This paper is intended to assist partners understand the parameters of the consultation commitments outlined in the East Sussex Compact.

At present it seems as though some partners are only focusing on the length of time for consultations when assessing whether a consultation is following good compact practice.

This paper presents the point of view that the 12 weeks compact consultation period is a principle, not a dividing line between good compact practice and bad compact practice.

**How long to consult?**

1.1 For written consultations, wherever possible 12 weeks should be allowed for replies in order to accommodate the work cycles of organisations working with voluntary management committees and to reach the local level or member organisations.

1.2 This is more likely to be achieved where consultation has been built into regular planning cycles.

1.3 It should, however, be recognised that for a variety of reasons a 12 week period will not always be possible, in which case eight weeks for replies will generally be the minimum.

1.4 Where less than 12 weeks is allowed the document should specify the reason why a shorter response time has been set.

1.5 For consultations with clearly defined or specialist groups, or where other consultation methods are used, for example meetings or focus groups, shorter consultation periods may suffice, depending on the nature of the subject and the scale of the exercise.

1.6 Other considerations, such as urgency, can result in a need for more immediate consultation. In such circumstances it is preferable for some consultation to be undertaken rather than none at all.

1.7 Allowance should be made for holiday periods, known busy periods and other potential timing difficulties.

1.8 Prior to the consultation beginning, consideration will also be given to how to deal with requests for the deadline for comments to be extended.
Points of Note

About the 12 week compact consultation period:

- Compact consultation period of 12 weeks is **not a dividing line** between good compact practice and bad compact practice in setting the consultation period.
- The 12 weeks compact consultation period can be changed by reason and process. For the party and public being consulted such change must not result in a state where frequent or even occasional changes occur, but see below.
- Change from the 12 weeks compact consultation period to a shorter period must be rare. See section: **Period less than 12 weeks** for the reasoning.
- The purpose of having a 12 week consultation period to allow the public sector, Third Sector and the public to set their response systems to work to a known time. This approach contributes to efficiency, economy and effectiveness for all parties.
- Length of the consultation period is to facilitate effective and representative consultation. The purpose of the consultation is to get views on proposed changes. It is important that if consultation is carried out over a shorter period for any reason, consultees respond to both the appropriateness of the period and the proposals for change.
- The causes of poor consultation practices indicates that some parts of the public sector do not undertake consultation properly in terms of the value and purpose of consultation, use of consultation resources and legal implications.
- The effectiveness of consultation practices are required to generally outweigh considerations of economy and efficiency in consultation practices; a consultation supports decisions about proposed and continuing use of other resources and strategies. Consultation can bring data, information, knowledge and understanding or assurance that what is proposed is generally equitable and relevant.

**Period less than 12 weeks for a consultation**

- Public sector bodies must avoid reducing the 12 weeks period unless there are clear benefits to those being consulted rather than mainly a benefit to the public body, but there may be an unavoidable condition forcing a reduced period.
- Even where a shorter consultation period may be effective in the sense of obtaining sufficient intelligent/challenging responses, the Third Sector should not be burdened by having to continually assess this likelihood, perversely so in a shortened time period. In general, Third Sector organisations and the public will strongly resist having to continually assess the desirability of a shorter consultation period for individual consultations re their very limited organisational resources and voluntary and community support have to be carefully apportioned and timed bearing in mind their operational demands.
- The demands of time/timing are very strong constraining factors when asking the public and the Third Sector to respond to a consultation in a shortened time period, whether or not the shortened period is unavoidable. Mitigating or strong facilitative action from the consulting body may be required.
Point of Note It is a sign of compact compliance or compact way of working that a public sector body notifies potentially affected parties as soon as it becomes likely that the proposed consultation period for the subject matter is likely to be shorter than the standard of 12 weeks, whatever the validity of the reason. That the consultation documents are not ready is unlikely to be a valid/acceptable reason for failure to notify where the period is less than 12 weeks, especially where the outcomes of consultation are significant to the parties affected. Instruments such as the Freedom of Information Act have made it more difficult to hide poor processes and decisions from the enquiring mind. And even the limited advances in public legal education make the Third Sector and the public more aware.

Conclusion

• For consultation as a process, economy and efficiency do not override effectiveness in a Best Value assessment or use of consultation resources.

• The final responsibility for an effective consultation process rests with the consulting body. But a compact way of working is a 2 way process.

• Many Third Sector infrastructure bodies have an obligation to help affected communities in the consultation process.

• Public sector consulting bodies should support the participation of Third Sector compact champions in compact compliance and proofing exercises.

• The consultation document should be signed off as being compact compliant.

• The 12 weeks compact consultation period is a principle, not a dividing line between good compact practice and bad compact practice. Reasons for departure from the 12 weeks period must be stated in the consultation document.

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Please note that the Code of Practice Checklist for Consultation and Community Engagement provides further information on best practice in meaningful and effective consultation and engagement (see page 4).
CODE OF PRACTICE CHECK LIST:
Consultation and community engagement

Consultation and engagement plays a key role in partnership working. Listening to and engaging with partners helps to ensure that proposals are supported and leads to better planning and delivery of services. There should be a commitment to continually improve the quality of consultation and engagement, by learning from experience and building on good practice. This checklist aims to promote best practice in meaningful and effective consultation and engagement.

Planning and methodology

☐ The purpose of the consultation and engagement is clearly stated
☐ The topic and issues to be addressed during the consultation and engagement are clearly stated
☐ The process for consultation and engagement is clearly described
☐ The target audience and format of the consultation and engagement is clearly explained
☐ Fairness, equality and inclusion underpin all aspects of the consultation and engagement policy
☐ Existing good practice is respected and followed where appropriate
☐ All participants, especially those with a specific interest in the consultation and engagement subject, or who may be particularly affected, are involved in planning from the beginning of the process
☐ Enough resources are allocated to support the consultation and engagement process
☐ The scope and timescale of the consultation and engagement process are reasonable and clearly documented (12 weeks is usually accepted to be a reasonable minimum timescale)
☐ The delivery methods of consultation and engagement are clear in purpose, accessible and appropriate for the needs of the participants; when possible, attention should be paid to the importance of outreach work and face to face engagement

Involvement and support

☐ It is clear whether the response to the consultation and engagement is based on views of the individual or on behalf of a group
☐ Any barriers to involvement are identified and attempts are made to overcome them
☐ Existing communication networks are maximised and participants work together to help facilitate quality responses

Feedback and monitoring

☐ The consultation and engagement is monitored and evaluated against its initial purpose
☐ Results from the consultation and engagement are communicated back to participants in good time, and conveyed accurately and in an appropriate format
☐ Any decisions that follow as a result of the consultation and engagement are clearly publicised and explained
☐ There is a commitment to continually improving the quality of consultation and engagement by learning from experience, building on good practice and developing a consistent approach across different agencies