

## Introduction

The document below is designed as a short guide on elements of good practice in the context of consultative processes. The motivation for preparing this lies in the requirement created by the Northern Ireland Act 1998 for public bodies to engage more effectively in consultative processes if they are to ensure compliance with the statutory equality duty to promote equality of opportunity.

The Equality Coalition hopes that the update of this paper will be of benefit to those not only running consultations but also for those who are responding as we are seeing an ever increasing circle of consultations being run without adequate engagement with stakeholders and almost no feedback when stakeholders do put in responses, stakeholders are increasingly getting frustrated as it seems they are not being listened to and consultations are starting to become a waste of much needed time and resources.

## Principles of effective consultation

A good consultative process would require at least:

- That all those who need to be involved in the consultative process are involved
- That all involved feel that they have been listened to (*even* if their opinions do not prevail)
- That all involved get some form of feedback on their contribution - *especially* if their opinions do not prevail
- That there is a clear timetable, and clear information, both as to the topic being consulted upon and on the next steps in the decision making process

Decisions as to who needs to be involved and how best to involve them cannot be made in isolation - the process of consultation will depend to a great extent on the issue being consulted upon. From a very early stage it is vital to seek advice from a wide variety of sources as to the likely constituencies of interest, and as to the methods by which those constituencies can most easily be reached and mobilised. Extra efforts in reaching certain constituencies may be necessary depending on the importance of the issue to the group affected. Throughout the process consideration should be given to any constituencies of interest which are missing and ways in which they could be more effectively targeted and involved.

Accordingly, good consultation processes will not follow a single and simple format but will need to be flexible and adapted to particular circumstances and groups. Policy-makers should consider the following practical issues amongst others.

## 1. Consultation Mechanisms

A wide variety of consultative options exist and they vary in their effectiveness; nearly always most, if not all, of the following measures (and others) will prove necessary. Decisions on the best mechanism to pursue will depend to a large extent on the nature of the issue being consulted upon, its importance, and the nature of the constituencies most directly affected.

The first step must be to identify the key people and constituencies of interest requiring being involved; having them participate in the design of the broader consultative process and keep challenging any pre-conceptions about who those people and groups are, and how they can best be involved. For example, people who do not have a disability should not determine in isolation what the needs are of people with disabilities. Instead, people with disabilities should be involved in ensuring that services, and policies (and the consultation processes about services and policies) are adapted to meet their needs, and to ensure them the same rights as people without disabilities. This should continue throughout the consultation process and on into the design stage.

Options include:

- Written circulation at an early stage of open-ended discussion documents not documents that have been signed off by Ministers and/or officials that have no or little scope for change.
- Written circulation of proposed policy options or specific action proposals
- Holding of focus group meetings
- Holding of public meetings across NI or across the geographic region affected
- Holding of specialist expert meetings
- Briefing sessions with "umbrella" groups for them to involve and inform their memberships in the consultative process
- Public advertisements pieces when necessary with a view to encouraging people to engage in the debate/attend meetings/submit comments;
- Inter-active use of the Internet and social media
- Targeted adverts/articles in specialist press/newsletters etc.
- Opinion surveys; questionnaires; requests for statistical, research or policy materials of relevance to the topic under discussion
- Raw material for use by other organisations in their own consultative processes, planning meetings, bulletins
- Clear presentation of options, and of what issues are and are not open to change

Outreach is the key issue here and the method of consultation (written/face-to-face/formal/informal/direct/via outreach workers etc) will need to be adapted according to whether one is trying to reach and involve children and young people/ older people, workers or unemployed people (taking into account childcare needs), Travellers, Black Minority Ethnic groups etc.

Consultations should take place with groups about the best way to consult with them, since the obstacles to good consultation are not always self-evident. The needs of people with learning disabilities and deaf people - just to take two examples - will not be met if all the emphasis is on large public meetings (however well-attended or representative otherwise). Imaginative and graphic communication skills are needed.

## 2. Meeting Venues

Amongst the various consultative mechanisms, face-to-face expert or general meetings are quite commonplace. In planning meetings, organisers must give consideration to an array of issues to ensure effective consultation - are the venues:

- Is the venue wheelchair accessible? Are there loop/signing/ other facilities for people with varying disabilities? Are the acoustics generally of a good quality? Is it clear that people can bring and use advocates? In complex buildings is there a meeting and guiding service for those disabled people who require it? Have arrangements been made and individuals trained to deal with emergency evacuations? Has provision been made to facilitate the participation of carers? Is there disabled parking spaces?
- Is the venue seen as neutral or is it being organised across a wide range of non-neutral venues?
- Are the venues flexible enough to allow larger and smaller group discussions?
- Are the venues accessible to public transport, and if not can alternative transport arrangements be made? The latter question is particularly relevant for people with mobility impairments, or people with dependants and/or on low income.
- Depending on the issue under discussion, are the venues geographically spread, or are they overly concentrated in Belfast/urban centres...?
- Are crèche facilities available or on offer?
- Can the venue cover differing dietary requirements?

### **3. "Discussion paper" formats**

Most consultative processes involve preparing and circulating some form of initial written discussion paper for consideration. Any such paper should, as a minimum -

- Be written in simple jargon-free English
- Include an executive summary, with a clear focus on major issues for debate
- Offer the text in languages other than English e.g. Irish Language
- Disability-friendly formats Braille, audio-tape, large type etc
- Depending on the targeted audience, be accompanied by non-written formats – videos etc.
- It may be useful to develop specific questions/issues for discussion with particular target audiences (though this should not exclude comments on broader issues).

It is vital that sufficient time is given to recipients to consult effectively themselves and then to turn this consultative exercise into a formal submission the statutory equality duty equality schemes state between 8 and 12 weeks with 12 weeks being the preferred amount of time.

Agencies should regularly publish a timetable indicating the main consultations they intend to carry out in the coming period; this would allow stakeholders to plan ahead more effectively.

### **4. Funding/Resourcing**

The person or group responsible for initiating and administering the consultation process must recognise that engaging in an effective consultation process requires a front-loading of resources and energy into the decision making process. Money, time and energy are required in advance of taking decisions, rather than once the decision is taken. If an effective ownership of the decision making process is encouraged amongst the people most affected, decisions should be a lot easier to implement, and actions to compensate or mitigate for unexpected side-effects will be less necessary.

Normally the more time and energy invested early on in ensuring that the right decision is made, the less will have to be spent after the decision has been made in rectifying serious errors and or in a worst case scenario an equality scheme complaint because someone has been adversely impacted by a decision.

## 5. General Approach

It is also important to note that facilitating the involvement of people in the decisions affecting their lives is a pre-requisite to good decision making and, as such, is in the interests of all. On occasion, policy makers give the impression that people being consulted should be grateful to be involved. In fact, the essential purpose of insisting on effective consultation is not to 'pacify' people, nor to deter criticism, but to ensure an effective and constructive contribution to the work of policy makers. As such, both parties involved (policy makers and those affected by the policies) each need each other, and should see their work in terms of a partnership approach.

There are constituencies of interest where particular needs must be taken into account:

- Children and vulnerable adults: those seeking to involve children, young people and vulnerable adults must be careful in gaining lawful and ethical access to interviewees; recognise that there are many 'invisible' constituencies within the category of 'young people' or 'vulnerable adults' (for example, those in care, young carers, Travellers, etc); create a positive and informal atmosphere; work in pairs; empower the targeted group by providing information as well as seeking their opinions; and, when seeking opinions, communicate clearly. The Northern Ireland Commissioner for Children and Young People (NICCY) and the Children's Law Centre (CLC) have tried and tested the best ways of engaging with children and young people and would be best placed to give advice on this.
- People living in very socially deprived areas can often be particularly alienated and greatly cynical of consultative processes. They have, after all, seen such processes organised previously with little or no change resulting in their situation. Outreach will need to be particularly innovative if deprived communities (who are, by definition, stigmatised, under-resourced and relatively powerless in any dialogue with policy makers) are to be motivated enough to engage in a process of change.
- Disability groups have also got tried and tested way of engaging with disabled people in all aspects of decision making and are willing to help with regards to helping policy makers get the people they need to engage with.
- Black, Minority, and Ethnic involvement- it may be necessary to go to one of the umbrella groups in order to seek expertise on the best ways of engaging and consulting with different groups.

Case Studies examples

Good Practice	Bad Practice
<ol style="list-style-type: none"> <li>1. A Government Dept makes a decision to move the headquarters to a different town the Dept <b>must screen</b> the decision whether or not the policy is written down or is a 'pilot'</li> <li>2. If there is an adverse impact on any of the S75 categories they must <b>Equality Impact Assess</b> the Policy (EQIA)</li> <li>3. The Dept then puts the policy <b>decision out for consultation but also the EQIA</b> asking for comments from any S75 group and wider stakeholders</li> <li>4. The Dept <b>accept written consultation responses</b> but also <b>meet with directly affected groups</b> and <b>include any verbal responses</b> to the consultation, the Dept goes out to <b>meet groups individually at a convenient location</b></li> <li>5. The consultation is held for <b>12 weeks</b>, not over any holidays and is <b>widely advertised</b></li> <li>6. If any stakeholder needs more information or any <b>special adjustments</b> so as to respond the Dept makes arrangements for this</li> <li>7. A <b>consultation responses report is available</b> after the closing date for all stakeholders</li> <li>8. The <b>EQIA/ policy clearly shows where the Dept has made changes</b> based on consultation</li> <li>9. All <b>stakeholders are updated regularly</b> on the progression of the policy</li> </ol>	<ol style="list-style-type: none"> <li>1. A policy decision is made to cut childcare due to a declining budget, the staff and stakeholders are alerted by email that this will come into affect on a certain date</li> <li>2. Staff on maternity are not told of the upcoming policy change</li> <li>3. No other policies are taken into account under budget constraints – just childcare</li> <li>4. Equality Screening shows a major impact on those with dependants but no EQIA is done</li> <li>5. After a complaint by a stakeholders the staff are asked to complete a survey only open for a short period of time, over a holiday period</li> <li>6. Staff are not sure what they should be responding to and what information is relevant as it is a closed question survey</li> <li>7. Data gathered from the consultation with staff is minimal</li> <li>8. Mitigating measures are put in place for those with disabled children and those who work long hours without consultation on if these mitigations would have a beneficial impact for those parents</li> <li>9. Only some staff and stakeholders know about the policy change within the organisation but many staff who have children in the future will not realise the changes to the scheme until they ask</li> </ol>

## 6. How to make a complaint

A complaint can be made on any breach of a public authority's equality scheme under Chapter 3 'Our arrangements for Consulting'

Anything that is stated in this chapter that a public authority says they will do and they do not is a breach of the scheme.

For example:

3.2.6 The consultation period lasts for a minimum of twelve weeks to allow adequate time for groups to consult amongst themselves as part of the process of forming a view

In this case if a public authority does not consult for 12 weeks a complaint could be lodged by going to Chapter 8 of the same scheme and contacting the equality officer listed there.

Chapter 8 outlines a timeframe for when the public authority will respond to your complaint.

A template for complaining about breach of consultation set out in the equality scheme can be found [HERE](#)

You must be directly affected by the failure to consult and complain at the earliest opportunity to the contact listed in Chapter 8 of the Equality Scheme.

If the public authority does not deal with your complaint in an efficient and effective manner you can then complaint to the Equality Commission for NI. A template for a complaint such as this, called a paragraph 10 complaint, can be found [HERE](#).

**In conclusion**, those interested in ensuring effective participation must:

- Develop a clear and shared strategy with others about who needs to be involved and how best to do that - reach out beyond the "usual suspects";
- Experiment with a wide range of outreach techniques to reach targeted audiences;
- Invest resources in capacity building inc. training and information sharing;
- Recognise, and adapt to, the expertise in the constituency concerned;
- Evolve a more user-led and partnership approach to consultation;
- Employ a rights based language and approach;
- Be mindful who is sent out to run consultation events and meetings, diversity should be taken into account here as the outward facing part of the consultation process, panels should not include all men for example



The Equality Coalition can be contacted on the details below for more information.



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