

July 2026

The monthly summary of
consultation matters by
Consultation GuRU –

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Consultation Catch-up



Sir Keir Starmer will leave office with a somewhat mixed record on engagement and consultation. True, he has initiated some important consultations as on SEND and social media for young people but he will be remembered for bashing the ‘blockers’ and changing our planning laws to reduce opportunities for local people to have their say on major infrastructure structure projects. His Ministers announced they wanted to ‘rip up’ the consultation culture and the Health Bill currently abolishes HEALTHWATCH – a much-needed independent voice for patients and public. Let’s hope his successor reverses this policy – and changes course.

[Andy Burnham and the prospect of consultations; a case of legitimate political expectation?](#) (Blog 132)



The MP for Macclesfield may only just have been elected but we are all analysing every word Andy Burnham says! No, he didn’t mention ‘consultation’ in that speech – but it’s only a matter of time. He’ll be urged to announce the ultimate consultation through a General Election, but far more likely will be demands to expose significant policy changes to debate. Trouble is – we have no clear rules as to when consultation is and is not a requirement. Here is my best guess of what might happen ...

[The Power of the ‘collective voice’; Will Burnham stop the abolition of Healthwatch?](#) (Blog No 131)



Amid all the speculation as to what Andy Burnham might do on all kinds of issues - there must be a chance that the decision to abolish HEALTHWATCH might be reversed. I had already written this Blog about 'collective voice' before the PM threw in the towel - and was intrigued as to how senior Cabinet Minister Steve Reed could write so eloquently (see end of the Blog) about '*championing the voice of the citizen*', and still support the abolition. After all, the Labour Party emerged from Trades Unions which were totally committed to the whole concept of 'collective voice'. Let's hope that a new Prime Minister will overrule the centralising instincts of the Dept of Health, amend the Health Bill and preserve an important element of public and patient involvement.

[How LB of Ealing successfully defended a consultation challenged by campaigners](#) (Blog No 130)



Despite the dominance of big national politics, it's as well to remember that the daily, unglamorous work of developing and adapting public services proceeds - often led by local Councils. It's not easy, and there is frequent opposition. When they end up in the High Court, it's often about the lawfulness of the consultation - and the recent case about closing Children's Centres in Ealing resulted in an interesting judgment which is relevant to all consultation practitioners. Here, I explain the background and the issues that matter. The Council won this case both at first instance and on appeal, but be aware - these types of challenges are very fact-sensitive, and the main message is to check out your consultation plans right at the outset...

[On Page 2](#) this month, some detailed thoughts on the new NSIPs Guidance, the important 'Freedom from Torture' judgment on consultation law, advice on consulting the elderly, a consultation that's withdrawn in N Ireland and a Book review on a volume of BREXIT essays!

Best of the Blogs

Instant insights

- After months of patient waiting, the new [Guidance for pre-application engagement/consultation on national infrastructure projects](#) has been published. Parts of the document are very skilfully drafted and contain sound advice for project promoters who have been seriously concerned about what exactly would be acceptable. And that, of course, is the problem. The previous requirements may have been bureaucratic and over-prescriptive. But at least one knew what they were. The new Guidance merely **'encourages'** ... leaving the applicant with complete discretion whether to observe or ignore this advice. So, for example it is *'encouraged'* to engage with relevant stakeholders – but doesn't have to. It is *'encouraged'* to observe four (very sensible) principles – but again, it doesn't have to. Neither is it absolutely obliged to consult anyone before the **Development Consent Order** (DCO) application itself. Now, in practice, in traditional British 'common sense' culture, there is an expectation that honourable project promoters will, of course engage professionally with local communities in order to make their schemes as palatable as possible. But Ministers are clearly serious that nothing stakeholders might say will be allowed to delay or derail what's proposed. The key sentence is this:- *"The use and extent of (engagement/consultation) methods is entirely at the applicant's discretion and is not a consideration for whether an application will be accepted for examination."* This sounds to me as exhortation without incentives. An applicant who fails to engage suffers no jeopardy. It leaves many applicants in a world of great uncertainty – not quite sure how much or how little to do. It will be fertile ground for consultation specialists to advise

A related but inevitable question of law will arise. If an infrastructure project promoter voluntarily follows the advice – and undertakes a consultation, but fails to meet the Gunning Principles, will the Courts intervene?

- They do so in other matters! The charity [Freedom from Torture](#) has won a significant consultation [case in the High Court](#) when Mr Justice Sweeting ruled that the Conservative Home Secretary in 2024 failed to consult experts it had previously engaged with before making significant amendments to its *Allocation of Asylum Accommodation* policy. This is yet another example of Labour Ministers going to Court to defend poor consultation practice. It has happened too often.
- May I commend the recently-published [Age-friendly engagement Toolkit](#) from the [Centre for Ageing Better](#), and [Involve](#). For such an important societal group, there has been far too little published guidance and this excellent manual fills an important gap with good advice. My one quibble is over-reliance on the IAP2 framework which underestimates the enforceable aspects of consultation whilst over-emphasising more participative methods which can sometimes be open to manipulation and are unenforceable. In the overall context, unimportant as the resource is grat.
- It is still unusual for consultations to be halted whilst still in progress. It happened recently in N Ireland when the [British Association of Shooting and Conservation](#) (BASC) and the farming community exerted their considerable political weight to persuade Ministers to [stop the consultation](#) two days before it closed. Opponents of proposals to increase gun licence fees considerably argued that the consultation failed to disclose key information and threatened a judicial review.

Straws in the wind

The Reading List



When less might have been more?

Anthony Seldon's *'The Brexit Effect'* is a 600-odd page compendium of 36 essays - a kaleidoscope of perceptions covering a myriad aspects of a divisive decade in British politics ... and society. Fascinating insights stand alongside the banal and the blindingly obvious, though they are often dressed up by academics and commentators whose contributions are a little uneven. I enjoyed Peter Kellner's and John Curtice's analyses of public attitudes during and after the referendum. And I liked Amand Menon's account of what it did to British politics but found Conor Burns's gratuitous name-calling unnecessary when describing the *'Boris effect'*. There are sound reflections on the role of the civil service, the impact on our international reputation and even the

occasional *mea culpa*. Ultimately, however, I was more convinced by those who saw BREXIT as an unmitigated and regrettable disaster – but that's just my own confirmation bias. And that, of course is the whole point. This issue exposed a deep fissure in British society, and relatively few of us have changed our minds. We probably just didn't need quite so many contributors to tell us.

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