

July 2025

The monthly summary of
consultation matters by
Consultation Guru

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Consultation Catch-up

Ministers want to abolish Healthwatch – the voice of local communities in the NHS in England - and have offered no rational explanation for this wanton and unnecessary decision. I can find no evidence of criticism – or even a research report into their effectiveness. No-one has raised the issue in Parliament, and although no doubt improvements can be made to any system that seeks to represent local feedback to the NHS, we are yet to see a credible rationale for the decision. With so much wrong, why does Streetering take his scalpel to one of the few structures that works well?

Best of the Blogs

After the event – the subsequent role of consultation and engagement (Blog 104)



So, consultation's been and gone, and projects or policies are now being IMPLEMENTED. What kind of dialogue mechanism is needed? This Blog stems from the work I'm doing to try to redefine public and stakeholder consultation as part of a new **'Four functions framework'**. By focusing so much on the classic Gunning-compliant narrative plus options formula, I think we have missed new models of consultation – and this includes the much-neglected dialogues that are needed 'after the event'. We could call this post-consultation consultation – but not everyone has a sense of humour!.

High Court allowed Ministers to exclude discarded options in the consultation on net-zero aviation (Blog 103)



When it comes to aviation, previous Conservative and current Labour Ministers strongly back a **'Carry on flying ..'** policy, with a touching faith that sustainable fuel/greener aircraft will reduce carbon emissions. This case considered whether it was lawful to exclude more restrictive options from a public consultation, even when civil servants highlighted that Ministers were being 'optimistic'! Good legal argument about the 'scope' of consultations and how to handle *'discarded options'*. But seriously, shouldn't major public policy issues like this be thrashed out in Parliament? Not in the Courts!

Stakeholder Management at a time of Organisational Upheaval (Blog for Tractivity)



Inspired by the uncertainty caused by yet another re-organisation of the NHS in England, I've tackled the awkward issue of how to maintain and nurture stakeholder relationships when all around you becomes chaotic. Restructures, role changes, disappearing contact points etc can all threaten years of painfully-created interfaces and levels of trust that can take far longer to re-build. What can responsible Managers do to anticipate and implement such changes?

On Page 2 this month, two Ten-year Strategies – one on Infrastructure and one on the NHS.

**A spate of law of consultation judgments from the Courts
and an opportunity to consider Boris Johnson's valedictory *'Unleashed'***

Instant insights

- It's the season for ten-year strategies. The [UK Infrastructure strategy](#) is attempting to integrate *economic* infrastructure (transport, energy, water etc) with *social* infrastructure (schools, hospitals, courts etc) and launches an important new body - The [National Infrastructure and Service Transformation Authority \(NISTA\)](#). There's precious little about public consultation/engagement in the 100-page document, but the reality is that without heavy investment in stakeholder management and the tools of that trade, not much gets built. There's a lot about consent processes, but public consent is arguably the most critical of the lot.
- In contrast, the recent Guidance for Mayoral Strategic Authorities on developing [Local Growth Plans](#), is far more prescriptive. Councils are told they have to work in partnership with a range of other local and national agencies, to ensure these plans are in synch with the spatial plans, the skills plans, the transport plan ... and all the other plans! A huge consultation workload is likely.
- It's too early to guess the likely impact of the NHS Ten-year plan for England, [Fit for the Future](#) on patient and public involvement. Predictably, it follows the lines of thinking in last year's Darzi Report (See [Blog 79](#)) and repeats the mistake of conflating patient with public involvement. They are different. Abolishing [Healthwatch](#) is a mistake. This Plan is supposedly influenced by the [NHS Big Conversation](#), and it is wrong that the exercise's output has not been published. Did it, perhaps reveal deep dissatisfaction with local Healthwatch groups? Or is this Whitehall once again overriding local preferences? That's what happened when Community Health Councils were abolished - and their successors (LINKS) - before settling upon the Healthwatch model? Expect a battle to defend community representation at local levels. The current plan needs amendment.
- Interesting to note that in the Government's difficult debate on the [Welfare Reform](#) package, how many MPs made a point of criticising DWP and the Treasury over the consultation leading up to the proposals. There had been a [consultation](#) - but was it meaningful????
- It's a very busy time for the **Law of Consultation**. The [farmers](#) are still pursuing their judicial review alleging a lack of consultation on inheritance tax changes. But other claimants are losing. In Scotland in the [Fanning case](#), the Court of Sessions ruled that the failure to consult did not make the withdrawal of winter fuel allowances unlawful. Similarly changes by the [Welsh Air Ambulance service](#) were also lawful despite there being no formal consultation; engagement was sufficient! In the meantime, LIBERTY sought to challenge the [Equality & Human Rights Commission](#) consultation on the grounds that it was too short. It failed at first instance, and the Court of Appeal confirmed it. These cases all present important insights into the operation of the law and will feature in my courses this autumn. Please email me if interested.

In the Courts

The Reading List



It's taken me a while to wade through Boris Johnson's enormous valedictory tome, '[Unleashed](#)' but having reviewed several harsh critiques of his Premiership (eg [Anthony Seldon's Boris at 10](#)), I felt it right to hear his side of the story. 'Hear' is the right word, for his voice is eloquent and authentic. It is a hugely entertaining volume; if only he could govern as well as he can write! Typically, he is strong on vision but weak on inconvenient details. He is interesting and insightful when describing his swashbuckling tenure as Mayor of London, or globetrotting as a Foreign Secretary delighting in defending a Brexit that most international observers never really understood. Amid the torrent of trademark bombast, comes the occasional glimpse of rueful self-awareness, but he is generally unrepentant and suggests that his country may still need him one day. He is rightly proud of his record on Ukraine but on the issues that ultimately led to his downfall, there is still a massive blind spot. 710 pages in, he reflects on the injustice of it all, and catalogues his many achievements. He was building forty new hospitals; he's tackled social care; he was building HS2 all the way ... and much else. Except of course, he hadn't, and his successors had to roll back on the unfunded rhetoric. In the end you can't go through public life with such disregard for the truth. But as a writer, maybe you can!

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