

# The Consultation Charter

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## Introduction & Rationale

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

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

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

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

There are, as yet few recognised standards covering consultation, and the Institute has therefore adopted this **Charter** whilst more detailed standards emerge. Since its initial publication, it has received widespread support, and is now observed by many organisations worldwide.

In addition to our other services, after completion of the Consultation Charter course, the Institute invites organisations to formally sign the Consultation Charter and publicise that they have done so. This action signifies publicly that the organisation has accepted the principles of the Charter, and commits to implementing them across their consultation and engagement practice.

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

## Best Practice Principles

For consultation to yield its true benefits and to assist in the process of evidence based decision-making, it needs to take account of seven *Best Practice* principles. In applying these *Best Practice* principles, organisations should also have regard to the law, the particular circumstances of the specific consultation, and to ongoing custom and practice.

We believe that these seven principles apply to almost every consultation exercise. In addition to signing this document, organisations are encouraged to publicise their commitment, and clearly publish a copy of this document so that stakeholder organisations and other consultees are aware of the standards that they can expect. In addition, the Institute will publish a list of names of organisations who have signed the Consultation Charter

We also encourage organisations to recommit on a regular basis to these *Best Practice* principles. The Consultation Institute reviews its list of signatories to this Charter every two years, and will remove the names of those who have not recommitted. We will endeavour to remind you near the time your commitment has lapsed.

### Principle 1 The **INTEGRITY** of Consultation

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

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

### Principle 2 The **VISIBILITY** of Consultation

All those who have a justifiable right to participate in a consultation should be made reasonably aware of the exercise. For *Closed Consultations*<sup>1</sup>, this will be less demanding than for *Open Consultations*.

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<sup>1</sup> Where the audience only consists of fully identified stakeholders

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

### Principle 3 The **ACCESSIBILITY** of Consultation

*Consultees* must be able to have reasonable access to the exercise. This means that the methods chosen must be appropriate for the intended audience and that effective means are used to cater for the special needs of ‘seldom heard’ groups and others with special requirements.

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

### Principle 4 The **TRANSPARENCY** of Consultation

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

Consultation submissions will be published unless specific exemptions apply. *Freedom of Information Act* requests can be used to seek access to data previously kept hidden<sup>2</sup>.

*Consultees* rightly expect full transparency of the governance arrangements applicable to a consultation and the decision-making process which will follow. They will also expect explanations for decisions taken following a consultation.

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<sup>2</sup> But note that the Data Protection Act 1988 applies to information of a “**personal nature**”

## Principle 5 The **DISCLOSURE** obligations in Consultation

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

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

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

## Principle 6 The **FAIR INTERPRETATION** of Consultation

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

In general, decision-makers should not normally be personally involved with primary analysis and interpretation of consultation data, and the use of external data analysts has many advantages.

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

## Principle 7 The **PUBLICATION** of Consultation

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



It is the responsibility of a *consultor* to publish an adequate feedback document, consisting of consultation output, preferably in advance of decisions being taken.

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

Signed on behalf of: \_\_\_\_\_

by: \_\_\_\_\_

on: \_\_\_\_\_

Signed on behalf of: \_\_\_\_\_

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on: \_\_\_\_\_

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Signed on behalf of: The Consultation Institute

by: Keith McCallum

on: 28 June 2021