: proposals for reform”, setting a deadline for comment of 24 January 2013, a six-week consultation period spanning Christmas and the New Year. We would comment that the tightness of this timescale cannot be convenient for anyone but Government.

*Unworkability of two weeks*

38. The July 2012 Principles stated that timeframes for consultations might vary between two and 12 weeks. Virtually all submissions argued strongly against a two-week period. Mr John Leech, MP, said that “2 weeks is clearly not long enough to give a reasonable time for consultation, and there is the potential for people to simply miss it”. The Association of Manufacturers of Domestic Appliances (AMDEA) said that two weeks was a fairly standard holiday period and was therefore always too short a timescale, particularly for SMEs that were unlikely to have cover.
39. The Consultation Institute commented that offering the prospect of two weeks was a “mistake...We know of very few circumstances where a meaningful exercise can be conducted so quickly.” It considered that a four-week fast-track would be more predictable and practical, and suggested standardised durations for consultation processes (see Box 4). The ASCL and the Bar Council called for the certainty of a minimum period, which the ASCL suggested should be six weeks. The Local Government Association also said that, for local authorities, a minimum period of six weeks would be required to formulate a sector-wide response.

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<sup>9</sup> The consultation was carried out by BIS and the Cabinet Office, between 27 July and 10 September 2012.

**Box 4: extract from Consultation Institute written evidence**

We advocate a simple rule-of-thumb default as follows:

Short consultations – 4 weeks

Medium consultations – 8 weeks

Long consultations – 12 weeks

Allowance should always be made for the effect of summer holidays and Christmas.

40. Mencap said that, despite the Government’s re-affirmation of the principles of the Compact with the voluntary and community sector, it was very concerned “that the new guidance and the Prime Minister’s recent statements will encourage public bodies such as local authorities to reduce consultation periods or scrap them completely.” The Disability Charities Consortium (DCC) said that the requirement for a 12-week minimum period for consultation had “attained considerable importance as a yardstick for how a valid consultation should be carried out.” The DCC noted that the July 2012 Principles referred to minor or technical amendments to regulation or existing policy frameworks as examples of where less extensive or no consultation could be justified: “this fails to acknowledge that by its nature, policy-making involves a great deal of technical amendments within existing policy, but which may nonetheless have far-reaching implications.”
41. We raised with Mr Letwin the concern expressed by respondents that, following the application of the July 2012 Principles, consultees had lost the predictability and consistency which the 2008 code of practice afforded on timescales, which had allowed them to manage their contributions to one or more consultations simultaneously, while carrying forward the other functions for which they were responsible. What the Principles describe as the exercise of discretion was perceived by respondents as inconsistency. The Minister said that “I do see your point about consistency... I accept entirely that we must not allow this to become—not least in the interests of the Government—a matter of convenience...” (Q6).
42. Respondents provided several examples of consultations in recent months where Departments’ interpretation of “proportionate and realistic timeframes” failed to meet the Government’s own objective of allowing stakeholders sufficient time to provide a considered response. It is clear that many of the organisations which sent us evidence are concerned that the new approach serves the Government’s interest, but not theirs. **We urge the Government to address these concerns urgently, and in particular:**
- **to ensure that the forthcoming review of the Principles draws on these concerns, and particularly on a preference for a 12-week standard duration expressed widely among respondents to our inquiry;**
  - **to recognise that six weeks is regarded as the minimum feasible consultation period, save in circumstances which would be generally recognised as exceptional (and not defined as such by Government alone);**
  - **to ensure that consultation periods do not clash with holidays or peak periods of activity for the target group; and**

- **to respond to the preference expressed for the Government to engage with key interest groups prior to launching any public consultation, so as to agree broad outlines.**

*“Digital by default” - Internet consultation*

43. The July 2012 guidance stresses the need for Government Departments to exercise judgement over not only when to consult, but also how. In his announcement at that time, Mr Letwin added that “consultation can take different forms, but the expectation is that it will be ‘digital by default’”, while acknowledging that the approach would have to be varied for vulnerable groups. In his evidence to us, the Minister said that, through the tenor of the July 2012 guidance, the reference in it to vulnerable groups, and to respecting the principles of the Compact, the Government had tried “to avoid the slightest suggestion that we are diminishing the amount of attention that departments need to pay, and they do need to pay, to making sure that if what they are doing affects the rights and interests of vulnerable groups they need to get through to them.” (Q5)
44. How the Government consulted was an issue which attracted much comment. There was support for drawing on modern means of communication: the CBI said that new technology should make it easier for Government to distribute and publicise consultations, and for stakeholders to respond. The TUC said that it depended what was meant by “digital”: while it might be acceptable to advertise the release of a consultation by means of social media, it would be unacceptable for a Government Minister to invite people to tweet their views on a policy since “this reduces what should be serious and properly argued proposal to a soundbite or a trivial matter”. Others tempered their support with concern that such means should be deployed with care. The Institute of Chartered Accountants of Scotland, for example, said that maximising the use of technology to consult more efficiently was helpful, but added that “care is required that digitalisation is carried out sensitively to avoid over-prescriptive online forms which fail to gather the true picture and to keep access open for those without easy access to IT.”
45. The Equality and Diversity Forum commented that the use of on-line consultation questionnaires “seems to be based to receiving a ‘yes’/‘no’ response from trusted insiders rather than being ‘a more proportionate or targeted approach’ and it has some obvious adverse impacts.” The Institute of Employment Rights said that the way in which such questions were often framed limited open responses and guided the writer in a pre-conceived direction. Some pointed out that certain subjects are simply not suited to this approach, because the responses required are detailed or technical: for example, the IOSH said that “in health and safety matters where small- and medium-sized enterprises may have a verbal culture and prefer to take part in verbal discussion, rather than make written submissions, [and] may be less inclined to participate in a system that is ‘digital by default’”. **We consider that the Government should recognise that a “digital by default” approach may exclude vulnerable groups and others, and may constrain comments from those who do respond.**
46. The Earl of Lytton pointed out that the Internet could be a false friend: “unless those who are ‘wired up’ have reason to know about a particular consultation, it is very easy to miss in the welter of digital information

swirling about already.” The Bar Council commented on the need for a far more effective and proactive way to publicise consultations; the Chartered Institute of Taxation said that simply placing a consultative document on a website was unlikely to be sufficient. Joanna Griffiths said that, in order to prevent accidental exclusion, “consultation processes need to be advertised via non-electric media so that those who are unable to use a computer can be made aware of them”.

*Access to consultations by different groups*

47. Friends of the Earth noted that the Office for National Statistics had stated that “77% of households had Internet access (31 August 2011), there is the remaining 23% who do not. It is hard to see where some people might go to get this information”. The NFU said that, where consultation was particularly pertinent to rural businesses and communities, a hard copy should be an acceptable response “as [poor] broadband access and IT capability may prevent a significant proportion of rural businesses and communities from engaging in the process”.
48. Despite the assurances which Mr Letwin pointed to in the July 2012 guidance, several of those who gave us written evidence voiced concern at the impact of the new approach on hard-to-reach groups. The Consultation Institute said that over-reliance on digital channels would reinforce the influence of organisations “that already have considerable clout. They are the ones that already use digital technologies and unless we are careful, we may make the voices of hard-to-reach/seldom-heard groups even more difficult to heed.” Lorien Barber said that “there remains a significant digital divide in this country and it is the hardest to reach groups and those at greatest disadvantage that are most greatly affected by this.”
49. Disability Rights UK saw the prospect of “a disproportionate adverse impact on disabled people who are significantly less likely to have access to internet or being able to use computer technology. In 2010 58% of disabled people lived in households with internet access, compared to 84% of non-disabled people (British Social Attitudes Survey 2010).” Some respondents, notably the Multiple Sclerosis Society (MSS), said that, even where consultation documents are provided in alternative formats, these often become available only at a later stage, thereby reducing the consultation timeframe for disabled people. Taking account of all aspects of the Government’s new approach, the Disability Charities Consortium posed the question: “How does the Government expect the proposed new approach to consultations to impact on its obligations to involve disabled people in policy development and decision-making under the UN Convention on the Rights of Persons with Disabilities?”
50. In publishing the July 2012 Principles, the Government acknowledged that consultation affecting vulnerable and hard-to-reach groups would continue to need careful handling. We believe that a strong encouragement to adopt a digital consultation method may counteract those considerations. **We urge the Government to demonstrate more clearly that this commitment to wider engagement is being delivered in practice; and to reinforce this commitment in any revision of the Principles.**

*Transparency*

51. A concern voiced by a number of those submitting evidence was that it can prove very difficult for those potentially affected by proposed Government action to know that proposals have been formulated and put out to consultation.
52. The Academy of Social Sciences, for example, said that, on occasions, those affected had become aware of potential issues relatively late in the process: “whilst a trend towards earlier and less formal means of involvement could be advantageous to all, it must be clear how interested stakeholders are to be identified and engaged, and to what extent their views may shape the need (or otherwise) for formal consultations.” The Bar Council said that the volume of delegated legislation made it difficult to keep track in time to enable the Bar to raise issues of concern with Parliamentarians; “there is a need, more generally, for a far more effective and proactive way to publicise the making and laying of instruments.” The Society of Biology said that, unlike the 2008 code of practice, the July 2012 guidance “fails to address the need for proactive engagement...Transparency and accountability are enhanced by consulting widely, not restricting consultation to particular stakeholders with whom Government interacts regularly”.
53. Another recurrent theme in the evidence was the need for better co-ordination across Government, both to manage better the flow of consultations out from Departments into society, and to allow more effective publicity across the board. The MSS said that “it would be more helpful, for everybody involved, if teams within the same department could communicate more effectively and stagger the release of consultation documents”. The NFU called for Government Departments to be aware of which consultations are being put out across different Departments, and to co-ordinate timings as part of a joined-up approach.
54. Wendy Bradley noted that there is no central source of information on what consultations are scheduled, open or coming to an end: “in the 21st century it should be possible for the government to have a single website listing its open consultations in the order in which they close. This would, for example, enable someone going on holiday for a fortnight to be assured that an issue vital to them wasn’t going to be decided in their absence.” **We consider that this would be a significant contribution to improving the overall efficiency of the consultation process, and we urge the Government to introduce such a website as soon as possible. It would also provide a useful to tool to Departments to enable them better to co-ordinate consultations on similar subjects.**

*Feedback*

55. The 2008 code of practice made it clear that responses were to be analysed carefully, and feedback provided to participants, following the consultation. The July 2012 guidance lacks an equivalent statement. In its evidence, the Centre for Public Scrutiny said that, if people were asked for their views, there should be feedback about what had been learnt through consultation: “feedback is essential to demonstrate credibility.” ACE called for a time-limit for published results of responses received, no later than three months after completion of the consultation, and said that, in November 2012, it still awaited a response from a Government Department to a key consultation, completed in mid-April 2012. The MSS said that its work on “Value Based

Pricing” highlighted “a lack of transparency...It is now almost two years since the initial consultation and the Department of Health has not published any further information on how a new system for valuing medicines will work in practice, nor have they involved patient groups in the designing of any new system. Yet, VBP will be up and running in January 2014.”

56. We raised this issue when we took evidence from the Minister. He said that “it is probably true that we should say more about [feedback] in any revised code. We certainly expect that departments will analyse what they receive; there is no point in doing a consultation if not.” He confirmed that it would be “very reasonable” to include guidance on this issue in a revision of the July 2012 Principles (Q4). **We recommend that any revision of the Principles should make it explicit that Departments should always publish a timely Government response to a consultation process.**

*Monitoring consultation practice across Government*

57. In his evidence to us, Mr Letwin also said that the July 2012 guidance was “work in progress” and that the Government would “conduct our own review of all these things come next summer a year on” (Q1). A number of those who gave us written evidence saw the need for effective monitoring by Government of Departmental practice on consultation, and indeed for intervention by the centre if practice proved unsatisfactory.
58. EDF Energy, for example, said that, in view of the flexible nature of the new guidance, there should be post-consultation reviews of how Government Departments have applied the new guidance to ensure that the consultation undertaken was appropriate for the issue at hand: “this should also include the appropriateness of any decision not to consult, and the findings should be made public.” The Institute of Employment Rights referred to a 2010 report from the OECD, on the regulatory policy of the UK Government,<sup>10</sup> which recommended that consultation practice should be carefully monitored, and commented that “experience suggests that departments left to themselves do not always meet the highest standards”.
59. The British Dental Association said that, on occasions, it had agreed with the Department of Health to reduce consultation periods, but voiced concern that there appeared to be no oversight of individual Department’s decisions: “with the increasing use of enabling legislation, the system is open to abuse.” The CBI, and the Trade Association Forum (TAF), called for greater accountability, and supported a mechanism to allow stakeholders to raise their concerns with Government or seek redress where necessary. The TAF said that “this should be through the Cabinet Office as the department responsible for the Consultation Principles and it should also be clear what actions the government may take in these circumstances as well as what the consequences would be for the department concerned.”
60. The Pegasus Group commented in its evidence that the aim of good consultation was to reach the people, organisations, businesses and communities that could be affected by a proposal, capturing their views and considering how they could or should shape policy: “consultation is not ‘good’ because it tells people they can make changes and a difference when

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<sup>10</sup> OECD: “Better Regulation in Europe: United Kingdom 2010”, recommendation 3.1

in reality they cannot.” The group offered a set of indicators to test whether consultation was good; without endorsing them, we set them out below.

**Box 5: from Pegasus group**

Consultation Quality Indicator	Notes
Early engagement	To what extent was there an opportunity to influence and shape policy?
Meaningful	Was it ‘real’ consultation, how did policy change as a result of the comments received?
Inclusive	Was the wider community involved – what steps were taken to ‘reach out’ to those who would not normally be reached?
Effective – map, gap and take action	Was it effective – were the views expressed balanced and representative? Monitoring should reflect the geography and demography of respondents, was this reviewed and what action took place to address gaps which were considered to be significant?

61. We consider that, if the Government ask organisations to divert time and resources away from their main objectives to provide information, Government should show equal commitment. **As part of the forthcoming review of the Principles, we recommend that the Government strengthen the oversight role of the Cabinet Office in relation to the co-ordination, conduct and communication of consultation exercises across Departments, to monitor compliance with the Principles. If Departments are to have greater discretion over the terms of consultations, we recommend that the Government should make clear to stakeholders what redress is open to them if they consider that any Departmental consultation does not comply with the published Principles.**

## CHAPTER 3: CONCLUSIONS

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### *What the Committee recommends*

62. The Minister's announcement in July 2012 said that the Principles would improve the way in which the Government consult, and it set them in the context of the commitment in the Civil Service Reform Plan to improve policy-making. Expectations that this would be the result were low among respondents.
63. The CBI said that the new Principles would help improve consultations, provided that greater flexibility was accompanied by greater accountability. The Federation of Small Businesses said that it did not oppose the changes, while reiterating its support for 12-week consultation periods in relation to policy changes impacting on business. Pact (Producers Alliance for Cinema and Television) also expected improvements, provided that interested parties were given sufficient notice of consultations.
64. Conversely, the BCC commented that that the changes had the potential significantly to undermine policy-making and implementation. The CBA said that the Principles lacked transparency, could marginalise key stakeholders, placed too much power in the hands of Ministers and officials, and would weaken many effective working relationships between business and Government. The TUC said that the new approach would not lead to improvements, and was likely to have the reverse effect. The BRC said that introducing uncertainty into the consultation system would do nothing to improve it. Friends of the Earth saw no evidence to demonstrate that the changes will be beneficial, particularly for hard to reach groups.
65. We consider that the way in which the change to consultation policy was announced in July 2012 has contributed to the extent of negative reactions which have been documented in the written evidence. Changing the approach to Government consultations without first sounding out interested parties has been interpreted as a signal of an underlying intention to reduce consultation, even though the Minister assured us that this was not the case.
66. Many equated the discretion to reduce consultation periods with a scaling-down of the seriousness with which their responses would be treated. and a movement away from evidence-based policy. "We are concerned that if adopting a consultation response time of less than 12 weeks becomes the default, this may prevent expert membership organisations from being able to provide considered responses to support evidence-based decision-making in policy" (Academy of Medical Sciences); "as so many legislative proposals impose additional costs on business, calculating their actual cost impact can often take time and resources (CBA); "we are concerned that the new approach would significantly restrict our organisations' ability to engage with our members to produce evidence-based responses to Government consultations" (Disability Charities Consortium).
67. **We have received enough evidence of shortcomings in the July 2012 Principles and in subsequent Departmental practice to accept that revisions, and improvements, are needed both to the guidance and to its implementation across Government.**
68. When we spoke to him on 11 December, Mr Letwin said that the new approach was "work in progress", which the Government planned to review

in July 2013. Given the evidence, **we recommend that the review should be launched in January and publish its findings by Easter 2013: experience over the six months from July 2012 and the substantial evidence that we have collected must provide a suitable basis for investigation.**

69. We raised with the Minister the possibility that the review should be done by an independent group. Mr Letwin described this as “very interesting” and said that he would consider any suggestion as to how it should be structured (Q9). **We recommend that the review should be carried out by a unit independent of Government, to ensure that its findings are seen as objective.** While the choice of a review team is a matter for Government, we see a case for involving the National Audit Office, which has done work in this area, such as its June 2012 report on “Central government’s communication and engagement with local government”.
70. Our own inquiry can be seen to have filled a vacuum left by the Government’s decision not to invite views on the July 2012 Principles; the evidence that we have received offers a good deal of useful comment and advice on how consultation processes should be handled. A number of respondents, for example Involve, commented that the new approach was a lost opportunity, with much effort being spent on defining quantitative measures of consultation rather than quality; the review should take that wider qualitative remit into account. **We recommend that a Stakeholder Reference Group should be convened to provide input to the review team, with members from across civil society,** exemplified by many of those who submitted written evidence to our inquiry.
71. In his evidence to us (Q7), the Minister said that the Government are currently reviewing provisions in primary legislation that require them to engage in statutory consultation, against the need to amend such provisions to reflect the principle of proportionality. He stated that it was the Government’s intention to bring forward such measures in a deregulatory Bill. **We recommend that, before placing any such Bill before Parliament, the Government carry out an effective process of public consultation in the spirit of the Minister’s assurances to us.**

## APPENDIX 1: CORRESPONDENCE BETWEEN OLIVER LETWIN MP AND THE SECONDARY LEGISLATION SCRUTINY COMMITTEE

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### Letter from Lord Goodlad, Chair of the Secondary Legislation Scrutiny Committee, to Oliver Letwin MP, Minister for Government Policy, Cabinet Office

At its meeting yesterday, the Secondary Legislation Scrutiny Committee discussed the Government's new approach to consultations, announced in your written statement on 17 July, which replaces the 2008 Code of Practice on Consultation. We welcome the commitment to improving how the Government consult. The Committee looks carefully at the consultation, and the analysis of responses, as an important part of its scrutiny of policy proposals contained in statutory instruments. Done properly, Government consultation exercises and analyses of responses provide the Committee and Parliament generally with an effective overview of interested parties' concerns and their impact on the Government's policy development.

In discussion, the Committee raised a number of potential concerns about the Government's new approach, which we note was not itself consulted on. Our concerns are set out below.

**Whether to consult:** The 2008 Code of Practice says "Formal, written, public consultation will often be an important stage in the policymaking process", but the new approach takes on the language of "whether or not" to approach. We would welcome reassurance that there is no intention across the board to reduce the level of consultation.

**Timing of consultation:** We are concerned that the new approach does not contain the explicit guidance found in the 2008 Code which states that where a consultation starts at a particular time when consultees may be less able to respond (for example, over the summer or Christmas break), consideration should be given to a longer consultation period (paragraph 2.2). We consider this to be an important factor in deciding when and for how long it is appropriate to consult, and we are concerned about the potential impact on consultees of removing this from the guidance.

**Duration of consultation exercises:** The 2008 Code of Practice states that "Under normal circumstances, consultations should last for a minimum of 12 weeks". The new approach says that "The amount of time required will depend on the nature and impact of the proposal ... and might typically vary between two and 12 weeks" (paragraph 2.1). While accept the need for flexibility in tailoring a consultation in some circumstances, the 2008 code of practice already allows for a consultation to be shorter than 12 weeks. Our concern is that removing the clear 12 week standard (which we note is the statutory period set for the consultation requirement in section 11(3) of the Public Bodies Act 2011) could lead to consultation periods being cut without real justification (to suit the convenience of departments) to the detriment of the proper conduct of the consultation. Indeed, the 2008 Code of Practice suggests that the 12 week period "will help enhance the quality of the responses. This is because many organisations will want to consult the people they represent or work with before drafting a response to Government and to do so takes time". We have a related concern that removing the 12 week standard and routinely allowing shorter consultations will set a precedent which

will in turn lead to shorter consultations quickly becoming ‘the way consultations are done’ (*ibid*).

**New and contentious policy:** We note the statement in the new approach that where a policy is new and contentious “the full 12 weeks may still be appropriate”. The example given is a new policy on nuclear energy, and there can be no doubt that this would be both new and contentious. But the new approach does not give any indication of the parameters of “new and contentious”. For example, would a policy have to be both new and contentious to warrant the full 12 weeks? Or would simply being new, or being contentious, justify this? How would the new guidance apply to a ‘quite contentious’ policy?

**Digital by default:** Although not stated explicitly in the new approach, your Written Statement says that the expectation is that consultation will be “digital by default”. We are concerned that this approach could have a detrimental impact on consultations reaching vulnerable groups or those without access to technology, and we would welcome your reassurance that this will always be taken into account in deciding on how the consultation is undertaken.

**Lord Goodlad**

**25 July 2012**

**Reply from Oliver Letwin MP to Lord Goodlad**

Thank you for your letter of 25 July about the Government’s new approach to consultations. I welcome the Committee’s support for the work we are doing to improve how government consults.

The new Consultation Principles seek to improve the way government makes policy in line with the Civil Service Reform Plan and its greater focus on robust evidence, transparency and engaging with key groups earlier in the policy-making process. The principles are designed to ensure consultation of a type and scale that is proportionate to the proposal or decision being taken. The purpose of the new principles is to improve this process, by replacing bureaucratic procedure with a more flexible framework that will make government departments tailor their approach to consultation to best suit the subject matter and stakeholders in question.

This will mean that departments will follow a range of timescales rather than defaulting to a 12-week consultation period, particularly where extensive engagement has occurred before. Policy makers will need to give more thought to how to consult with people. The aim is to replace potentially unproductive process with real engagement with those who are affected and, in some cases, earlier consultation so that groups can shape policy earlier in the process and make a real contribution to its development.

The capacity of those being consulted to respond should also be taken into consideration, including how that capacity might be affected by holiday periods or by the circumstances of stakeholders. As you say in your letter, our expectation is that consultation will be “digital by default” and that this will allow departments to be more, not less, effective at reaching particular groups affected by policies. So, for example, it may be appropriate to use more informal channels of communication, such as email or web-based forums, surveys, public meetings or focus groups. As I said in my written statement to the House of Commons,

however, this approach will need to be varied for vulnerable or other groups with limited access to information technology.

It will be for Departments to tailor their approach to consultation on a case-by-case basis, to best suit the subject matter and interested parties in question. With departments engaging key groups earlier in the policy-making process and in a more targeted style, the new Consultation Principles will mean that organisations are better placed to ensure that their views, and the views of those they represent, are considered as policy is developed.

**Oliver Letwin MP**

**3 October 2012**

### **Second letter from Lord Goodlad to Oliver Letwin MP**

At its meeting yesterday, the Secondary Legislation Scrutiny Committee considered your reply of 3 October to my letter of 25 July, about the Government's new approach to consultations.

The Committee was disappointed by your reply, which does little more than repeat elements of your written statement of 17 July with scant, or no, additional commentary.

The Committee agreed that I should write asking you to address directly the concerns set out in my original letter and provide a fuller response to the specific points raised. Once we have considered your response, we may indeed wish to take up your offer to meet the Committee.

The Committee also asked me to raise a separate issue with you, as Minister for Government Policy. We have seen a number of statutory instruments laid either shortly before or during the summer recess that have been brought into force during the recess. We recognise that there may well be reasons of urgency which point to doing so in some cases. However, we hope that the Government also recognise that in these circumstances, there is no opportunity for Parliamentary scrutiny, either by our Committee or by the two Houses, before the instruments have come into force. We would welcome an assurance from you that Government Departments have these implications in mind, and that they will seek to avoid bringing instruments into force during the recess unless there are compelling reasons to do so.

**Lord Goodlad**

**10 October 2012**

### **Second reply from Oliver Letwin MP to Lord Goodlad**

Thank you for your letter of 10 October. I am sorry that you did not feel that my last letter fully addressed the points you raised in your letter of 25 July.

Your original letter asked for reassurance that there is no general intention to reduce the level of consultation across the board. This was not the purpose of the Consultation Principles. Rather the new principles aim to make consultation more effective, by allowing it to be designed more flexibly, in line with the subject matter and the groups it will affect. Already, we are seeing cases where the new principles are allowing flexible, innovative ways of engaging stakeholders in policy-making,

for example a DfE consultation using social media has been well-received by respondents.

You also asked about the timing of consultations, especially over recess periods. The new Consultation Principles do not address this point specifically as they are intended to be a set of guiding principles for Departments, and thus are rather more high level than the Code of Practice on Consultation which they replace. We would of course expect Departments to take account of a wide range of factors when considering the length of a consultation, including holiday periods.

You also ask more generally about the duration of consultation exercises. The principles are intended to reflect the range of ways in which policy is now made. Often, interested stakeholders are engaged at an earlier stage and have the chance to shape policy before a formal consultation is launched. In these cases, a shorter, more targeted consultation period might be appropriate. The new consultation principles will also put a stop to disproportionate consultation such as the consultation on the British Shipbuilders Corporation, a 'shell' company which was no longer trading, but whose abolition was consulted on for 12 weeks.

It will be for Departments to judge when a policy merits a longer consultation. When doing this, Departments will want to evaluate how contentious a policy is, taking into consideration how much previous work or engagement has been carried out on the topic. By making explicit the range of times which consultations may be held for, we hope to encourage Departments to think more carefully about the length and type of engagement that would be most appropriate for each policy.

On the assumption that consultations will be 'digital by default', we have always been clear that this approach will need to be varied for groups with limited access to information technology. Where a policy will have a particular impact on older people, or other groups who are likely to find an online consultation difficult to engage with, we expect that Departments will make efforts to involve those people fully in the engagement process.

We will, of course, take a keen interest in how the Consultation Principles are working over the coming weeks and months. As I said in my letter of 3 October, I am more than happy to meet the committee to discuss this further if you would like.

Your latest letter also raises a new point on the number of statutory instruments brought into force over recess. The Government takes full account of a range of factors when laying statutory instruments, including the timing of Parliamentary recesses. As you acknowledge, there are sometimes pressing reasons why some need to be brought into force when neither House is sitting, but generally the Government seeks to ensure that there is an opportunity for parliamentary scrutiny. The Government observes the long-established understanding that an instrument subject to the negative procedure will be laid at least 21 days before it is to come into force. An explanation for any non-compliance with this understanding is given to the relevant scrutiny committee. I am happy to assure you that these instances are kept to a minimum, but I note your concern at the instances over the summer.

**Oliver Letwin MP**

**18 October 2012**

**Third letter from Lord Goodlad to Oliver Letwin MP**

At its meeting this week, the Secondary Legislation Scrutiny Committee considered your reply of 18 October to my letter of 10 October, about the Government's new approach to consultations.

We welcomed the further information which you have now provided. Given the importance which the Committee attaches to the issue of effective consultation as part of the process of preparing secondary legislation, we do wish to take up your offer to meet the Committee. We are in touch with your office to agree a date in December of this year.

In the interim period, we are giving interested parties the opportunity to offer written comments to us on the issue. We shall take account of any comments received when we take evidence from you.

We were also glad to see your reassurance about Government policy on the laying of statutory instruments during Parliamentary recesses.

**Lord Goodlad**

**25 October 2012**

## APPENDIX 2: LETTER AND STATISTICS PROVIDED BY OLIVER LETWIN MP

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### Letter from Oliver Letwin MP received 17 December 2012

When I appeared before the Secondary Legislation Scrutiny Committee on Tuesday 11 December I referred to some statistics on consultations in 2012 which Cabinet Office compiled. I offered to share these statistics with the Committee, and am pleased to be able to do this now.

The information attached to this letter covers all consultations held in 2012 (up until 10 December), listed by title and the number of weeks they were held for. This data is split into two sections – Annex A lists consultations before the consultation principles came into force on 17 July, and Annex B lists consultations after that date. Thus the consultations in 2012 are split into two time periods of similar length, allowing a direct comparison to be made on the impact of the consultation principles.

I also include a graph at Annex C summarising this information and showing how the distribution of consultation length has changed as a result of the consultation principles.

As I stated to the Committee on Tuesday, I would be very happy to appear before the Committee again to answer further questions on this topic, or to provide further information should you require it.

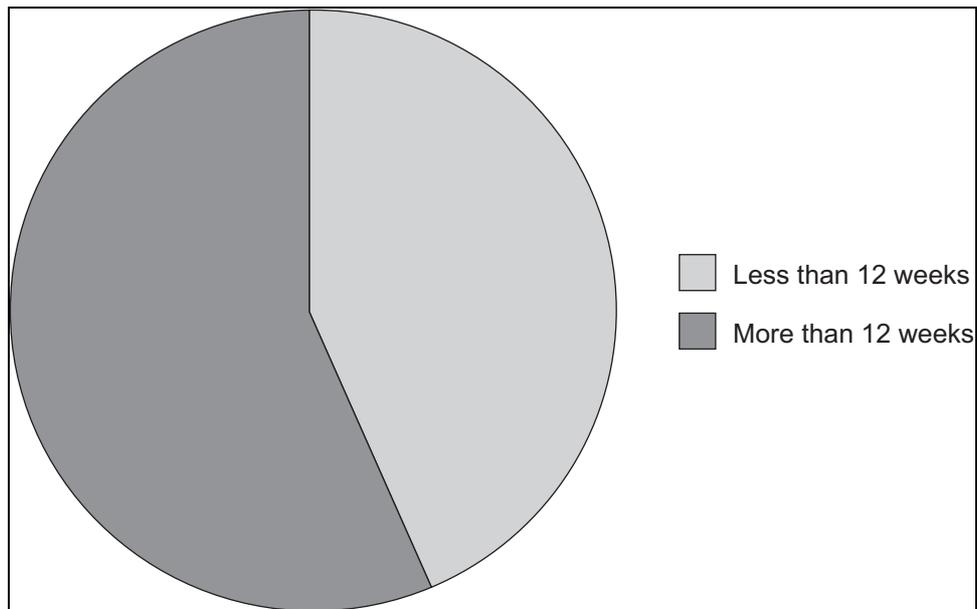
### ANNEX A – CONSULTATIONS BEFORE THE CONSULTATION PRINCIPLES

#### **Consultations between June 2010 – December 2011**

The Consultation Institute estimates that there were approx. 550 consultations, and almost a third (31%) were shorter than 12 weeks.

#### **Consultations from January – 17<sup>th</sup> July 2012**

- There were 253 consultations between 1<sup>st</sup> January 2012 and 17<sup>th</sup> July 2012
- The average length of these consultations was 10.2 weeks
- 56.5% of consultations were more than 12 weeks, and 43.5% were under 12 weeks



## BIS

<b>TITLE</b>	<b>No. of Weeks</b>
Consultation on enhancing consumer confidence by clarifying consumer law	12
Call for evidence on raising awareness of employee ownership	8
Encouraging new business models - Proposal to amend the Estate Agents Act 1979	6
Directors' Pay: Revised Remuneration Reporting Regulations	13
Richard Review of Apprenticeships: call for evidence	10
Expansion of the IPO Patent Opinions Service	12
Collective Redundancies: Consultation on changes to the rules	13
Call for evidence - EU proposal for a Posting of Workers Enforcement Directive	6
Reform of the Outer Space Act 1968	14
Waste Electrical and Electronic Equipment: call for evidence	8
Private actions in competition law	13
Implementation of the Restriction of Hazardous Substances in Electrical and Electronic Equipment (RoHS) Directive 2011/65/EU: consultation	12
Revocation of the Further Education Workforce Regulations	8
Consultation on Consolidating Modern Consumer Law Enforcement Powers	12
Delivery of Structural Funds, Rural Development Funds, and European Maritime and Fisheries Fund in England	4
Red Tape Challenge: Retail and Manufacturing Consultation	9
Call for evidence - dealing with dismissal and compensated no fault	12

dismissal for micro businesses	
Executive Pay: Consultation on Enhanced Shareholder Voting Rights	6
Compensation on the indirect costs of the Carbon Price Floor and EU Emissions Trading Scheme - call for evidence	8
Abolition of Aircraft and Shipbuilding Industries Arbitration Tribunal	6
Abolition of British Shipbuilders Corporation	12
Proposal to align nine directives to the new legislative framework: consultation	12

### Cabinet Office

Open Standards Consultation	17
Proposals for Statutory Register of Lobbyists	13

### DCLG

Allocating social housing	12
Flag-flying regulations	12
Rationalising statistics: land use change and housing and regional data	12
Social housing fraud	12
Proposed policy statement for part 2 of the Localism Act 2011	12
Building regulations: conservation of fuel and power	12
Building regulations: the building control system	12
Building regulations: electrical safety	12
Building regulations: access statements, security, changing places toilets and regulation 7	12
Review of the barriers to institutional investment in private rented homes - Call for evidence	5.5
Right to Transfer and Right to Manage regulations for tenants	10
Nationally significant infrastructure projects: application form guidance	12
Pre-application process for planning applications	12
Nationally significant infrastructure projects: guidance for examining planning applications	12
Infrastructure planning regulations: fees	12
Compulsory acquisition of land	12
Offering suitable housing to homeless people	8
High income social tenants: pay to stay	13
Proposals from town and parish councils under the Sustainable Communities Act 2007	12

Draft Local Audit Bill	8
Streamlining information requirements for planning applications	10
Statutory consultee performance and award of costs	10
Reusing existing buildings: permitted development rights	10

### DCMS

Sport Participation Measurement – Consultation on Proposed Changes	12
Consultation on Exemptions to the Video Recordings Act and on Advertising in Cinemas	12
Export Licensing Consultation: Review of the Open General Export Licence (Objects of Cultural Interest) and procures for dealing with applications for temporary export licences for cultural goods	12
Consultation on proposals to transfer PLR funding and functions	10.5
Consultation on the Draft Legal Deposit Libraries (non-print works) Regulations 2013	11.5
Consultation on the role of independent producers and independent production quotas in local TV	4
Consultation on proposals to amend S4C's governance arrangements	13
Gambling Act 2005: Legislative Reform Orders	12
Triennial Review of the Reviewing Committee on the Export of Work of Art and Objects of Cultural Interest	4
Mobile Infrastructure Project: Industry Stakeholder Engagement	4
Triennial Review of the Treasure Valuation Committee	5

### MoD

Public Consultation on the Legislation to Enable the Sale of the Government Pipeline and Storage System	8
Warcop Training Area – Restructuring of Common Land Undertakings Consultation	8
The New Armed Forces Pension Scheme - Initial Consultation	8
MOD Strategic Equality Objectives 2012-2016	2
The MOD Police (Performance) Regulations 2012	4

### DfE

Consultation On Proposed Changes To The School Staffing (England) Regulations 2009 To Require Governing Bodies To Share Information With Prospective Employers About Whether Head Teachers And Teachers Have Been In Capability Procedures	6
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Removing the duty on maintained schools to follow the Information and Communication Technology (ICT) Programmes of Study, Attainment Targets and Statutory Assessment Arrangements	12
Consultation on the Raising the Participation Age (RPA) Information Consultation	12
Children's Safeguarding Performance Information Consultation	12
Consultation on Education (Pupil Referral Units) Application of Enactments) (England) (Amendment) Regulations 2012	6
Consultation on Revised Sure Start Children's Centres Statutory Guidance	12.5
Consultation on Draft revised Statutory Guidance for Local Authorities on Services and Activities to Improve Young People's well being	11.5
New Statutory Guidance for the induction of Newly Qualified Teachers (NQTs) in England	6
Proposed Changes to allow Schools to more easily employ Industry Experts to work as Instructors in Schools	7.5
Consultation on School Funding Reform: Next steps towards a fairer system	8
Proposed Changes to allow Initial Teacher Training ITT in PRUs from September 2012	8
A Consultation on Improving the Assurance System for Financial Management in Local Authority Maintained Schools	5.5
Reform of Alternative Provision	6
Review of Regulations and National Minimum Standards for Residential Family Centres	13
Consultation on Revision of The Education (Independent School Standards) (England) Regulations 2010	6
Consultation on Careers Guidance for Schools Sixth Form Colleges and Further Education Institutions	12
Protection of Biometric Information of Children in Schools: Consultation on draft advice for Proprietors, Governing Bodies, Head Teachers, Principals and School, Young people Parents and Representative Bodies	11.5
Safeguarding Children: proposed Changes to Child Performance Legislation	10
Regulations for Removing the Duty on Maintained Schools to follow the Information and Communication Technology (ICT) National Curriculum Programmes of Study, Attainment targets and Statutory Assessment Arrangements	6
Consultation on Revised Safeguarding Statutory Guidance	12
Cooperative Parenting Following Family Separation: Proposed Legislation on the Involvement of both Parents in a child's Life	12
Parental Internet Controls	10
Extending Free Early Education to More Two Year Olds	14.5

Making Foreign Languages Compulsory at Key Stage 2	12
Replacing LACSEG: Funding Academies and Local Authorities for the Functions the Devolve to Academies	10
Childcare Commission: Call for Evidence	6

## DECC

Consultation on changes to the Standard Assessment Procedure (SAP)	12
Climate Change Regulations 2012 and the Scheme Administration Charges: opportunity to comment	7.5
Consultation on energy efficiency	8
Consultation on Comprehensive Review Phase 2B: Tariffs for non-PV technologies and scheme administration issues	11
Consultation on Comprehensive Review Phase 2A: Solar PV cost control	8
Electricity Market Reform (EMR): Potential synergies and conflicts of interest	4
Triennial Review of Committee on Radioactive Waste Management (CORWM)	3
The Renewable Heat Incentive: consultation on interim cost control	4
Consultation on a simplified CRC Energy Efficiency Scheme	12
Climate Change Agreements: delivering simplification in the new scheme	8
Smart Metering Implementation Programme consultations	8
Consultation on the amendment of the Nuclear Waste and Decommissioning (Finance and Fees) Regulations 2011	6
Call for evidence: renewable energy trading	6
A call for evidence on the role of gas in the electricity market	8
Transposition of EU Directive 2009/29/EC revising EU Directive 2003/87/EC: a public consultation	12
Triennial Review of the Government's Fuel Poverty Advisory Group	4
Consultation on the proposed justification process for the reuse of plutonium	12
Smart Metering Implementation Programme: Strategy and consultation on information requirements for monitoring and evaluation	8
Smart Metering Implementation Programme: Consultation on a draft licence condition relating to security risk assessments and audits in the period before the DCC provides services to Smart Meters	8
Consultation on energy supply company administration	11.5
A call for evidence on barriers to securing long-term contracts for independent renewable generation investment	6
A proposal to make an exemption from the requirement for a licence to generate electricity for Curen Ltd, in respect of the Lynemouth power	6

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**Defra**

The proposed Transmissible Spongiform Encephalopathies (England) (Amendment) Regulations 2012	12
Call for Evidence – Proposed Reform of the Water Special Merger Regime	6
Improvements to the policy and legal framework for public rights of way	12
The future of the Advisory Committee on Pesticides	10
Transposition of the industrial emissions Directive in England and Wales	12
Changes to National Park governance	12
Marine Strategy Framework Directive Consultation: UK Initial Assessment and proposals for Good Environmental Status	12
Application to register the name ‘Darnibole’ as a wine Protected Designation of Origin (PDO) product	11
Tackling irresponsible dog ownership	7.5
Reservoir Safety in England and Wales: Implementation of Amendments to the Reservoirs Act 1975	12
Code of Practice on Noise from Ice-Cream Van Chimes Etc. 1982	12
Tackling Bad Debt in the Water Industry	12
Planning for sustainable growth in the English Aquaculture industry	8
Proposed Legislative Reform Order to amend the Veterinary Surgeons Act 1966	12
The Water Act 2003: withdrawal of compensation on the grounds of Serious Damage	12
European Marine and Fisheries Fund (EMFF)	12
Amending the Waste Regulations 2011 on the separate collection of recycling	7
Welfare of Wild Animals in Travelling Circuses	8
Amending the powers of local authorities regarding presentation of waste for collection	7.5
Amendment to the UK Plan for Shipments of Waste to allow the export of dredged sediments from the River Tyne for disposal	4

**FCO – none****DH**

Changes to nursing and midwifery council constitution	12
Consultation on future of audit staff in trusts	9

Consultation on local authority health scrutiny	8
A draft mandate to the NHS Commissioning Board	12
Consultation launched on fertility and human tissue regulators	12
Views sought on making Nursery Milk Scheme more cost effective	18
Views sought on detailed proposals to secure shared decision-making and choice for patients	13
Consultation on revised haematology measures for the Manual of Cancer Services	13
Consultation on social work bursary	10
Food labelling consultation	12
Transfer of employees from NHS Commissioning Board Authority to NHS Commissioning Board	4
Language checks for doctors included in consultation on role of responsible officers	14
Consultation launched on standardised tobacco packaging	16
Public health workforce consultation	12
UK Plan for rare diseases consultation	12
Consultation on GMC and GDC constitution amendment orders	13.5
Healthwatch England membership consultation	5
Consultation on low secure services and psychiatric intensive care	13

### Home Office

Police Powers and Procedures, England and Wales 2010/11	8
Dealing with the problems of late night drinking	12
Obtaining better value for money from police procurement	12
Equal civil marriage consultation	13
Counter-terrorism stop and search powers code of practice consultation	8
Consultation on legislative changes to firearms control	13
Equality Act 2010: consultation on repeal of two enforcement provisions	12
Equality Act 2010: consultation on employer liability for harassment of employees by third parties	12
Drug Misuse Declared: Findings from the 2011/12 Crime Survey for England and Wales	4

### Dfid

Response to the public consultation on the Global resilience action programme	7
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**MoJ**

Transforming bailiff action	12
Punishment and reform: effective probation services	12
Call for evidence on the European Commission's data protection proposal and impact assessment	4
Getting it right for victims and witnesses	12
Legal Services Board and Office for Legal Complaints triennial reviews	11
Giving legal effect to the administrative merger of the Crown Prosecution Service and the Revenue and Customs Prosecutions Office	12
Deferred prosecution agreements	12
Punishment and Reform: effective community sentences	12
A Common European Sales Law for the European Union - A proposal for a regulation	12
Co-operative parenting following family separation: proposed legislation on the involvement of both parents in a child's life	12

**Territorial offices**

<b>Scotland Office</b>	
Scotland's constitutional future: A consultation on facilitating a legal, fair and decisive referendum on whether Scotland should leave the United Kingdom	8.5
Reforming the law on Scottish unincorporated associations and criminal liability of Scottish partnerships	11
<b>Welsh Office</b>	
Green Paper on future electoral arrangements for the National Assembly for Wales	12
<b>Northern Ireland Office – none</b>	

**DfT**

Consultation on the proposed abolition of the Railway Heritage Committee and transfer of its designation function to the Board of Trustees of the Science Museum	6
Charging heavy goods vehicles consultation	13
Traffic orders: simplifying the process consultation	12
Devolving local major transport schemes consultation	9
Consultation on permit schemes for street works	12

Essex Thameside franchise consultation	12
Consultation on Street Works qualifications	12
Rail fares and ticketing review	16
Call for evidence on the production of an appraisal tool for local speed limits	5
Proposed Designation Orders implementing the Port Security Regulations 2009 (SI 2009/2048)	6
Consultation on the insurance of shipowners for maritime claims	6
Consultation on the Maritime Labour Convention, 2006	12
Consultation on proposals to allow ministers to relax the EU cabotage rules for car transporters during the peak registration	4
Taxi and private hire services consultation	17
Amendments to The Motor Vehicles (Insurance Requirements) (Immobilisation, Removal and Disposal) Regulations 2011 (S.I. 2011/1120)	5
Withdrawal of scheduled passenger services between Wandsworth Road, Kensington (Olympia) and Ealing Broadway	13
Consultation on the proposed abolition of BRB (Residuary) Ltd and the transfer of its functions, properties, rights and liabilities	6
A change to London Luton Airport's slot co-ordination status	8
Consultation on the combined Thameslink, Southern and Great Northern franchise	14
Changes to the treatment of penalties for careless driving and other motoring offences consultation	12
The abolition of the Disabled Persons Transport Committee (DPTAC)	13
South Eastern Franchise consultation	12
InterCity East Coast franchise consultation	12
Personal Independence Payment and eligibility for a Blue Badge	12
Draft aviation policy framework	16
Consultation of revision of DfT's speed limit circular	12

#### HMT (including HMRC)

Delivering a cap on income tax relief: a technical consultation	12
Decommissioning Relief Deeds: Increasing tax certainty for oil and gas investment in the UK Continental Shelf	13
Sanctions for the directors of failed banks	17
The Scotland Act 2012: a consultation on bond issuance by the Scottish Government	12
Statutory definition of tax residence	12

Consultation on creative sector tax reliefs	12
Consultation on a disincorporation relief	12
Ensuring the fair taxation of residential property transactions	12
Consultation on an 'above the line' credit for Research and Development (R&D)	13.5
Taxing remote gambling on a place of consumption basis: consultation on policy design	12
Real Estate Investment Trust (REIT) consultation	12
Policy options for implementing the Alternative Investment Fund Managers Directive	7
The future of Building Societies	10
Regulating certain bidders in auctions of EU emissions allowances	8
Consultation on contractual schemes for collective investment	10
Decommissioning Relief Deeds: Increasing tax certainty for oil and gas investment in the UK Continental Shelf	13.5
<b>HMRC</b>	
Inheritance Tax: Simplifying Charges on Trusts	12
Delivering a cap on Income Tax reliefs: a technical consultation	12
Use of rebated fuel for gritting in rural areas	12
Extra-statutory Concession A19 review	12
Tax credits: mandatory consideration of revision before appeal	13
Office of Tax Simplification's report on tax advantaged employee share schemes	12
Enterprise Management Incentives: extending access for academic employees	12
Life Insurance - Qualifying Policies	12
Securing compliance with RTI	12
General Anti-Abuse Rule (GAAR) Consultation document	13.5
VAT: changes to VAT invoice rules	6
Withdrawing a notice to file a Self Assessment return	12
Consultation into the Taxation of Controlling Persons	12
VAT: Road Fuel Scale Charges	12
Herbal smoking products	12.5
The Gift Aid Small Donations Scheme	8.5
Simpler Income Tax for the Simplest Small Businesses	12.5
Proposed changes to tax rules on manufactured payments	12.5
Possible changes to Income Tax rules on interest	12.5
VAT: Addressing borderline anomalies	8

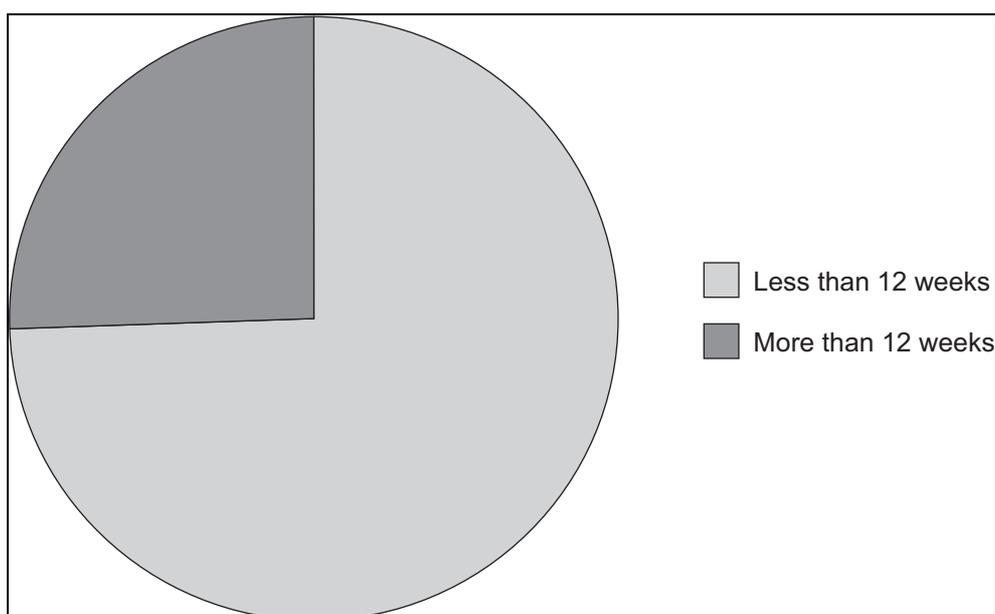
Alcohol Fraud	13
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### DWP (including HSE)

The future of the annual statistical publication Income Related Benefits: Estimates of Take-Up	12
The Future of the Independent Living Fund (ILF)	13
Work Capability Assessment – Year 3 call for evidence	8
The Disabled People’s Right to Control (Pilot Scheme) (England) (Amendments) Regulations 2012	12
Automatic enrolment: career average schemes as qualifying schemes	6
The Occupational Pension Schemes (Disclosure of Information) (Amendment) Regulations 2012	4
The Draft Child Support (Collection and Enforcement) (Amendments) Regulations 2012	6
DLA reform and Personal Independence Payment – completing the detailed design – consultation	14
Revised implementation proposals for workplace pension reform	6
Workplace Pension Reform – Automatic Enrolment and European Employers	6
Mandatory consideration of revision before appeal	12
Draft Occupational Pension Schemes and Pension Protection Fund (Equality) (Amendment) Regulations 2012	12
Personal Independence Payment: assessment thresholds and consultation	15
<b>HSE</b>	
Proposals to review HSE’s Approved Codes of Practice (ACOPs)	11.5
Public consultation on ONR’s interpretation of ‘bulk quantities’ of radioactive matter - supplementary	6
Proposals to replace the existing Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 2001 with a new 2013 Application Outside Great Britain Order	12
Proposals to remove fourteen legislative measures	13
Proposals to revoke seven Statutory Instrument	7

### Annex B – Consultations since 17th July 2012 (AFTER CONSULTATION PRINCIPLES)

- There were 207 consultations between 17<sup>th</sup> July 2012 and 10<sup>th</sup> December 2012
- The average length of these consultations was 8.5 weeks
- 26% of consultations were over 12 weeks, and 74% were under 12 weeks

**BIS**

<b>TITLE</b>	<b>No. of weeks</b>
Proposed changes to the Patents Act 1977	8
Competent PRS Authority: Regulating PRS Use and Manufacture	15
Applying student number controls to alternative providers with designated courses	8
Street Trading and Pedlary Laws: A joint consultation on draft regulations to repeal the Pedlars Acts (UK wide) and make changes to the street trading legislation in England, Wales and Northern Ireland	12
Chartered status for the further education sector: consultation on proposals to create chartered status for further education institutions	8
Call for evidence on the government's review of the balance of competences between the United Kingdom and the European Union	15
Civil enforcement remedies - consultation on extending the range of remedies available to public enforcers of consumer law	8
Energy intensive industries compensation scheme	11
The Research and Bolar Exceptions: proposals to exempt clinical and field trials using innovative drugs from patent infringement	8
Employment Tribunal Rules - review by Mr Justice Underhill	10
Ending the employment relationship	10
Shaping a UK agri-tech strategy: call for evidence	6
Employee Ownership and Share Buy Backs - Consultation on implementation of Nuttall Review recommendations	2

Consultation on implementing employee owner status	3
Consultation on the implementation of the Consumer Rights Directive 2011/83/EU	10
Consultation on implementing Directive 2011/7/EU on Combating Late Payment in Commercial Transactions	4
Consultation on the early implementation of a ban on above cost payment surcharges	6
Reform of the UK Designs Legal Framework	10
Midata 2012 review and consultation	6

Cabinet office – none

### DCLG

Payments by parish and community councils and charter trustees	9
Business rates retention: technical details	9
Strategic Environmental Assessment of revoking the east of England regional strategy	8
Renegotiation of Section 106 planning obligations	8
Changing the name of Bedfordshire and Luton combined fire authority	4
Protocol on government intervention action on fire and rescue authorities in England	8.5
Guidance on statements of assurance for fire and rescue authorities in England	8.5
Strategic environmental assessment about revoking the Yorkshire and the Humber regional strategy: environmental report	8
Strategic environmental assessment about revoking the South East regional strategy: environmental report	8
Strategic environmental assessment about revoking the East Midlands regional strategy: environmental report	8
Improving local government transparency	8
Business rates retention draft regulations	4
Making it easier to set up new town and parish councils: discussion paper	10
Technical review of planning appeal procedures	6
Local government pension scheme: investment in partnerships	6
Strategic environmental assessment about revoking the North East regional strategy: environmental report	9
Extending permitted development rights for homeowners and businesses: technical consultation	6
Strategic environmental assessment about revoking the West Midlands regional strategy: environmental report	9

Technical reforms to Council Tax: when dwellings should not be liable to the empty homes premium	6
Planning performance and the Planning Guarantee	8
Nationally significant infrastructure planning: extending the regime to business and commercial projects	6
Nationally significant infrastructure planning: expanding and improving the 'one stop shop' approach for consents	6
Technical reforms to Council Tax: calculating the Council Tax base with the empty homes premium	6
Firefighters' pension scheme: increases to employee contribution rates from 1 April 2013	8
Amendments to the new firefighters' pension scheme 2006: automatic enrolment	4
Strategic environmental assessment about revoking the South West regional strategy: environmental report	10
Proposed transfer of Homes and Communities Agency functions and assets to Milton Keynes Council	4

## DCMS

Public Lending Right (PLR) Rate per Loan 2013	4
Consultation on the European Commission's Proposals for a European Capitals of Culture Programme 2020-2033	10
Creative Sectors tax reliefs: Cultural Test for British Video Games: Consultation	4
Creative Sectors tax reliefs: Cultural Test for British High-end television: Consultation	4
Creative Sectors tax reliefs: Cultural Test for British animation: Consultation	4
Technical consultation on the proposed new Chapter 15 of the Section 182 Guidance issues under the Licensing Act 2003	5
Consultation on the Future Constitution of the English Tourist Board (known as the VisitEngland Board)	8
Consultation on the proposed merger of the Gambling Commission and the National Lottery Commission	12
Consultation on Improvements to the system of Listed Building Consents	4

## MOD

The New Armed Forces Pension Scheme - Final Consultation	5.5
Countryside and Rights of Way Act 2000 Indefinite Section 28 Directions 5 Year Review Consultation	4

Future Reserves 2020 Consultation	10
Development Plans for the Lyneham Site consultation	23

## DfE

Fees and Frequency Regulations 2013-14	4
Reforming Key Stage 4 Qualifications	12
Adoption and Fostering: Tackling Delay	11.5
Consultation on Proposed Increases to Contributions for Members of the Teacher's Pension Scheme in 2013-14 and Removal of Regulations on Governing Scheme Valuations	8
Department for Education Advice on School Attendance Matters	6
Proposed Amendments to Individual Pupil Information Prescribed Persons Regulations	6
Measuring Child Poverty; a Consultation on Better Measures of Child Poverty	13
Consultation on (1) the Draft Order making Foreign Languages Statutory for KS2 and (2) a Proposal to Require Schools Teach one or more of Seven Languages at KS2	4
Placing Children on Remand in Secure Accommodation: Consultation on Changes to the Children (Secure Accommodation) Regulations 1991	2.5
Consultation on Proposed Changes to regulation 7 of the Care Standards Act 2000 (registration) (England) Regulations 2010.	6
Improving Educational Outcomes for Children of Travelling Families	12
Review of Contract Arrangements	6
Choice Framework	2
Making Foreign Languages Compulsory at Key Stage 2	12
Replacing LACSEG: Funding Academies and Local Authorities for the Functions the Devolve to Academies	10
Childcare Commission: Call for Evidence	6

## DECC

Renewable Heat Incentive: providing certainty and improving performance	8
Consultation on the second version of the Smart Metering Equipment Technical Specifications	8
Consultation on Energy Company Obligation in-use factors	2
Consultation on proposals to ensure sustainability and affordability for the use of biomass under the Renewables Obligation (RO)	12
Consultation on proposals for the levels of banded support for solar PV under the Renewables Obligation for the period 1 April 2013 to 31 March	6

2017	
Fuel Poverty: changing the framework for measurement	10.5
Renewable Heat Incentive: Air to Water heat pumps & Energy from Waste	4
Onshore wind call for evidence	8
Renewable Heat Incentive: proposals for a domestic scheme	11
Renewable Heat Incentive: expanding the non-domestic scheme	11
Consultation on energy supply company administration (Scotland)	8
Consultation on energy intensive industries compensation scheme	11
Consultation on guidance relating to the consent to locate process under part 4a of the Energy Act 2008	7
Consultation on amendment to the threshold for high voltages overhead lines (electric lines above ground) in the Planning Act 2008	6
Consultation on revision of fees payable for applications under Section 37 of the Electricity Act 1989	6
Necessary Wayleaves regime	6
Cost recovery for oil and gas consents	6
Foundation Smart Market consultation	9
Stage 1 of the Smart Energy Code: a Government response and a consultation on draft legal text	8
Ensuring a better deal for energy consumers: DECC discussion document	6.5
A call for evidence on the CfD Supplier Obligation	6.5
Consultation on Synergies and Conflicts of Interest arising from the Great Britain System Operator delivering Electricity Market Reform	9
Electricity Demand Reduction: Consultation on options to encourage permanent reductions in electricity use	9

### Defra

Update to the UK National Implementation Plan (2007) for the Stockholm Convention on Persistent Organic Pollutants	4
Proposals to stop BSE testing of healthy slaughtered cattle in England and Wales from 1 January 2013	2
Abolishing Noise Abatement Zones	5.5
Call for evidence: Animal Health, Welfare and Food Safety Review	12.5
Local Authority Environmental Regulation of Industrial Plant: 2013/14 Fees and Charges	8
Tackling water pollution from the urban environment	11
Food Information Regulations (FIR) 2013	11
Strategic policy statement to Ofwat, incorporating social and environmental guidance	4

Regime for Specified (Special) Water and Sewerage Infrastructure Projects in England – Phase 2	4
Draft UK guidance on the testing procedure for prohibited substances in organic products	12
Consultation on proposal to increase the fee to add a prohibited type dog to the Index of Exempted Dogs	8
Changes to Watersure as a result of the introduction of Universal Credit	6
Wildlife Law	15.5
Streamlining/updating provisions of the Animal By-Products (Identification) Regulations 1995	8
Consultation on the Fish Labelling (England) Regulations 2012	8
Consultation on an order for the Isle of Wight under the Marine and Coastal Access Act 2009	16
The future of the Agricultural Wages Board for England and Wales, and Agricultural Wages Committees and Agricultural Dwelling House Advisory Committees in England (16 <sup>th</sup> Oct-12 <sup>th</sup> Nov)	4
Marine Licensing: Navigational dredging and other exemptions	10
Alternative solutions, imperative reasons of overriding public interest (IROPI) and compensatory measures	12
UK national action plan for the sustainable use of pesticides (plant protection products)	13
Consultation on Greenhouse Gas (GHG) reporting draft regulations	12
Consultation on Guidance for Business on Environmental Key Performance Indicators	12
Consultation on new Sustainable Development Indicators	12
Welfare of animals at the time of killing	6
Wood waste landfill restrictions in England – Call for evidence	8
Consultation on the proposed revision of fees for statutory services delivered by the Animal Health and Veterinary Laboratories Agency (AHVLA)	8

**FCO – none**

**DH**

Consultation on funding allocations for independent mental health services	7
Consultation on joint strategic needs assessment and joint health and wellbeing strategy guidance	8
A consultation on draft amendments to the responsible officer regulations	4
Views sought on strengthening NHS Constitution	12
Consultation on new safeguards to protect patients	9

Consultation on national performers list for GPs, dentists and ophthalmic practitioners	8
Consultation on ensuring fair and transparent pricing for NHS services	11
Consultation on proposed changes to the governance arrangements for controlled drugs	7
Consultation on the arrangements for consideration of proposals on the fluoridation of drinking water	12
Consultation on new licensing regime for providers of NHS services	10
Consultation on proposals for commissioners to deliver best value	10

### Home Office

Crime outcomes consultation	7
Consultation on future regulatory regime for the private security industry	8
Alcohol strategy consultation	10
Independent Custody Visitor Code of Practice Consultation	8
Community Remedy	12
Consultation on implementing a police pay review body	8
Schedule 7 of the terrorism act	12
Forensic Science Regulator consultations	13

### DFID – none

### MoJ

Welsh Language Scheme for the National Offender Management Service (NOMS): Public Consultation	13
Criminal Cases Review Commission Triennial Review - call for evidence	8
Crown Court means testing of criminal legal aid	6
Regulation fees paid by claims management companies	6
The new remand framework for children: Allocation of new burdens funding to local authorities	8
Criminal Injuries Compensation Authority Triennial Review - call for evidence	10
Claims Management Regulation - Proposals for amendments to the Conduct of Authorised Persons Rules	6
Transforming the Services of the Office of the Public Guardian	12
Damages Act 1996: the discount rate - how should it be set?	12
Draft Code of Practice for Youth Conditional Cautions	4

### Territorial Offices

<b>Northern Ireland Office</b>	
Consultation on measures to improve the operation of the Northern Ireland Assembly	10
Consultation on Code of Practice for powers under the Justice and Security (Northern Ireland) Act 2007	12
<b>Scotland and Wales offices – none since July</b>	

### DfT

Stopping up and diversion orders: reform of the application process for local highways	6
Future of the Vehicle Identity Check (VIC) scheme	13
European Union regulation 181/2011 concerning bus and coach passenger rights	12
Consultation on the implementation of EU Regulation (EC) 392/2009	6
Consultation on bus subsidy reform	8.5
Consultation on the implementation of EU Regulation 1177/2010	6
Road user charging scheme regulations	13
Examining the speed limit for heavy goods vehicles over 7.5 tonnes on single carriageway roads	13
Removal of motor insurance certificates	8
Channel Tunnel: transposition of railway safety and interoperability directives	4
Targeted consultation on a proposed amendment to the Renewable Transport Fuel Obligations Order 2007 (as amended) - civil penalties	6
Speed limit exemptions	13
Implementation of Port Security Regulations 2009 at certain ports	4
Enforcement procedures against drink drivers and other offenders	3.5
Civil Aviation Bill: making the transition to the new airport economic regulation framework	6.5

### HMT (including HMRC)

Financial sector resolution: broadening the regime	8
Financial Services Bill: the Financial Policy Committee's macro-prudential tools	12
A new approach to financial regulation: draft secondary legislation	10

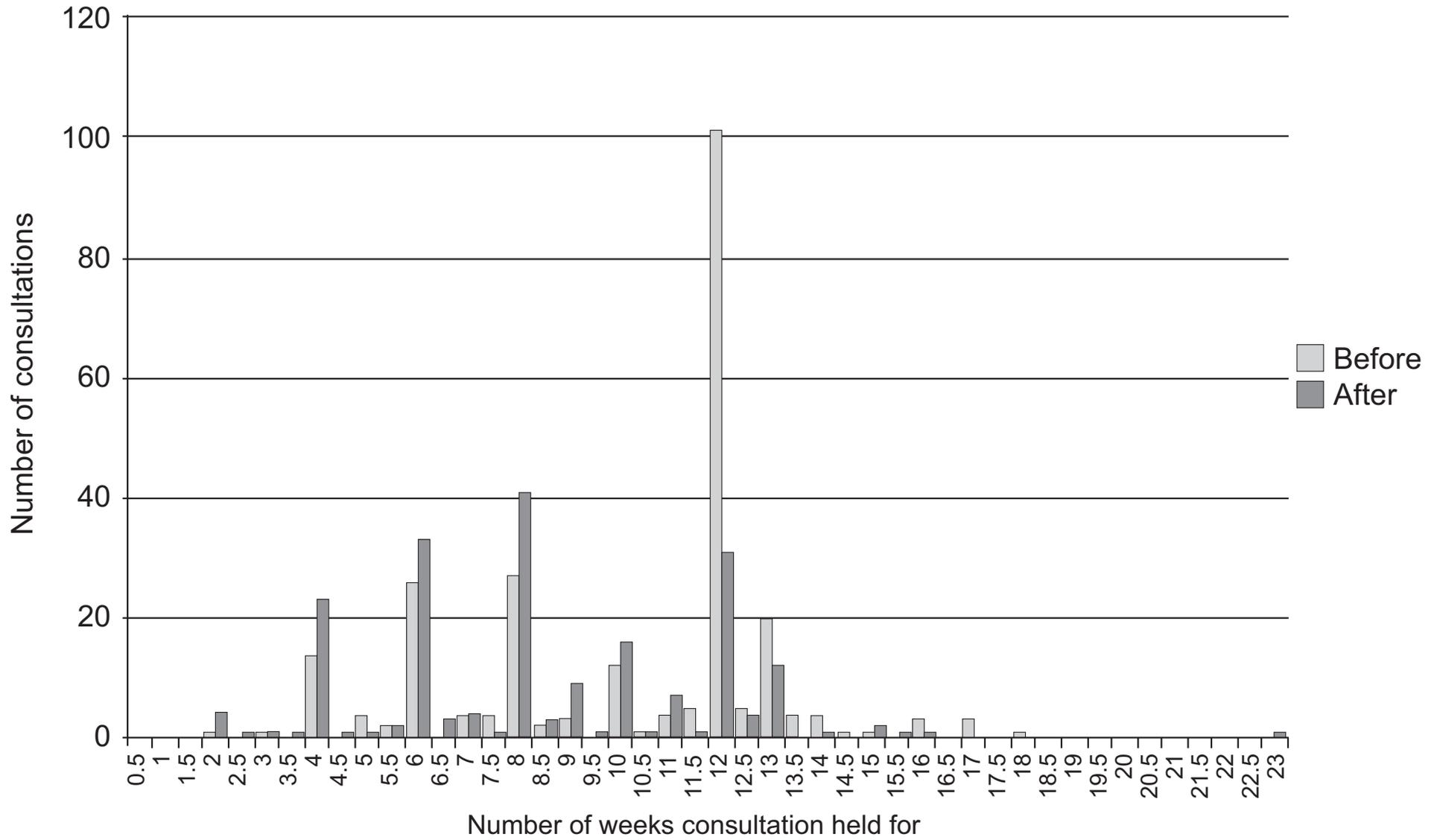
Implementing the Wheatley Review: draft secondary legislation	8
Setting the strategy for UK payments	12
Corporation tax: deferral of payment of exit charges	8
Delivering a cap on income tax relief: a technical consultation	12
<b>HMRC</b>	
Improving the operation of PAYE: Real Time Information	8
Proposed change to formulation for Completely Denatured Alcohol	9
Legislation of Statement of Practice 1/09 (SP1/09)	8
HMRC verification of Scotch whisky	8
Implementing the UK-US FATCA Agreement	9.5
VAT: exemption of higher education provided by for-profit providers	12
Consultation on vulnerable beneficiary trusts	12
Life Insurance - Time Apportioned Reductions	12
The attribution of gains to members of closely controlled non-resident companies	12
Lifting the lid on Tax Avoidance Schemes	12
Foreign currency assets and chargeable gains	12.5
Reduced VAT rate for small cable-suspended transport systems	13
Amending the Stamp Duty Land Tax Transfer of Rights Rules	12
Vulnerable beneficiary trusts	12
Stamp Duty Land Tax: sub sales	12

**DWP (including HSE)**

Measuring Child Poverty: A consultation on better measures of child poverty (Department for Education)	13
Supporting automatic enrolment – call for evidence on NEST constraints	12
National Employment Savings Trust (NEST): Proposals for amendments to the NEST Order	4
The Occupational Pension Schemes (Miscellaneous Amendments No.2) Regulations 2013	6
Universal Credit – Claimant Count statistics	7.5
Automatic enrolment earnings thresholds review and revision 2013 / 2014	6
Changes to Jobcentre Plus vacancies statistics	13
Discretionary Housing Payments	4.5
The Occupational Pension Schemes (Miscellaneous Amendment) Regulations 2013	8
Childcare commission (informal consultation)	6

Supporting separated families; securing children's futures	14
<b>HSE</b>	
A consultation on the decision to remove the requirement for the Health and Safety Executive to approve first aid training and qualifications, and the content of associated guidance documents	6
Consultation on proposed regulations to implement Council Directive 2010/32/EU on preventing sharps injuries in the hospital and healthcare sector	13
Proposals to simplify and clarify RIDDOR reporting requirements	12.5
Public consultation on proposals to exempt some self-employed people from health and safety legislation	12.5

Annex C - number of weeks consultations held for,  
before and after the consultation principles came into force



## APPENDIX 3: CALL FOR EVIDENCE ISSUED 31 OCTOBER 2012

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The Secondary Legislation Scrutiny Committee (formerly the Merits Committee) of the House of Lords will take oral evidence at a future public meeting from Mr Oliver Letwin, Minister for Government Policy, about the Government's new approach to consultation. The Committee is seeking views **by 30 November 2012** on this new approach - in particular, on the following issues:

- in what circumstances the Government may reasonably decide not to consult on policy development;
- the appropriate timing and duration of consultation exercises;
- what factors the Government should take into account when deciding on the length of the consultation period, such as when policy is new and contentious;
- the implications for different groups in society of the Government's expectation that consultation will be "digital by default"; and
- whether the Government's new approach overall will lead to improvements in the consultation process and outcomes.

### Background

On 17 July 2012, Mr Letwin made a Written Statement<sup>1</sup> about a new approach to consultation, referring to new guidance published that day.<sup>2</sup> Mr Letwin summarised the essence of the new guidance as adopting a more proportionate and targeted approach to consultation. He highlighted two aspects: Departments would follow a range of timescales rather than defaulting to a 12-week period; and the expectation was that consultation would be "digital by default". He said that the new guidance would replace the code of practice<sup>3</sup> which the previous Government had published in July 2008.

In its scrutiny of policy proposals contained in statutory instruments, the Secondary Legislation Scrutiny Committee is always concerned to see an account by Government of preliminary consultation, and an analysis of responses. Done properly, Government consultation exercises and analyses of responses provide the Committee, and Parliament, with an effective overview of interested parties' concerns and their impact on Government policy development.

### Submissions

Written evidence is sought by **30 November 2012**. The Committee is inviting evidence to inform the oral evidence session with Mr Letwin and does not plan to hold other oral evidence sessions on this subject. The Committee aims to report to the House after that session.

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<sup>1</sup> See Commons Hansard: 17 July 2012 : Column 117WS

<sup>2</sup> See: <http://www.cabinetoffice.gov.uk/resource-library/consultation-principles-guidance>

<sup>3</sup> See: <http://www.bis.gov.uk/policies/bre/consultation-guidance/code-of-practice>

#### **APPENDIX 4: LIST OF WRITTEN EVIDENCE RECEIVED**

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The Committee is grateful to all who made written submissions to aid the inquiry, who are listed below. The submissions are listed in full at <http://www.parliament.uk/documents/lords-committees/Secondary-Legislation-Scrutiny-Committee/Consultation-inquiry-written-evidence.pdf>

Earl of Lytton

John Leech MP

Academy of Medical Sciences

Academy of Social Sciences

Giampaolo D'Alessandro

Association for the Conservation of Energy

Association of Manufacturers of Domestic Appliances

Association of School and College Leaders

Bar Council

Lorien Barber

Bradford and Airedale LINK

Wendy Bradley

British Chambers of Commerce

British Dental Association

British Medical Association

British Retail Consortium

Centre for Public Scrutiny

Chartered Institute of Taxation

Chemical Business Association

City of London Law Society

Confederation of British Industry

Consultation Institute

Tony Conway

Council of Mortgage Lenders

Disability Charities Consortium

Disability Rights UK

Richard Edwards

EDF Energy

Equality and Diversity Forum

Fawcett Society

Federation of Small Business

Friends of the Earth

Alison Harvey  
Immigration Law Practitioners' Association  
Institute of Chartered Accountants of Scotland  
Institute of Employment Rights  
Institution of Occupational Safety and Health  
Involve  
Julie Gillam  
Luke Gilmour  
Joanna Griffiths  
M.E. Goldby  
Jeff Hearn  
Afzal Khan  
John Kierans  
Deborah King  
Liberty  
Local Government Association  
Lynn Jamieson  
Melian Mansfield  
Mencap  
Migrant and Refugee Communities Forum  
Multiple Sclerosis Society  
National Farmers' Union  
NSPCC  
Open Source Consortium  
Pact  
Lorraine Paddison  
The Pegasus Group  
Privacy International  
Public and Commercial Services Union  
Regional Studies Association  
Leroy Richards  
Sciencewise  
Alan Sneddon  
Society of Biology  
Duncan Stone  
Paul Taylor  
Trade Association Forum

Trades Union Congress

UNITE – The Union

Universities UK

Daniel Vulliamy

Patrick Walsh

Penny Welch

Liz Williams

Christine Windridge

Women’s Resource Centre

Nigel van Zwanenberg

Email campaign instigated by the Institute of Employment Rights

## APPENDIX 5: INTERESTS AND ATTENDANCE

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Committee Members' registered interests may be examined in the online Register of Lords' Interests at [www.publications.parliament.uk/pa/ld/ldreg.htm](http://www.publications.parliament.uk/pa/ld/ldreg.htm). The Register may also be inspected in the Parliamentary Archives.

For the business taken at the meeting on 8 January 2013 Members declared no interests.

### ***Attendance:***

The meeting was attended by Lord Bichard, Lord Eames, Lord Goodlad, Baroness Hamwee, Lord Hart of Chilton, Lord Methuen, Baroness Morris of Yardley, Lord Plant of Highfield, Lord Norton of Louth and Lord Scott of Foscote.