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The monthly summary of
consultation matters by
Consultation GuRU –

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Consultation Catch-up



The Government's most talked-about consultation right now is about restricting access to social media for children and young people. Except there isn't one. At least not yet. In a masterly piece of PR, Ministers have 'announced' it but mistakenly used the term 'launched'. And the BBC and the rest of the media have assumed it is already under way. It may give the impression of action – but at the moment is more smoke and mirrors. It has compounded the problem by leaving the scope of the consultation very uncertain. So we need a high-quality consultation – and soon.

Best of the Blogs

Should OFSTED's schools assessment consultation have been declared lawful ? (Blog 119)



It must be hard for a Trades Union when a consultation that matters hugely to your members fails to include your favoured option.

Headteachers took OFSTED to the High Court to challenge the new schools assessment methodology, arguing that the consultation had been predetermined. The Judge disagreed, so this Blog considers the issues.

If they consulted better with stakeholders, would there be fewer U-turns? (Blog 118)



It's U-turn time again! But at least Ministers are learning to do them quicker! Whether they are caused by over-influential stakeholders or by repeated political miscalculation is a moot point, and this is the theme of this Blog. Surely we WANT politicians to listen to advice – but preferably BEFORE they take decisions. When will Governments learn that prior consultation can save them political embarrassment afterwards?

Explaining the FOUR FUNCTIONS FRAMEWORK in under 90 seconds. Click to view



The very best ideas are those that can be described succinctly! This is my 'elevator speech' outlining the fundamentals. There is, of course, much more to it; the Full document is [here](#) and the Executive Summary [here](#). We need to move to **more agile forms of consultation** – but linked directly to the purpose or function for which the consultation is being undertaken. A range of **Briefings** can be delivered, and for consultation teams wishing to understand the full ramifications, I am conducting **in-person walk-throughs** of the full document. Details [here](#)

On Page 2 this month, we feature Court cases from Bedfordshire, Bromley and even Canada! We discuss the face recognition consultation, a public meeting in Suffolk, Pylons in Wales and two reports on Neighbourhoods. **The Book Review** is Jeremy Hunt's "Can we be great again?" Those keen to know the answer should read Page 2!

Instant insights

- Consultations are still being challenged in the Courts. In [R \(Green Lane & Trail Riders\) v Central Bedfordshire](#), the Council mishandled an Experimental Traffic Order to ban vehicles from a stretch of road. It needed to show what was 'experimental' and failed to do so. That made the relevant consultation fail the *Gunning Two* (sufficient information) test! In [R \(BUJ\) v LB of Bromley](#), there was a challenge to the proposed closure of a centre providing courses for adult learners with learning difficulties and disabilities. The required consultation had not taken place. However, the Senior Courts Act 1981 allows Judges to reject any remedy if they think a legal requirement such as consultation – had it occurred – would have made no difference to the eventual result. As consultation is seldom predictable, Courts do not use this provision often. The January 2026 Bromley case is an exception, but is a timely reminder to prospective complainants.
- A great recent example of a community public meeting was recently shown on **BBC Look East**. [Click here](#) to watch a short video of the Suffolk coastal community of Thorpness coming to terms with catastrophic erosion and the likely loss of many homes. Face-to-face dialogue was also recently stressed by a Canadian case which ruled that a promised consultation with indigenous people was unlawful because it had relied solely on letters and emails! British Columbia's Supreme Court Justice, Matthew Kirchner gives us this quote: - "*Letters are important for framing each parties' interests and maintaining a record of communications, but they tend to cause each party to become entrenched in its position. It is difficult to understand how deep consultation — talking together for mutual understanding — can be achieved only through correspondence with no face-to-face discussions.*" [This is worth a read](#).
- On 12th February a (paper only !) Home Office consultation closes on an important subject – a new legal framework for [using face recognition, biometrics and other technologies](#). Lots of thought-provoking questions – but too many of them are yes/no. Aspects of this are controversial and campaigners, [LIBERTY](#) explain their reservations and provide advice on responding [here](#).
- There have recently been two important reports on **neighbourhoods**, raising questions about the role of better engagement and consultation. The **Independent Commission on Neighbourhoods (ICON)** has published its report called [No Short Cuts](#) – a 'recovery' strategy for what it calls 613 'mission-critical' neighbourhoods. It's dense and rather jargon-infested but means well. Far more readable is [Neighbourhood Health: from system ambition to community reality](#) from [NAVCA](#). Although they approach the same challenges from different directions, both are really about community-level capacity building – a vital ingredient in enabling meaningful dialogue.
- New electricity transmission lines are unpopular wherever they are proposed. Now an [Independent Advisory Report on a Future Electricity Grid for Wales](#) has been published. It is a bit ambivalent, but includes these words: "*People want to have meaningful engagement at an early stage of development of schemes and to see clearly where their voices are being heard and acted on in relation to approaches to projects. The feeling that people have, that decisions are already made by the time they are consulted on, is proving counter-productive for accelerating projects and can result in delays through legal challenges.*" It proposes better, more transparent communications. Not sure that's enough. The people just don't want overground pylons!

Straws in the wind

The Reading List



Given its title, I expected this to be a short book. In truth, **Jeremy Hunt** has provided a heartening antidote to current doom and gloom. He is clearly an optimist and can't find it easy to rub shoulders with those who claim that everything in the UK is broken. In [Can We Be Great Again?](#) he sees us as a champion of democracy in an increasingly autocratic world; an advocate of free trade amongst the Trumpian chaos, and a leader in energy, climate policies and human rights. Maybe he makes too much of our ranking 5th amongst G20 countries in the World Happiness League table, but is strong on our economic prospects and the new AI-powered business world. I think he is less convincing on our global influence, but the real question for readers of this positive book is how long his views can prevail against right-wing forces that prefer a more inward-looking, protectionist and less tolerant Britain. **See all GuRU book reviews** [here](#)

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