

The FOUR FUNCTIONS FRAMEWORK:

The evolution of consultation

Background document



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The Consultation GuRU

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Executive Summary

Every week in the UK, well over 1,000 public or stakeholder consultations are launched. It is probably the most popular form of civic engagement that is used, with varying degrees of success, to inform the decisions, policies or programmes of Government departments, local authorities public bodies voluntary organisations. Many private companies also consult.

But consultation has many critics and is a source of much **confusion**, especially as recent years have seen growing interest in a wide range of new, innovative methods for engaging with members of the public – or key stakeholders - on matters that affect them. Where precisely these ‘fit in’ and what standards should apply to them causes uncertainty. Moreover, for some high-profile issues, judicial intervention has led to a genuine **fear of consultation**, deterring many organisations from engaging as they should with those who are affected by their proposals.

The **FOUR FUNCTIONS FRAMEWORK** is an attempt to move the focus from the *form* of a consultation to the *function* it performs, recognising that there are big differences and that one size does not fit all. Allowing that the new categorisation is not entirely watertight and some consultations straddle more than one function, it provides a basis for a better understanding of what matters most and how best to conduct each exercise. It identifies four separate functions, outlined in very general terms in the Table below...

	NAVIGATION	EXPLORATION	DETERMINATION	IMPLEMENTATION
Function	Agenda-setting	Finding solutions	Making Choices	Ensuring Success
Key Questions	<i>Where are we going?</i>	<i>What are the options?</i>	<i>What decision should we take?</i>	<i>How do we secure support?</i>
Scope	Wide	Narrow	Specific	As relevant
Output	Strategies or Plans	Proposals or Options	Decisions or approved policies or Programmes	Smoother projects or programmes
Nature	Values Aspirations Priorities	Stakeholders Creativity Impacts	Integrity Clarity Responsiveness	Transparency Empathy Responsiveness
Challenges	<ul style="list-style-type: none"> • Difficult trade-offs • Involving key stakeholders 	<ul style="list-style-type: none"> • Selecting methodology • Inclusivity • Accountability 	<ul style="list-style-type: none"> * Honest narrative * Legal compliance * Reach & Response 	<ul style="list-style-type: none"> * Ensuring stakeholder Confidence. * Reach & Response
Standards	Variable Best Practice but seldom enforceable	Flexible per methodology best practice	Legally-enforceable etc) (Gunning	Few and only rarely enforceable

Executive Summary (cont'd)

By understanding the context and characteristics of these **FOUR FUNCTIONS**, by looking at examples and the methodologies used, it has been possible to identify the practical challenges *consultors* – and *consultees* – face in adding the best possible value to each exercise. It is also possible to move forward on the important matter of what standards should apply.

In summary, the **FOUR FUNCTIONS** are:

NAVIGATION

– helping organisations consider where they want to go.

There are not enough of these, and too many conflate the ‘*what*’ with the ‘*how*’. Done properly, however, they provide the ideal opportunity to assess the ‘*direction of travel*’ for major organisations or key public policies. They can be uncomfortable for those less eager to confront existential threats or consider radical ideas, but for effective leaders, engaging stakeholders early in the formulation of strategies and plans makes things so much easier later on. Many **Citizens Assemblies** and smaller-scale community events are proving invaluable in understanding key aspirations and are helpful to medium/long-term agenda-setting.

EXPLORATION

– exploring the many different ways of getting there...

Much excellent work is already done by those who have chosen to consult on possible solutions and options. **Co-production** has finally come of age, and we have increased use of ***Calls for evidence*** and other forms of participative options development/assessment. Such forms of consultation face many challenges including questions of accountability and inclusivity. *Who is in the Room?* has been an issue for many years, but there is great scope for innovation and creativity in involving people in finding solutions to difficult problems.

DETERMINATION

– helping to make choices from a range of potential options.

The traditional form of consultation that has been familiar for years and was (and still is) associated with a ‘*big fat document*’ and the ubiquitous survey. Many are well planned and delivered, with sensible options backed by sound impact assessments, but many have failed to convince Judges that they have observed the **Gunning Principles** at judicial review. It has led to over-elaborate, long drawn-out consultations as *consultors* have tried to cover every eventuality. The public is adept at responding to the many well-established methodologies currently in use, especially as there persists the myth that consultation is sometimes a ‘vote’. What few may appreciate is how massive the **impact of AI** will be on current processes and practice and much serious thinking is needed to retain the best and avoid the worst of likely developments.

IMPLEMENTATION

– understanding what works and identifying problems.

This covers those situations where decisions taken much earlier start impacting people directly, Building new infrastructure is the classic case, or on-going dialogues on implementing policies that affect communities or businesses. Because the mechanisms are often informal, and performance is variable, much of the consultation has fallen beneath the radar leaving *consultees* frustrated and dissatisfied. The same can be said of public policy when Parliament legislates but seldom instigates consultations to enquire about the effectiveness of their initiatives. When secondary legislation requires subsequent implementation action by Ministers, failures to consult have led to judicial reviews. This consultation function is growing in importance and has been given inadequate attention.

Executive Summary (cont'd)

By looking at consultations through the prism of **function** rather than the **form** they take, it is possible to focus on the ways we can make this a better experience for *consultees* and provide more useful insight for *consultors*. In a world of much-accelerated decision-making, it should prove possible to use more agile, flexible methods and release many from the perceived straitjacket of Gunning-compliant, 12-week traditional processes with their risks of delay and legal challenges. This is not a retreat from standards but a recognition that their application needs to reflect the functions of this framework and observe sufficient *proportionality* as to encourage, not discourage, good consultation.

Many people and organisations are pressing for more distributed power structures with far more decisions delegated to new, innovative mechanisms including permanent or semi-permanent bodies appointed using sortition and other techniques. When they are given the power and the money to take and implement decisions, they cease to be consultative. However, as long as their role is to produce recommendations and proposals for others to decide upon, their role is essentially consultative and have been included in the **FOUR FUNCTIONS FRAMEWORK** accordingly.

It is now for practitioners find ways to improve consultation by using the Framework and its many implications. *Consultors* may wish to specify and design their intended consultations using the terminology and standards provided by this analysis. *Consultees* may start to look for the clarity that this Framework implies.

In preparing this Framework, **Consultation GuRU** sought the advice and experience of many specialists in public engagement and received feedback on earlier drafts of the Background Paper. There is much consensus on the road travelled thus far and the lessons learnt in the evolution of consultation.

Issue 1 will be followed by later versions that can incorporate more examples and spread the learning from looking afresh at consultation and its various practices. In the meantime, Consultation GuRU will welcome papers from practitioners and advisers who wish to help develop these concepts further and explore ways in which the Framework can be useful and improve standards.

Rhion H Jones LL.B
November 2025

Section One: Introduction

It is time to take a fresh look at consultation

Not because the concept has changed in any significant way.

The definition we adopted in the Consultation Institute in 2003 has stood the test of time and still seems about right:

“The dynamic process of dialogue between individuals or groups, based upon a genuine exchange of views and, with the objective of influencing decisions, policies or programmes of action.”

What has changed in 20+ years are the contexts within which consultation is undertaken. They have proliferated and extend to a much wider range of problems and situations. To cope with this, there have been many innovations and participatory methodologies ranging from large-scale Citizens’ Assemblies to almost-unnoticed stakeholder sanity-checking. What many of them have in common is placing a value on the ‘*collective intelligence*’ of communities – not far removed from a related concept often referred to as ‘*the wisdom of crowds*’

They also have the fundamental attribute of helping someone somewhere take a better decision, adopt a better policy or deliver a better programme of action.

It is a process.

Within this general notion of consultation, we have adopted a variety of practices without knowing for sure which works best in which circumstances. We lack clarity on what the rules should be – or the means to enforce them.

There will not be a perfect framework that covers the entire landscape of public and stakeholder consultation. This paper seeks to identify some of the building blocks by identifying FOUR FUNCTIONS which consultation can typically perform. They are not totally watertight and not wholly mutually exclusive. But I hope that practitioners and observers of consultation will recognise the salient characteristics of the different roles I see being taken by consultation and may be interested in my analysis of the issues that arise.

In summary, I see four different roles:

NAVIGATION – helping organisations consider where they want to go.

EXPLORATION – exploring the many different ways of achieving goals

DETERMINATION – helping to make choices from a range of potential options

IMPLEMENTATION – understanding what works and identifying problems

THE FOUR FUNCTIONS FRAMEWORK | The evolution of consultation

Part of the difficulty is that over the years, the Consultation Institute focused successfully on helping public sector bodies run a certain type of consultation – largely within the **DETERMINATION** function. Despite the challenging complexities - exacerbated by several hundred High Court judgments at judicial review, progress was made in ensuring that several thousand public officials (and others) became familiar with the basic principles of *best practice* and the legal rules adopted by the Judges.

An unfortunate side-effect was to fix in many minds the idea that all consultations needed to ‘look and feel’ in a common way and conform to similar standards. That particular model is less suited to the range of situations for which consultation is now used. By seeking a fresh look at consultations, we are able to respond to the forces that have shaped the development of the process in recent years and address some of the issues that have arisen.

Section Two briefly considers some of the lessons learnt and leads to a description of the **FOUR CONSULTATION FUNCTIONS** in Sections Three to Six. Section Seven considers the Implications of this analysis, and an Appendix will feature some potential sources of standards.

Section Two: Lessons learnt

1. Relative stability

When reviewing what had happened over ‘*Twenty years of consultation*’ in 2023, Elizabeth Gammell and I (*The Art of Consultation*, 2008 & *The politics of Consultation*, 2018) wrote as follows:

During two decades of extraordinary political and social upheavals, the practice of consultation has been a relatively stable feature of public administration. While other ideas and innovations have emerged, many fads have come and gone, leaving the boringly-bureaucratic, unexciting and in many ways, flawed process of consultation largely as it was.

As a vehicle for gathering views and opinions in order to influence decisions, this particular concept motors on as if little has changed. But under the bonnet, the engine works a little differently. It probably carries less baggage, but more people can ride, and it has attracted interesting fellow-travellers. It can change gear more smoothly and can hold the road better. Adhesion to the direction of travel is stronger, and it can sometimes get to its destination faster than other forms of conveyance. Unlike others, it has not received a high-profile facelift, just steady gradual improvements and a massive investment in driver training

In so many other ways, public administration has experienced many changes. Austerity budgeting forced local authorities and other public bodies to abandon long-standing ways of working, find short-cuts and digitise furiously, though not always to better effect. Artificial Intelligence (AI) is beginning to sweep in like an uncontrollable hurricane hurling administrative debris to the four winds and destabilising the most entrenched processes.

In comparison, until now, the activities of seeking public and stakeholder views have stayed broadly the same. The ‘*big fat document*’ may mostly have given way to slimmer online narratives, but the basic ‘*Please answer the following questions*’ would be totally recognisable as the same data gathering technique as was used at the turn of the millennium. Look back at the better consultations undertaken 25 years ago, and they would look reasonably acceptable today.

2. Erosion at the margins

For most of this period, for anyone trying to understand consultation, and to distinguish it from other forms of public engagement, there was a simple and straightforward formula. Unlike other methodologies, a consultation was legally enforceable under a set of rules evolved by the Courts and normally referred to as ***The Gunning Principles***¹.

This proved a handy, broad-brush distinction and practitioners generally knew that if they called an exercise a ‘consultation’, the rules would apply. Indeed, Judges also ruled that the Principles applied even if the precise word ‘consultation’ was not used - provided the sense

¹ The Gunning Principles are four key requirements for lawful and fair public consultation in the UK: (i) proposals are still at a formative stage; (ii) there is sufficient information to give intelligent consideration; (iii) there is adequate time for consideration and response; and (iv) conscientious consideration must be given to the consultation responses before a decision is made.

of the required process indicated that this was what was intended. This was the classic case of “*If it looks like a duck, quacks like a duck and waddles like a duck, it probably IS a duck.*”

Then in 2023, a Court of Appeal judgment undermined all this. In the case of *Eveleigh*², the Court refused to apply *Gunning* even though the Government had explicitly labelled the exercise a ‘consultation’. In some ways, it had a point. An exercise to establish the circumstances of disabled people in order to develop a manifesto-promised Disability Strategy had been seriously delayed by COVID, and when the ‘consultation’ emerged it took the form of a massive survey of disabled people’s life experiences. It did not seek their views on any substantive proposals, and a judicial review had predictably ruled that it had not met the *Gunning* standard.

On appeal, their Lordships determined that it was necessary to look at the substance of the exercise – not how it was labelled. For good measure, and without being asked, it also threw in some problematic *obiter dicta* casting doubt on whether *Gunning* would apply to consultations undertaken voluntarily, or those without specific proposals. In terms of the clarity of the law – thoroughly unhelpful.

All this occurred at a time when an increasing number of organisations experimented with other, more flexible forms of citizen involvement. Insofar as many of them are clearly consultative in tone and intent, and others slide into the realms of shared or delegated decision-making, it becomes important to figure out what *best practice* standards may apply. If the old rule of thumb that *if it’s called a Consultation – then Gunning applies* no longer stands, then we need some better guidance.

3. Governments have done little to help!...

Twenty years ago, successive Government Guidelines helped establish the basic parameters of an effective consultation in the public sector. This in itself was surprising because, in truth, the origin and development of consultation was very much driven by local government; that was where the expertise and experience were found, and, to an extent, this is still true.

The high water mark of Government leadership was the 2008 Code of Practice (to which the Consultation Institute contributed, so I declare an interest!) and driven brilliantly by a single talented civil servant. It was balanced, helpful and set the right tone and expectations for policy-making and related consultations. It committed Government departments and agencies to establishing consistent procedures and train their staffs to follow them. Sadly, it did not survive the Coalition Government’s mission to cut red tape, and the comprehensive guidance was summarily ditched in favour of a one-page set of Principles scribbled together by officials who admitted that they had never previously known anything about consultations. At least Wales and Scotland, setting up their consultation processes later, and separately from the Whitehall model, retained better guidance.

As a result, every department was effectively licensed to run a consultation in their own sweet way, lasting as little or as long as they wanted, and it was only some years later that the lawyers managed to secure a reference to the *Gunning* Principles in a re-write.

² Secretary of State for Work & Pensions v *Eveleigh* (Formerly *Binder*) [2023] EWCA Civ 810

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Of greater significance is the confusion over when Governments should or should not consult. It is still largely at the whim of Ministers. There are exceptions. Many consultations arise from obligations contained in secondary legislation. Over the years, select committees overseeing such exercises have frequently complained about the inconsistent observance of the requirements. Consultations were regularly begun but not completed until decisions had been taken!

There is no agreed protocol for what, in other countries is known as **pre-legislative consultation**. They happen – but usually only if it is politically convenient for Ministers. Hugely significant issues like Assisted Dying have proceeded through Parliament without any public consultation. On other, maybe less contentious subjects – like the recent Football Governance Act, a consultation was held. The uncertainty means that opponents of any Government policy routinely demand consultation – often more as a form of political point-scoring rather than from any commitment to the principle of pre-legislative engagement.

Then there is the frequency with which Government departments have been found by the Courts to have observed poor or even unlawful practice. Judicial reviews have featured egregious failures to disclose important information or to give conscientious consideration to *consultee* responses. Analysis of hundreds of cases over twenty years shows that some Government departments are better than others – and of course some are more vulnerable to challenge because of clued-up NGOs and interest groups. Overall, however, the Government legal service has struggled to provide a consistent service. And politicians continue to play fast and loose with the concept.

4. The Information Deficit

If there are failures by Governments - or its many agencies, it's probably impossible for most people to assess. That is because information about current or imminent consultations is difficult to find. Although the Welsh and Scottish have passable website pages, the **Gov.UK** site has been inadequate for years, combining consultation announcements, updates, *output* or *outcome* reports all together in a database that holds very little *meta* information and makes analysis almost impossible. Until recently, seeking the answer to a question such as “*Which DEFRA consultations in 2024 received fewer than 100 responses*” would have been virtually impossible. AI changes all this, of course, but the data collected and published by *consultors* is still so inadequate that accurate answers are hard to find.

There is an urgent need for data standards. *What exactly is a ‘response’? How many ‘options’ were offered? Did young people participate? And therefore, What is a young person?* And hundreds more. Only when this is cracked will AI tools enable us to overcome the inadequacies of current methods of publicising consultations and how *consultees* responded.

There are other information deficits. The language and style of many consultations are still proving a barrier to understanding and participation, and the newer methodologies, designed, in part, to address this problem also suffer from the lack of a common vocabulary and idiosyncratic implementation.

Another problem that is emerging with more participative techniques is the *diffusion of accountability*. Whereas, with traditional consultations, the *consultor* was relatively easy to identify, and responsibility for their conduct and outcomes were clear, there is, in technical terms, an '*accountability sink*' for many collective initiatives. Co-production is a case in point. Having defined a service, a solution or maybe an option, the 'people in the room' disperse and cannot be re-assembled if difficult questions emerge or if unforeseen consequences arise. One-off Citizens Assemblies are also prone to similar issues. Providing enhanced information about current consultations can solve many of these problems

5. Things can only get better

The good news is that the future for consultation is very bright. Critics who were often justified in denouncing consultation as a meaningless tick-box-exercise have obliged organisations to clean up their act. The Courts have also helped, though some public bodies have learnt quicker than others that cutting corners and under-investing in the process has been a false economy.

The UK also has a tremendous reservoir of talented practitioners with broad experience of the required skills-sets. Systems are also evolving and are offering good template solutions and an emerging realisation that dialogue management, whilst useful, often needs to be subsumed into an effective stakeholder management systems.

The game-changer is, of course, AI.

Not only will it enable much better and quicker meta-analysis if they crack the data standards issue, but it also offers huge operational savings in consultation dissemination, response analysis and *consultee* communications. *Consultees* can also benefit and will hope to leverage AI to promote their messages and exert more influence. We all dread the day when an AI-generated consultation has to analyse AI-generated responses, but this prompts an interesting conclusion. Could it be, that counter-intuitively, the automation of much of the dialogues lead to a resurgence in face-to-face contact on key issues. After all, if I am a *consultor* and I receive broadly similar (AI-generated) responses from key stakeholders, might I not discover more about what individuals *really* think by assembling them in a group and holding an old-fashioned discussion...?

Finally, there is the wider political climate. Western-style democracies are under sustained pressures – both from without and within. Respected academics consider threats to our ways of governance and the slide to authoritarianism is well documented. Much of the disenchantment stems from disillusion at the economic disappointments since the financial crash of 2008, but there is also evidence that electorates feel disempowered and unable to influence events and policies. In the UK we are blessed with a better developed culture of consultation than many other countries but are struggling to capitalise on this advantage.

A key enabler will be to achieve a step-function change in our approach to **the timing of consultation**. For as long as it is seen as a long, drawn-out process, it will be seen by many *consultors* as a problem, and something to be avoided. It may not be ideal, but the defining characteristic of the modern world is the huge acceleration of decision-making. Electorates are more volatile, and politicians are under immense pressure to deliver on their

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commitments at speed. Consultation will thrive as an essential safeguard to sound policy-making if it can be agile enough to be quick without being worse.

The lessons learnt on the last 20 years is that consultation is evolving to meet a wider range of situations than ever before and the **FOUR FUNCTIONS FRAMEWORK** is an attempt to synthesise these many strands of engagement into ways that can help reinforce the ballot box as a major ingredient of our democracy.

Section Three: **NAVIGATION**

The most fundamental question in public – or any significant policymaking is “*Where are we trying to go?*” Right from Ronald Reagan trying to inspire Americans with his vision of the shining city on a hill, to a battle-worn Chancellor hemmed in on all sides by a cruel financial reality – someone, somewhere has to define the ‘**direction of travel.**’ Lewis Carroll’s Cheshire cat comments ruefully that “*If you don’t know where you are going, any road will get you there.*”

Historically, significant goals have been set by strong leaders – mostly men. Only in recent centuries did the democratic ideal suggest that a majority decision from representatives of the people might play a part. Representative democracy confers a degree of legitimacy to those ‘representatives’ but rarely do Parliaments create a policy. Instead, we turn to the institutions of state or their leaders.

The body politic long ago learnt that it might be necessary to have mechanisms in place to secure public support for anything really significant. Election manifestos are useful in mapping out aspirations for a new administration, but political parties have, generally, phrased their commitments with care to minimise the risk of disappointment. For many new administrations, in both local and central government, there is still much room for manoeuvre, and it is therefore natural that consultation can be used to pinpoint more precisely where they wish to go.

It is not just political policies or decisions. The world’s corporate giants have to adopt and pursue a consistent strategy if they want to convince the financial markets. Indeed, they may well engage in considerable stakeholder consultation to define and refine their sense of direction. These can be hugely significant in terms of corporate positioning and credibility, and no better recent example has there been than BPs massive swing towards green energy under its CEO, Bernard Looney in 2020, only to abandon it in 2025.

These are big calls – often existential and traditionally taken behind closed doors. That is not to say that there is no consultation. Determining the forward direction should always, ideally, include a significant dialogue with stakeholders. Large companies invest hugely in stakeholder management – for they understand the importance of their relations with their customers, suppliers, employees and public agencies. For their survival and prosperity, their first priority is to guard against reputational risk. Just ask Tesla!

Consultations held to assist the function of **NAVIGATION** therefore can be of fundamental importance to an organisation – going right to the core of its values, its mission and its view of the world.

Characteristics

- Navigational consultations often have a wide-remit and welcome unconstrained suggestions. They tend not to offer an overly-restrictive agenda in terms of content or audience but may require specialist knowledge.

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- They are almost always future-oriented and may cover ‘wicked issues’ not previously addressed.
- Consultations use open-ended language such as “*Our plan for the future*”, “*What kind of XXXX service is required*”? Or “*Should we build more XXXXs*?”
- They can include ‘blank sheet of paper’ consultations or where existing policies or programmes are being reviewed or updated. “*Our five-year plan needs updating; are we proceeding in the right direction*?”
- Some form part of a comprehensive review of the performance of an organisation. *Is it meeting its objectives – or indeed are they the right objectives?* But note that this can cross over into **IMPLEMENTATION** – See (Section Six).
- They are long enough to engage a wide range of *consultees* and might include methods based upon representative or randomised participation.
- Consultation may be part of a wider programme and include a sequence of iterative exercises. Organisations may produce Annual Plans or specific Strategies and subject them to a Programme Approval consultation process, enabling *consultees* to comment upon their direction and likely achievements.
- Their output will normally be published, and organisations will be seen to demonstrate that their outcomes reflect *consultee* priorities and preferences
- A professionally-designed navigational consultation may be costly but depends upon the range of stakeholders being targeted and the depth of involvement being sought.

Examples

- The **NHS Big Conversation** in October 2024 was an attempt to gather comprehensive patient and public feedback on many aspects of the service. One of its features was the extensive use of Ideation. Although its findings are said to have influenced the NHS Ten-year plan, the output of this consultation has not been published!
- When **National Policy Statements** (NPSs) under the 2008 Planning Act are consulted upon, it is usually a wide-angle remit of how the nation should approach various aspects of infrastructure. Specific amendments or updates may not be navigational and be more restrictive.
- When major policy reviews are undertaken, a navigational consultation is often used to identify key issues/concerns and set the agenda. An example would be the **Dame Louise Casey CB review of social care** in England.
- In 2025, the **Scottish Government** consulted on a proposed *Land use and Agriculture Just Transition Plan* covering a period up to 2045. It states that “*To do this, we need to agree a vision, a set of long-term outcomes, and shorter-term objectives to guide the work.*” Land use has always been an emotive subject in Scotland, and the consultation attracted much interest.
- A review of the function and performance of the **Arts Council in England** in 2025 was branded a *National conversation about the future*... and sought the views of stakeholders through an extensive survey.
- In May 2025. The **Welsh Government** announced a 12-week consultation on a proposed *Disabled People’s Rights plan* – and the development of a Ten-year Plan.

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- Periodic reviews of legislation or established policies may involve a broadly-based consultation on responding to changed conditions. HM Treasury is currently examining the need to replace the **1974 Consumer Credit Act**
- Many local authorities have consulted upon how best to respond to high-profile multi-disciplinary issues like achieving net zero, moving to sustainable transport models, improving air quality or similar. The **Westminster City Council** Citizens Climate Assembly took place in 2023 and made a large number of recommendations

Methodologies

- Traditional **documentary** methods of a narrative plus questions or conventional **surveys** are still used but have limitations.
- One-to-one or one-to-many **stakeholder dialogues** are popular especially for specialised subjects or for organisations with well-developed and managed stakeholder base.
- **Deliberative events** – including **focus groups** have long since been an attractive option because they allow more voices to be heard and for *consultees* to engage with each other and consider alternative viewpoints.
- Rather than rely on a one-off process, *consultors* can use **Stakeholder reference panels** or other standing (i.e. permanent) machinery whereby members can, over time acquire a fuller understanding of the organisation's position and provide valuable advice on top-level issues. **Consultative Committees** have long been seen as a useful listening device because of their accumulated knowledge and are well suited to providing input for 'vision and strategy' matters.
- **Open events** where *consultors* describe what they have in mind and invite attendee reactions can be used but suffer from the danger of creating an adversarial situation if the subject-matter is contentious, and an inability to attract attendees if it is not.
- **Citizens** and **Citizens Assemblies** are emerging as the definitive means to involve people in thinking about the future on complex matters. They provide the opportunity to engage with a wide range of citizens and provide sufficient time and structure to delve into enough detail to produce consensus recommendations

Issues

1. Navigational consultations should be **strategic**, but organisations have frequently muddled the waters by trying to combine a little of "*Where should we be going?*" with "*What shall we do next week?*" This normally suggests that the first question is largely tokenistic.
2. Really challenging conflicts of values or interest can emerge as top-level policies involve **trade-offs** between multiple desired outcomes. Communities want more housing but also want to preserve green spaces. Citizens concerned about climate change want to help reduce CO2 emissions but still want to fly away for their holidays. Business leaders want access to as wide a single market as possible but don't want to accept regulations from a non-UK body. Consultations on these trade-offs go to the core of *consultees'* fears, perceptions and priorities.

3. For that reason, especially with neglected “too difficult to address” issues, policy-makers use consultation as a time-consuming **action-avoidance tactic** – designed to give the impression of activity whilst, in effect, postponing a decision or an expenditure. Airport capacity in SE England and the future of social care are both examples of ‘*kicking the can down the road*’.
4. This happens, in part, because a genuine navigational exercise can often uncover **hidden problems**, or issues that have been conveniently overlooked. Friction, occasioned by media (or increasingly, social media campaigns, or the activities of ‘influencers’ condition public opinion on a wide range of issues that may not obviously be relevant to the subject-matter of a **NAVIGATION** consultation. However, by their very nature – being wide in scope – there is a possibility that such consultations become sidetracked and dive into unanticipated areas (‘rabbit warrens’?)
5. Sometimes a navigational consultation can be a very useful way for decision-makers to develop and refine their **own agendas**. This is especially relevant when politicians or political parties have to take decisions without the benefit of much preparation. For example, the 2025 local government elections in England resulted in a number of Councils being run either by the inexperienced Reform party or by independent councillors who never subscribed to a common programme. There are also a number of combined authorities and proposed new merged Councils – all of whom may need to consult the public on their overall strategies.
6. Many *consultors* are hoping for a simple endorsement – for *consultees*’ to say “Yes – *that is okay; we approve.*” There is nothing inherently wrong in this, but it raises questions as to whether there is enough substance in the issue to warrant engaging with a wide audience. Seasoned stakeholders will always question whether this is a ‘*tick-in-the-box*’ exercise or ‘*going through the motions*’.
7. It works better if a ‘*final-check*’ or ‘*final endorsement*’ is sought at the end of a more elaborate process and where a consultor wishes to ensure that all who needed an input have in fact had the opportunity.

Standards

To the extent that navigational consultations use well-established methods such as Surveys, there are established standards for *best practice*. For Citizens Assemblies, in 2019 Involve³ pioneered some proposed standards (See Appendix One) and the Knowledge Network On Climate Assemblies⁴ (KNOCA) has performed great work in promoting *best practice*.

Are there, however, sensible Key performance indicators (KPIs) that reflect the characteristics of navigational consultations? Maybe they should include some or all of the following:

- The extent to which the context and constraints of the **NAVIGATION** were adequately explained

³ **INVOLVE** (www.involve.org.uk) was established in 2003 (as was the Consultation Institute!) and has played an important role in advocating and delivering new forms of public participation in the UK.

⁴ **KNOCA** (www.knoca.eu) is a European network for sharing best practice on the design and implementation of climate assemblies.

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- Its ability to engage with stakeholders most likely to contribute meaningfully to the consultation.
- Evidence that underlying strategic alternatives and their implications were identified and considered.
- Clear evidence that *consultee* responses have contributed to the outcome.
- Outcome documents that demonstrate that an effective process of Navigational consultation has taken place.
- The extent to which key stakeholders feel that their views have been taken into account in the exercise.
- The extent to which decision-makers feel the exercise was of assistance to them.

In SUMMARY

There are far more **NAVIGATION** consultations around than one imagines, but they tend to get subsumed into more specific exploratory exercises. Done well, and they help organisations design and articulate their strategies and trade off conflicting priorities.

Section Four:

EXPLORATION

This is about seeking options and solutions.

Fifteen years ago, when the Consultation Institute first developed its Consultation **Quality Assurance** scheme, it was called '*compliance assessment*' and involved six 'interventions' or sign-offs over the duration of the consultation exercise. Its starting point was to look at the mandate of the consultation and ensure that the scope of the exercise was well-understood.

Over time, this first stage proved the most difficult of all to assure. Every consultation was preceded by a different extent and quality of preparation. Some had none. "*Let's do a consultation about collecting the bins*" and its equivalent were regular occurrences. Others were the culmination of years of diligent project management involving copious amounts of stakeholder engagement. In the NHS, there was legislation requiring Managers to involve patients and public in the '*development and consideration of proposals*'!⁵

It became obvious that there was a whole cornucopia of activities which we labelled **pre-consultation**. And it was equally demonstrated that the quality of the pre-consultation process was a major determinant in the likely success of the consultation as a whole. If a consultation was well-prepared, supported by adequate research and informed by a considered view of the issues, then it was much more likely to be effective.

How does one create a satisfactory platform for what came to be described as consultation readiness? The answer often lay in the extent to which prospective *consultors* had systematically identified and analysed its stakeholder base – using techniques such as *stakeholder mapping* ... and then engaged with them to discuss what might be included within the scope of the forthcoming consultation. In other words, the ideal pre-consultation dialogue with them had both a substantive ("*Are these the right issues?*") and a procedural ("*Should we consult next June?*") aspect.

The very best *consultors* have used a method initially pioneered by the Consultation Institute in 2010 by publishing **Issue Papers**. This took the form a preliminary narrative outlining the problems that need to be solved and some of the factors that will need to be considered. It then asked stakeholders to submit outline responses both as to potential options that might be assessed and the process by which the decisions be taken. It successfully pre-empted criticism that options were being presented as a *fait-accompl*i and was also an effective way to gauge reactions from potentially affected stakeholders.

Sad to say, there are times when none of this happens. Preparation may be entirely internal, often by senior managers for reasons of confidentiality and secrecy. This is almost always the case in employment matters when consultations (of a rather different kind) have to held on redundancies.

⁵ This was the core statutory duty placed on NHS bodies per the 2006 NHS Act, as subsequently amended by the 2012 and 2022 Acts.

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Elsewhere, pre-consultation *best practice* has now evolved into an expectation that there will be some degree of stakeholder involvement in discussing potential options. In essence we have ‘**consultation about a consultation**’ – once described by a sceptic as a *bureaucratic nightmare*. In part, this is because it can be expensive and time-consuming, and delay is probably the biggest single obstacle. Try telling the Minister... or Chief Executive that you are happy to organise a consultation – but please can you first have six months to prepare...

Happily, we now have a range of methodologies which help with this process, and which have evolved to reflect the vast range of pre-consultation situations. Some of these are full-blown consultation exercises in their own right, but more typically they are ways to seek views and opinions in less formal ways. But they are almost all consultations.

Characteristics

- In contrast to Navigational consultations, those with an Exploratory emphasis are narrowly-focused and are considerably constrained. The fundamental question needs to be very explicit.
- They are about problem-solving and not necessarily destined to form part of a formal consultation. “*Please help us find solutions to this problem*” is the pivotal sentiment.
- They can be short and succinct, or long drawn-out – sometimes taking years and requiring standing machinery for dialogue. Some assume the status of a permanent form of continuous engagement.
- Formal start and finish dates are less common.
- There can be strong elements of ‘kite-flying’ or testing the acceptability of ideas which might not be featured in a traditional consultation. They enable ‘*what if?*’ scenarios to be considered without commitment.
- The best **EXPLORATION** consultations have a focus on impact assessments and seeking consensus on what those might be.
- They will normally signpost a pathway for using the output of the exercise in order to publish a set of proposals. Or maybe a decision not to proceed with anything; this is a perfectly legitimate outcome!
- Many sectors have well-established Guidance that stipulates how pre-consultation options development should take place. NHS Guidance has been explicit and detailed for many years. For airspace changes, the Civil Aviation Authority requires airports to follow an encyclopaedic document called CAP 1616 which is heavy on stakeholder involvement in establishing ‘design principles’ and evaluating potential solutions.
- Some **EXPLORATION** consultations are confidential and are conducted beneath the surface. Internal inter-departmental or intra-departmental consultations, deliberately restricted on a *need-to-know* basis are routinely endemic to the of the civil service or any large-scale public agency.
- More visibly, published consultations can be wholly Exploratory. In effect, “*We are looking for ideas on how to tackle...*” Government is hopelessly inconsistent in labelling some of them consultations and not others.

Examples

- A series of working papers from the **Ministry of Housing, Communities & Local Government** in 2024-2025 explored ways to achieve stated goals of the planning reform policy. One was on the structure and operation of planning committees in local authorities, and it sought views on very specific questions.
- A large-scale and politically controversial Green paper on **Benefits Reform** is, in the main an Exploratory consultation – full of ‘qualitative’ questions about potential solutions and testing the department’s assumptions.
- A previous contentious consultation on the Conservative Government’s **National Disability Strategy** led to important judicial reviews with High Court and Court of Appeal judgments turning on whether it was or was not a ‘consultation’. It had no proposals and primarily amounted to an extensive survey (113 largely multiple-choice questions) about the life experiences of disabled people seeking information and views from *consultees*; it was purely exploratory.
- Most **local plans** as published by planning authorities delineate what and where development should occur. Except for Councillors who have to approve the document, it is hardly an effective choice for most citizens – but the opportunity to find out what is being considered and react. The test of public acceptability may not be a material planning consideration, but every Council knows that approving plans without taking the temperature of local sentiment is politically unwise.
- The increasing popularity of **Community energy** has in recent years inspired and frustrated its supporters. Accordingly, in 2023, then then Government proposed to hold a consultation on identifying the barriers to its accelerated deployment. When it finally emerged, it was labelled as a *call for evidence* – a clear indication that it was an exploratory exercise.
- Like many NHS organisations, **Northamptonshire Healthcare Trust** is proud of its Care Response Unit as a ‘mental health ambulance’ – the result of a co-production exercise. This is typical of the widespread use of consultative processes to involve service users to provide real-life experience to help redesign patient pathways and improve workflows.
- In April 2025, the **Department of Health and Social Care (DHSC)** launched a 12-week call for evidence to inform England’s first men’s health strategy. It received 6,591 responses and the department says “*the evidence collected will inform future policy on men’s health...*”
- In September 2025, the newly-created **Independent Football Regulator** launched several consultations to explore detailed aspects of the forthcoming licensing regime for professional football clubs. This is good example of seeking stakeholder input before finalising important details of the operation of new regulation.

Methodologies

- As is clear from the examples, traditional **documentary** methods of a narrative plus questions or conventional **surveys** can be used for exploratory consultation. Insofar as some **Climate Assemblies** have terms of reference going beyond overall policy directions and cover specific proposals, they can also be regarded as effective forms of exploratory consultation.

- Government departments still observe the distinction between a White paper – outlining what Ministers *intend* to do, and a **Green paper** which was originally what the Government would *like* to do, subject to discussion and or consultation. Some will be clearly identified as consultations; others, annoyingly leave it open for others to interpret.
- There is increasing use of the term **Call for evidence**. It has been used by Parliamentary Select Committees for many years, and usually in two quite different contexts. One is where Parliamentarians institute an ‘investigation’ into a subject it may feel is neglected or is an emerging issue that needs to be taken seriously. Alternatively, it may want to delve into a matter that Government is already addressing – or even be about to legislate. Government departments have also started to use the term – and when seeking ideas on ways to respond to President Trump’s tariffs increase, used the term **Call for input**. The aim almost always is to seek a broader range of views than those internally assimilated in the prospective *consultor* organisation.
- **Co-production** has now become an established methodology in its own right, embracing components such as co-specification, co-design, co-delivery, co-evaluation and so forth. It means assembling people with relevant interest and experience to address problems in an environment where the influence of power-structures are eliminated insofar as is possible. Consulting such people in this way is universally seen as a positive means of ensuring better outcomes.
- Because formal exercises such as co-production necessarily only involves a limited number of people, a looser form of ideas-gathering has been developed using the term **Ideation**. It can take the form of an online ‘suggestion-box’ (as in the recent NHS Conversation) or Workshops – sometimes taking the form of **Appreciative Inquiry**.
- An ugly word called **Optioneering** has entered the vocabulary to describe a range of methods by which consultation options can be selected. In most guises, it involves a ‘long list’ of potential solutions or actions, and various processes are used to whittle these down to a manageable number. There are three key elements
 - Competent research by qualified people to investigate viable suggestions
 - An impact assessment of the likely consequences
 - A set of criteria by which to assess the various ideasIt is common practice to score potential solutions by weighting various criteria and seeking a way to arrive at a consensus. An **Options Assessment Workshop** can be used to ensure that key stakeholders have a role in such an exercise, though note the danger of including only a token member of the wider public who can, of course, be easily outvoted by the other members.
- In addition to ‘closed’ methodologies – which include a **Stakeholder reference panel** or similar, *consultors* may also deploy more open techniques such as **deliberative events** as is common in the traditional consultation model.

- More routine is the time-honoured practice of informal consultation with internal or external interfaces. A typical exercise might be to send around a draft document on the basis of “*Is that okay then?*”. Sometimes it is time-limited, and there are subtle nuances between situations where there has been widespread dialogue, and this is the final draft and when it may be the first of many anticipated re-drafts. Some respondents carry higher status than others (eg legal departments may have a veto) but the aim is to feel that every *consultee* has had the right to express a view. For the want of better description, I call these methods **Stakeholder sign-off**

Issues

1. The desire to involve stakeholders or communities of interest is rooted in the belief that it should contribute to better decisions or actions. Not everyone shares this view. Historically, many interested in health and social care think that clinicians always know best. The same with engineers or other professions where technical and vocational expertise will always be expected to trump public preferences. As a result, there is a degree of **scepticism** as to whether some **EXPLORATION** consultations are genuine, or whether, once again, it is a case of ‘tokenism’ or ‘ticking the boxes’.
2. Because much of this work is detailed research-based and evaluative, public participation in options development/appraisal and similar tasks is limited to those with the time and the aptitude to become involved. (This is the problem so elegantly solved by the Citizens Assembly method). But for stakeholder involvement in such methods as co-production, the question that arises is “**Who is in the room?**” Though unlikely to be questioned for uncontroversial matters, where there are potential winners and losers, the next questions will be: *Who chose them?*, or *How representative are they?* or *How much influence did they have?*
3. Such questions matter on issues of controversy. In 2023, a mental health patient from Manchester threatened to take the NHS to court for having been excluded from a co-designed service change; it served warning that Exploratory consultations need to find ways to include a reasonable cross-section of **those potentially affected**. There may be more than one meaning of ‘*seldom heard*’, and many of those who never participate in stakeholder-involvement activities can still be impacted by decisions taken in Exploratory consultations.
4. **Impact assessments** have become progressively more important for good governance and decision-making and are proving troublesome for Governments – national and local. Parliamentarians complain that when confronted with official Impact Assessments published alongside draft legislation, they find heavy documents full of accounting jargon and financial assessments indigestible by laymen and women. In the current context, what potential *consultees* want to see is less the financial impact, but more the implications of various options on people.

5. It is one thing to commission a bright graduate do undertake ‘**desk research**’, and quite another to sit down with those likely to be affected and discuss openly what will be the consequence of various forms of action. It is not an exact science; much guesswork is involved, and different voices naturally reflect individuals’ own background and prejudices... It makes for very different kinds of dialogue where the credibility of respondents are as important as the substance of what they say.
6. A common problem for **EXPLORATION** consultations is that solutions and options may be constrained in ways that *consultees* dispute. There have been a succession of judicial reviews where campaigners disagreed with the **exclusion of alternative solutions** at the pre-consultation stage.⁶ Typically, these arise because the *consultor* has been advised of a maximum budget which has been allowed for a project. Alternatively, there are disputes about the underlying business case – loudly criticised before the Labour Government in 2024 made changes to the *Treasury Green Book* on project assessments.
7. Finally, there is the question of public and stakeholder **expectations**. When local authorities, as part of their consultation on local plans issue a ‘call for sites’, it is basically assembling a catalogue of possible places for development. Some of them will not withstand a moment’s scrutiny and will be dismissed out of hand by planners. Inevitably, however, communities become alarmed if they misunderstand the true intention of the consultation. Similar situations arise when optimistically fanciful options are aired by enthusiastic campaigners for all sorts of initiatives. Providing space and time for all suggestions, no matter, how marginal, is, indeed, the function of many **EXPLORATION** consultations. But it becomes an onerous task for *consultors* to explain the process to the public.

Standards

For those consultations that mimic the traditional decision-making model, the legal and *best practice* standards already exist. However, the huge spectrum of exploratory consultation models means that there are fewer standards, and, if expectations are to be better managed, there is a need to develop some meaningful quality benchmarks.

To begin the debate, I suggest the following:

- **For all EXPLORATION consultations:**
 - The extent to which interested parties and stakeholders understand the purpose of the exercise.
 - To ensure that all reasonably relevant voices have the opportunity to participate
 - That relevant reports of the process are made available to the relevant stakeholders
- **For Citizens or Climate Assemblies**
 - That they are clear about the extent to which they are ‘consultative’ (i.e. making recommendations for others to consider) rather than granted ‘decision-making’ competence.

⁶ An excellent example is the case of *R ex parte Glatter v NHS N Herts Valleys CCG & W Herts Hospitals Trust* [2021] EWHC 12 (Admin) where there was a dispute about the true potential cost of a new hospital at Watford.

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- That Involve's *best practice* standards are observed (if, and as they are further developed). See Appendix.
- For **Calls for Evidence** etc
 - That the context for the request is clearly explained ...
 - That the questions are sufficiently precise and appropriate for the subject matter.
 - That recipients of the request are identified, and that, if the *consultor* reserves the right to call for some evidence to be presented in person, that the process for selection is properly explained.
 - That, if a time-limit is required, that it be published.
 - That a list of those submitting evidence is published.
 - [For debate] To what extent should there be default requirement to publish all submitted evidence.
- For **Optioneering** – where stakeholder involvement has taken place.
 - That the process for assessing and selecting options be explained.
 - That the list of those attending and, where applicable, those voting, be published or made available to identified stakeholders upon request.
 - That information on 'discarded options' should be available to identified stakeholders upon request.
- For **Stakeholder Sign-offs**
 - To consult all those who have a legitimate and reasonable expectation to be involved in the process.
 - To make available to any *consultee*, the details of others participating in the exercise, upon request

In SUMMARY

The **EXPLORATION** function sees the widest range of consultation approaches and methods, with an increasing propensity for potentially affected stakeholders to participate. Innovations like Co-production, Ideation, Calls for evidence and forms of stakeholder sign-offs deserve more attention and scrutiny

Section Five: DETERMINATION

Taking decisions; making choices.

It is now deeply embedded in the British public psyche that it is perfectly normal to express one's views and vote other than in an election. I blame *Strictly Come Dancing* and the other reality television shows that offer viewers the chance to 'participate'!

Thus, the idea of '*having a say*' and making a judgement between competing choices is firmly established. Whether those who are 'voting' believe they are actually taking a decision, contributing to a decision (as in *Strictly*) or merely being consulted is probably more difficult to assess, but enthusiasm for this kind of involvement cannot be denied.

The classic formula is simple. A *consultor* publishes a paper outlining the choices it feels necessary to make, describes the background, offers a number of options, estimates the likely impacts, states whether and the extent to which it has a preferred option and invites *consultees* to express their views. They may be stakeholders of some kind. Or they may be the general public. The data is then collected, and, if all goes well, the output of the exercise is published along with the relevant decision – or outcome. (Note the distinction!)

It does not always go well, but, as a process, is sufficiently well-established and well-understood, and if you asked random members of the public to describe what they understood to be a consultation, it is likely that a process broadly on these lines is what would emerge.

It is easy to see why it is popular. Organisations as well as politicians like the idea of being consultative. Terms like '*participation*', '*involvement*', '*engagement*' and '*empowerment*' sound satisfyingly voter-friendly but are a little too vague for constituents eager to express their views. Conducting a consultation is an easy response for it mimics the task that decision-makers have to make – and invites *consultees* to explain what they would do.

The salient – if unspoken sentiment is "*If you were in our shoes, what would you decide?*"

The problem has always been convincing communities that **consultation is not a vote**, and that the qualitative analysis of what people say, and why they say it is much more valuable as an aid to decision-making. It does not help when gleeful *consultors*, having obtained precisely the output they wanted from a consultation, announce with pride that, for example "*85% of respondents are in favour of ...whatever*" The very same people have been known to shy away from such pronouncements when the figures are less acceptable to them!

This is one of the reasons why things go wrong. Traditionally, it has been too easy to cheat, and only since the Courts became tougher and more interventionist that the perils of cutting corners or outright deception have deterred organisations from trying to manipulate this type of consultation. Where the threat of legal challenge is remote, we still see biased or skewed explanations of the background, incomplete or inaccurate facts, options without any impact assessments, unsatisfactory timescales and all the other inadequacies that public engagement professionals know only too well.

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The Courts' adoption of **The Gunning Principles** has set effective guard-rails with four simple rules that have been adapted and applied over the years and in a large number scenarios. Recent refinements, important in themselves do not take away from the immense significance of there being rules – and well-understood ones at that.

The downside is that whenever anyone dislikes a consultation, and seeks legal advice, lawyers, without fail, turn to the Gunning Principles as a basis for challenge. It has led to some ambitious/over-optimistic interpretation of the rules and made *consultors* over cautious in their design and publication of what should be routine consultations.

Twenty years ago, a common mistake was to launch a consultation whilst there was clear evidence that the relevant decision had probably already been taken. Borrowing from the planning industry, it is now described as *pre-determination*. Critics still refer to it as or **D.A.D.** (*Decide/Announce/Defend*). More recently, the focus of Judicial reviews has been on the Gunning Two principle of publishing sufficient information as would enable '*intelligent consideration*' of the issue. The other bone of contention is the extent to which *consultors* can show that the output of the exercise was *conscientiously* taken into account.

Today, it is rare to find a rogue consultation used for **DETERMINATION**. Where there are serious doubts, the threat of legal action by campaigners and stakeholders is usually sufficient to persuade public bodies and others to amend the offending consultation, repeat the exercise with better advice, or withdraw it altogether.

Characteristics

- Most consultations involve a choice between several options. Ideally, they should all be equally viable, but life is rarely that simple! Much depends upon how the *consultor* describes the consultation, and how heavily it emphasises the extent to which *consultee* opinions will influence the eventual decision.
- The number of options will vary but there is a natural bias towards having a choice of three – a 'middle way' surrounded by two more extreme positions.
- Many have a 'preferred option' with *consultors* often manifestly writing the narrative and describing the benefits in ways that favour their preference!
- It is not uncommon for consultations to invite suggestions outside or beyond the options written in to the narrative. This has on occasions saved the *consultor* from losing a judicial review.
- These consultations are targeted. And best practice requires *consultors* to be open about the intended audiences. "*This is seeking the views of ...AA, BB, CCs ... but other contributions are welcome*"
- The methodology reflects the target audiences, though some persist in following a one-size-fits-all template. Careful study of **EXPLORATION** consultations frequently show reliance on standard templates – and a routine format that makes one look very much like another.

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- For anything important, the conventional practice was to consult for 12 weeks. The historic reason for this (the 'old' quarterly committee cycle for local government) no longer applies but many voluntary and community bodies still cling to the timescale.
- Because of the greater propensity for **DETERMINATION** consultations to be legally challenged, they have become more likely to be legalistic and comprehensive in gathering demographic or other data to adhere fully to Equality Act requirements.
- To satisfy environmental legislation, many planning and related issues need to feature extensive documentation such as an Environmental Impact Assessment, frequently criticised for being over-long, over-technical and inaccessible to ordinary people.
- For high-profile decisions affecting local communities, *consultors* are normally assured of reasonable publicity, especially from local media – both conventional and online. Regional radio and TV news are likely to cover the story but frequently focus on opposition to unpopular projects or policies.

Examples

- A classic example of a controversial, high-profile issue at the centre of contemporary politics and requiring a **DETERMINATION** consultation is the exercise launched by the **Home Office** on 20 November 2025 on the subject of earned-settlement. Making changes to such an important aspect of immigration policy – and ones not envisaged in the pre-election Manifesto will attract very large numbers of responses and may well face legal challenge on the grounds that more options should have been offered.
- Infrastructure projects often have an early phase where there are still options available for public opinion to influence the decision. In 2022, two options for the **A46 Newark Bypass** improvements were put forward by **National Highways** for consideration. More than 1,500 people responded to the public consultation while conversations were also had with groups likely to be directly affected by the scheme.
- The **Royal College of Surgeons**, to assist it decide what stance to take in relation to the **Assisted Dying Bill**, consulted its members, offering a choice of three options: retaining its opposition; supporting the Bill, and a neutral position.
- In August 2025, the **Welsh Rugby Union** announced a consultation on the future of the sport in Wales, offering four options based on maintaining or reducing the number of professional clubs in the country.
- Faced with a £17m budget gap, **Liverpool Council** held a consultation in 2022 on a proposal to close up to 10 of its 19 **libraries**. Residents were asked their views on which should close, and which should remain open.
- The **South Tyneside and Sunderland NHS** Hospital Trust held a consultation to consider where a new hospital might be built. It offered a choice ...of Sunderland or South Tyneside! Many other NHS bodies have conducted similar consultations.

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- When the **Northern Ireland** Government sought to implement a strategy to combat bovine tuberculosis, it held a consultation on eight different options for **badger-culling!** Because of inadequate disclosure of how a preferred option was determined, a judicial review found that the consultation was unlawful.⁷
- In May 2025, the **Driver and Vehicle Standards Agency (DVSA)** launched a public consultation titled "*Improving car driving test booking rules*" including restricting who can book and manage tests. It had two options offering a choice between allowing only learner drivers to make booking or allowing instructors also to do so. It led to a Ministerial decision later in the year.
- The Ministry of Housing, Communities & Local Government has run a consultation on a new **Code of Practice for Private parking** in Great Britain. Within it, it invites *consultees* to choose from a range of sums for enforcement fines and debt recovery fees. It also offers a choice between a range of 'grace periods' allowed.

Methodologies

- The standard method remains the classic **narrative + questionnaire**, as is also often used for other forms of consultation. The main weakness is determining the level at which to pitch the document. Too much detail reduces the accessibility of the exercise; too broad-brush inhibits the gathering of detailed data which is often of great value to the *consultor*. (See issues below)
- The 'big fat document' still persists, but is being eclipsed by online dissemination, leaving *consultees* to browse and **respond to questions online**; some are more comfortable with this than others. Accessing consultations remains a problem for many, so response profiles reflect how IT-savvy responders might be rather than the perceived impact of proposals.
- As AI is already used to **create and analyse survey responses**, we can expect even greater dependence on this methodology and maybe less resistance to drop-down lists of potential answers to questions, provided enough free-format opportunities also remain for individual explanations and experiences to be captured.
- **Focus Groups** have long been used to understand *consultees'* priorities and preferences. Well used, they are also useful at the **EXPLORATION** stage and can be used to frame and prepare a **DETERMINATION** consultation. Their advantage is that good facilitation provides insights that surveys seldom provide. They can also secure the involvement of voices unlikely to respond to more complex surveys. The ability to conduct these online reduces the administrative burden and makes it possible to eliminate geographical constraints; we now have nationwide or international focus groups when appropriate!

⁷ The Northern Ireland Badger Group and Wild Justice v Department of Agriculture, Environment and Rural Affairs (DAERA) [2023] NIKB 117

- Securing the participation of *seldom-heard* groups is also a main reason why **deliberative events** are popular when choices can be made. Because it is not always possible to have expert facilitation in the larger events, the quality of insight obtained is reduced but the advantage is that it can be possible to mix and match group membership so that different views have the chance to hear and debate with opposing views. It remains a challenge for *consultors* to interpret the findings of qualitative methods like this.
- A specialist form of deliberative event – used to take decisions (or possibly, recommend them ...) is **participatory budgeting** – an internationally popular format to allow a gathering of residents to decide on the allocation of budgets. It never took off in the UK and the reluctance of politicians to sub-contract such decision-making except for modest pots of small grants monies
- The same can be said of **public meetings**, which are hugely unpopular with those who have to organise consultations, but remain firmly in the psyche of local communities as a means to express their views, often in opposition to proposals they dislike. There are ways to make such events better managed and conducted, often requiring meticulous preparation and sensitive chairing, but they remain at risk of polarising opinion and rarely able to encourage consensus.
- As a way to avoid public meetings, but appearing to provide public access to the consultors, **drop-in sessions** have become popular. Critics denounce these as tokenistic propaganda sessions, but when done well, they provide access to the wider public and the opportunity to talk in private about the implications of proposals to individuals or local communities.
- The formality of **Public consultation hearings** make them a far better place to explore the reasons for and against different options, and it is disappointing that so few organisations have pursued this option. Its main advantage is that *consultees* get to address decision-makers directly and are therefore freed from the debilitating feeling that their views have been sucked into a great bureaucratic machine, never to be seen again. The reason may be cost and the time of busy people, but mistrust of AI-oriented consultations may force a re-think.
- Managers seem to prefer individual **stakeholder dialogues**, where at least they get to hear from *consultees* directly. The drawback is the tendency for *consultors* to pick and choose whom to engage with ... as shown in the 2024 LIBERTY High Court case over tougher laws on protest groups.⁸ There is also the matter of transparency, as many of these are conducted behind closed doors.

Issues

1. Of all the **FOUR FUNCTIONS**, this is where we find the highest incidence of **political risk**, and where polarised views are most likely. It places procedural compliance at a premium, as unhappy protagonists on one side or another of difficult arguments seek out any weakness in the actions of the other. Hence the scrutiny given to methodologies – far exceeding that given to the other functions.

⁸ R (National Council for Civil Liberties) v Homes Secretary [2024] EWHC 1181, though note that this was reversed on appeal.

2. Critics of consultation have always cited the **shortcomings of surveys** as a way of discovering people's views. They have contrasted the poor quality of questionnaire design with *best practice* in the polling and market research industry. But the problems are more deep-seated for too many *consultors* have quite openly biased their surveys to produce the answers they seek – to the extent that many *consultees* have withheld their participation and relied instead on making their own representations in other ways. An acid-test of the success of a consultation is the extent to which key stakeholders of any issue have chosen to respond – and how they did so.
3. There is often an **unhealthy obsession with quantitative analysis** – a problem that will probably become worse as AI leads to significantly higher volumes of responses for more controversial consultations. Politicians and others like numbers! New technology makes it easier for individuals to respond, and organisations will auto-generate position statements and pre-formatted responses. Therefore, some of the increased volumes of responses will be 'synthetic' and there is a debate as to whether, if detected, they should be disregarded on analysis! Authenticity checks will become a feature of some **DETERMINATION** consultations.
4. **Timing** is critical and has frequently posed problems for **DETERMINATION** consultations. Too soon and proposals are still too general and insufficiently detailed either to attract the right respondents or to provide sufficient information. Too late and it will look to everyone as if the decision has, in effect already been taken; it has been pre-determined. The best solution is often to split the exercise into two – one an **EXPLORATION** and the second for **DETERMINATION**. Without this it needs real judgement to find the optimum time to ask people about tough choices.
5. A particular issue arises over the **credibility of the consultor**. Such is the diminished reputation of many institutions that, whatever they say, large swathes of public and stakeholder opinion feels disinclined to believe them. The unpopularity of some organisations means that when they publish a range of options that include a 'preferred' one, *consultees* automatically assume that the decision has, in effect, already been taken. This is frequently factually wrong, and at the least a discourtesy to professional and sincere decision-makers. However, it weakens the integrity of the consultation and is probably a case for sensitive matters (eg unpopular infrastructure proposals) to be consulted upon by more independent *consultors*.
6. Using specialist public engagement consultancies, whilst helpful, does not, of itself, solve the problem, as, whatever they do, they are perceived to be **biased in favour of the preferences of the organisation which has sub-contracted to them**. The consultation is seen within a context of a sustained, well-funded campaign to win hearts and minds in favour of whatever project is being promoted – whether it is a transport, energy, water or other infrastructure initiative. Recent attempts to restrict consultation on such issues – including large-scale housing and new towns - suggests that Government and its agencies are only really interested in hearing positive and affirmative reactions. Hence the vitriolic condemnation of opponents as 'blockers'.

7. All this is problematic for genuine consultations that seek to explore stakeholder and public views on a range of alternative solutions to challenging situations. What sometimes happens is that Government departments, local authorities or NHS bodies study what's possible and conclude that one course of action is best and proceed to consult on that conclusion. This is the **single option scenario**, well known as the key issue in the seminal consultation case of *Moseley v Haringey* that went to the Supreme Court in 2014,⁹ and seemingly quoted by everyone ever since! In essence it ruled that it was unlawful to consult on a single solution to a complex problem unless one also explains to the public how and why other options were discarded. Overall, this has had the beneficial effect of persuading *consultors* to be more open about the way in which options were considered and assessed. The downside is that it encourages them to devise spurious or unrealistic alternatives as makeweight alternatives that are not really viable anyway.
8. A persistent critique of these kinds of consultations is that they present *false-choices*. In other words, the decision-making parameters of the consultation have either been determined by the *consultors* – or others as narrower than *consultees* would like. It might just be a case of cash-limits set by Government or Councils – that preclude some solutions, no matter how excellent or popular. This is inevitable so the solution is for *consultors* to take special care in **framing the exercise** appropriately – informing *consultees* of the extent of available discretion. Too many consultations fail to do this adequately.
9. Finally, the way in which consultation reports are presented also subject to disquiet. In theory, the **output** of a consultation (i.e. what has been said and by whom ...) should be published as soon as possible, allowing longer for the **outcome** (i.e. what has been decided) to emerge. This does not always happen, leading to unacceptable delays and a suspicion (usually unfounded) that the *consultor* has been selective in the output data that's published in order to better explain or justify the outcome it has determined.

Standards

Of the **FOUR FUNCTIONS**, this is the one where standards are most developed – principally because it is the model for most people's vision of consultation.

Most obvious are the **Gunning Principles**, but these are matters for determining the lawfulness of a consultation – and not of themselves meaningful operational standards. Indeed, it is perfectly possible for a poor consultation to satisfy the Gunning Principles – and for a perfectly acceptable exercise to fall foul of them. Moreover, there has, for years been an obvious omission – which Elizabeth Gammell and I called upon to be recognised as the missing *Fifth Gunning Principle*.¹⁰ This, we argued, states that, to be a lawful consultation, it must satisfactorily address the right people – namely those most likely to be impacted by the consultation proposals.

⁹ R (ex parte Moseley) v London Borough of Haringey [2014] UKSC 56

¹⁰ For some years, Elizabeth Gammell and I (see *The Politics of Consultation* – 2018) have argued that there was a 'missing requirement' as part of the Gunning Principles – namely the need to consult the most relevant people. In our training courses we referred to it as 'Gunning Five' !

THE FOUR FUNCTIONS FRAMEWORK | The evolution of consultation

Several High Court cases have considered whether consultations denying key stakeholders a reasonable voice in a consultation have ruled that the common law of fairness required them to have been consulted, but we are yet to have their definitive incorporation into the Gunning canon.

To fully meet the Gunning Principles, I suggest the following enhanced standards and would welcome their further development by leaders in the public engagement environment.

Gunning One (conducted at a formative stage ...)

- Does the *consultor* have the power and discretion to take account of *consultee* views
- Is there independently verifiable confirmation that a final decision on the key issues of the consultation **has not been taken**?

Gunning Two (sufficient information ...)

- Has the *consultor* disclosed the relevant background objectively and explained how options were selected for consultation?
- Are there adequate and comprehensible impact assessments for proposals and/or options?
- Does the consultation paper outline precisely who is accountable for the decision and the process whereby the decision will be taken?

Gunning Three (enough time)

- Is there evidence that the *consultor* has engaged with key stakeholders to ensure that the proposed timescale enables them to give a considered response?
- Will there be sufficient time between receipt of all the consultation responses, the analysis of the data and its submission to decision-makers?

Gunning Four (conscientious consideration)

- If decision-makers will need to take account of factors other than those included in the consultation, have they made clear to all stakeholders what these may be?
- What precautions are being taken by the *consultor* to ensure that all decision-makers have been fairly and properly advised of the output of the consultation?
- Is there evidence that *consultees* acknowledge that they have been heard?
- Where applicable, will the *consultor* be able to demonstrate that it can meet S.147 of the Equality Act 2010 in respect of the **Public Sector Equality Duty** and the provisions in respect of ‘*due regard*’?

(Gunning Five) (... the right people ...)

- Can the *consultor* show that it has professionally analysed the intended audience for the consultation, using stakeholder mapping (or equivalent) methodology?
- Have adequate steps been taken to ensure that all key target individuals or groups have a reasonable opportunity to be aware of and respond to the consultation?
- Have any relevant ‘*seldom heard*’ groups been identified and adequate steps been taken to engage with them as part of the consultation ?

In addition, various industry sectors have developed their own standards by means of guidance or Codes of Practice, some of which cover areas considered as part of the **EXPLORATION** function. The difficulty with these is that the content includes tightly prescribed statutory or regulatory requirements alongside ‘nice to have’ *best practice*. Maybe the best as an overarching standard would be for *consultors* to demonstrate that they had observed *all the significant requirements of applicable Guidance*

Finally, there is one key standard by which most **DETERMINATION** consultations should be judged – and that is clarity on **Who is the decision-maker?** It is not quite as simple as it sounds, especially where there are advisory and confirmatory bodies, key individuals and influential advisers. However, the standard should be based on the principle of Transparency, and therefore if a complex process is anticipated, the requirement should be to be crystal clear what the process consists of and who ‘owns’ that process.

In SUMMARY

The extensive jurisprudence, built up over many decades, means that **DETERMINATION** consultations are bound by more rules and subject to more pitfalls than other functions. Specialist advice is more necessary for these exercises and quality assurance can help ensure that key requirements are met.

Section Six: IMPLEMENTATION

Obtaining and sustaining support.

This is about making things happen and recognising that much of life is about the on-going administration of public policy, the delivery of public services and the activities of private enterprise. All in their own way rely upon feedback mechanisms that feed into a continuous cycle. Those in charge should, under normal circumstances, pay attention to the reaction of users or consumers and use that intelligence to plan for the future, and deliver current activities as efficiently as possible.

This accounts for the massive growth in **satisfaction monitoring** during the last fifty years – first in the private sector, and latterly everywhere else. Scarcely an aspect of daily life has avoided the ubiquitous ‘*how was it for you?*’. It seems part of modern management training that gathering such data is essential, though the public perception is more cynical and fears that much of this is simply public relations!

Are they genuinely consulting us, or just gathering data?

It is a moot point, and a somewhat blurred distinction. Consider two similar but contrasting situations. In one case, a Company is anxious about declining sales for its product and gathers data to establish the causes. In another, a public body sees a widespread increase in the take-up of some welfare benefits, and commissions an enquiry as to why this has happened. If the definition of a consultation is a ‘dialogue’, then neither necessarily meets the requirement. If the Company in question merely gathers the data and uses it internally, this is just straightforward market research. But supposing the public sector body seeks out benefit claimants, interviews them, maybe conducts a focus group or two and uses the data to advise Ministers on changes to public policy – is that maybe a consultation?

Because the distinction is a subtle one and extends to the uses to which the data is put – as well as the inherent data gathering, this whole function of consultation has been neglected. Yet it is clear that there are quite frequent attempts to consult people about the impact of policies, services and developments that affect them, and that dialogue with both geographic communities and ‘*communities of interest*’ are an important part of the totality of consultation in this country.

It is most obvious in the implementation of **change**. It could be a physical change that affects our environment, maybe as a result of planning decisions. It could be a financial change such as taxation or charges. It could be a public policy change that affects our or someone else’s future actions. In most of these cases, the time to discuss the principle has passed; we are at the stage of applying what’s been decided. Although there are exceptions, there may not be a legal requirement to consult. It is done for pragmatic reasons which everyone with experience of change management fully understands – namely the truism that “***If you impose change on people, they will resist it, but if you involve them, you are more likely to succeed...***”

In the public realm, many decisions have already been the subject of a formal process which often includes consultation. In theory, it means that those affected have had the opportunity to offer their views on what is proposed. In practice, however, we must accept the reality that only a tiny number of those potentially affected avail themselves of the opportunity. Few people possess the time or aptitude to engage with the jargon-infested, bureaucratic processes involved. The plain truth is that, for many people – and organisations – decision-making is remote, and they are impacted largely as a *fait-accompli*. For many, genuine dialogue only begins much later – when the ‘*die is cast*’.

Such consultations as then happen can vary, but when they do, they can be found in the **IMPLEMENTATION** of **projects, policies** or **programmes**, each with favoured methodologies and giving rise to different challenges

Characteristics

- These are inevitably narrow in focus and heavily prescribed by the decisions, policies or programmes that have already been determined.
- For policies or programmes, UK legislation increasingly takes the form of vesting powers and responsibilities with Government Ministers or agencies of the State. Sometimes procedural requirements are prescribed, such as producing regulations through Orders in Council – and they in turn might need to be endorsed in a Parliamentary process. Rarely do these involve matters of fundamental principle, but the precise content can be of material significance to many stakeholders and can provoke considerable discussion and debate. Many Government consultations are seeking views on the enactment or amendment to **secondary legislation** and are published on the Gov.UK website.
- Until now, many of these have been treated as undistinguishable from other policy proposals – and presumably subject to the Gunning Principles. Yet, in reality, they **perform a different function**, are usually of interest and relevance to a restricted range of known stakeholders, and who, in general, have known in advance what is likely to be consulted upon.
- It follows that stakeholders in many technical disciplines are in **regular communication** with those who consult them. This is particularly true in regulated sectors where a difficult balance has to be struck between the interests of the public/consumers and the commercial interests of companies and other bodies participating in a market.
- Many stakeholder dialogues are, therefore, held informally with low levels of **transparency**. Practice can be sector-specific and often based on historic patterns of dialogue. Trade Associations and *ad hoc* lobbying groups play a key role in these consultations, sometimes creating a semi-permanent dialogue.
- Some **IMPLEMENTATION** consultations form part of a **wider programme** of ongoing exercises, designed to update administrators of a particular policy. They are designed as a rolling programme of consultations which might be held to inform decisions about rebalancing resources or amending priorities. Environmental issues are particularly relevant here.

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- Projects can be different. Most visibly, major infrastructure projects (e.g. NSIPs) necessitate a long-running relationship with those they affect. From planning to formal opening can take up to fifteen years for the biggest projects, and by the latter stages of construction work, new generations of residents or local businesses will have had to cope with the consequences of decisions taken long ago. Those who have to build these projects need to establish good relations with local communities, and thence the use of the term '**community dialogues**'. If projects have been controversial – and public support is lacking, these can cast a long-term shadow over community relationships.
- Much of the interface is **transactional**. Members of the public like to check when roads will be closed, when noise will be greatest, when traffic will be densest ... or even when are local schoolchildren visiting the site. Consultation occurs when project managers seek local views or maybe identify issues of concern.
- Consultations are therefore seldom formal but include many instances of **micro-local** discussion and dissemination. They could be open-ended or even last just a few hours e.g. *"Please can you let us know by close of business today if anyone will need access to the XXXXX tomorrow..."*
- When major new facilities open, it is common practice to create **permanent machinery** to monitor progress and maybe check that the reported perception is accurate. With the advent of Community Benefit schemes and funds, administered either by Major Project contractors or independent bodies, local people may have more opportunities to be consulted on their preferences.

Examples

- In 2018, DEFRA undertook a consultation on banning **electronic dog collars** under enabling powers conferred by the 2006 Animal Welfare Act. The Manufacturers Association challenged the consultation at a judicial review (The *Petsafe* case), but the Government succeeded, and the consultation was declared lawful because the policy context was an application (i.e. **IMPLEMENTATION!**) of existing legislation.¹¹
- When Professor Alexis Jay produced her report into **Child Sexual Abuse**, after many years of taking and analysing evidence, the Home Office insisted on holding a further consultation – much to her public annoyance! That consultation is best regarded as part of the **IMPLEMENTATION** of the recommendations.
- The Environment Agency consults on **River Basin Management Plans** for various parts of the country, effectively implementing the Water Quality Directive of 2017. In an important High Court judgment in 2023,¹² (The Pickering Fisheries case) DEFRA was found not to have included sufficient site-specific measures to enable a lawful consultation on the Humber River management plan. The Government appealed – and lost.¹³

¹¹ The Electronic Collar Manufacturers Association & Petsafe Ltd v Secretary of State for Environment, Food and Rural Affairs — [2021] EWCA Civ 666

¹² R (Pickering Fishery Association) v Environment Agency [2023] EWHC 2918 (Admin)

¹³ Secretary of State for Environment, Food and Rural Affairs -v- Pickering Fishery Association [2025] EWCA Civ 378

THE FOUR FUNCTIONS FRAMEWORK | The evolution of consultation

- The **NHS Airedale Hospital Trust** is spending over £1bn completely rebuilding the Airedale hospital near Keighley and are using a variety of engagement and consultation methods – including a Citizens Panel to involve local people over the duration of the project.
- In 2025, **London Underground** held a public consultation on seeking exemptions from the *Rail Vehicle Accessibility Regulations* introduced in 2010 concerning disability standards for tube trains so that upgrades to the rolling stock could proceed.
- Also in 2025, the Ministry of Justice consulted on the permanent closure of **Lancaster Crown Court** – part of the implementation of a nationwide programme to rationalise the Crown Court estate in England.
- The introduction of **Low Traffic Neighbourhoods** in many local authorities are an application of national enabling policy, albeit at local levels. Consultations such as that in the **LB of Tower Hamlets** have been fiercely contested – with opponents normally asserting that they accept the principle but dispute its application in their particular neighbourhood.

Methodologies

- This is the ideal environment for **continuous engagement** and the various processes that are used to facilitate it. Essentially there are three functions – one is to help share information about the progress of the programme or project. The second is to provide affected communities with a means to express their views. The third is to create an environment where issues and disagreements can be effectively resolved.
- Such engagement can be on ‘collective’ issues, affecting stakeholders as a whole, or groups of them, but for **IMPLEMENTATION** there can also be **highly sensitive individual consequences that require special procedures** often with appeals mechanisms such as when processing compensation claims or maybe relocating residents on a temporary or permanent basis. Whilst strictly outside the spectrum of consultation, it is frequently an inevitable part of implementing some projects and can pose difficult decisions and create grievances. Hence **conflict resolution** skills and techniques are sometimes necessary.
- For the information dissemination role, the usual panoply of communication tools are deployed, with particular emphasis on **social media**. Hardly any major building works now commence without a standard Facebook page or equivalent, often trying to create a community of affected stakeholders, to humanise the otherwise-faceless contractors that will be doing the work, and maybe seeking to build loyalty and even pride in the project. Some of those familiar with running such pages can, unfortunately tell of horror stories of fiercely contentious disagreements played out in public – alienating much of those for whose benefit the service was provided, and raising yet again the difficult issue of the extent to which such pages should be ‘moderated’.

THE FOUR FUNCTIONS FRAMEWORK | The evolution of consultation

- In part to avoid such problems, we are seeing the introduction of online and **mobile community dialogue applications** (e.g. Publiq) that can be offered to anyone interested in a project as a two-way communication tool able to communicate quickly and widely and address both collective and individual questions and issues. Using ‘*quick polls*’ and other survey techniques is becoming popular, and they can help invite individuals to participate in particular deliberative groups or forums to consider specific issues.
- Traditional **newsletters**, delivered to households are being supplanted, or at least supplemented by slick video updates, though developers are finding that, for controversial projects, lavish PR creates resentment and fuels further opposition.
- For policy-related matters, Parliamentary Select Committees or local authority Scrutiny bodies should, in reality, regularly initiate a **call for evidence** or equivalent as part of an investigation into how a policy or programme is performing. Sadly these are rare.
- Many **IMPLEMENTATION** programmes lend themselves to long-term standing consultative machinery like **Stakeholder Panels** or **Consultative Committees**. But unlike those that are used in **NAVIGATION** and other function, the key characteristic for **IMPLEMENTATION** is that their remit is driven by whatever it is that is being implemented! So, these Panels or Committees work very differently and generally offer less discretion. *Best practice* identifies well-defined issues upon which committee or panel views are welcome and will influence areas where discretion has been devolved.

ISSUES

1. **Credibility** is at the heart of **IMPLEMENTATION** consultations, for stakeholder views on what’s already been decided may vary considerably. Some may be delighted and keen to provide every assistance to longed-for policy or programme initiatives. But others may have been vehemently opposed. One of the prerequisite for success is to establish a well-informed baseline of inherited positions and perceptions and use this to guide future relationships and future interactions.
2. For professional stakeholders affected by long-term continuous programmes implementing legislation, for example the challenge is often just to **ensure that promised dialogues actually take place**. Arguably, the British state is very poor at following up on policy matters. Once Governments and Parliamentarians secure the passage of a Bill through to Royal Assent, they can lose interest and just assume that the civil service will see to the **IMPLEMENTATION**; hence the dissatisfaction with inconsistent and often neglectful consultation of key stakeholders on matters of detail where they have more expertise than officials who are transient occupants of a particular role. The formation of special technical panels or advisory is one answer to this, but note that successive Ministers have despaired at the growth of such bodies and regularly promise another ‘*bonfire of the quangos*’.

3. A particular problem arises when Acts of Parliament provide for secondary legislation that is *permissive*, but not *mandatory*. A case in point is that S.72 of the **2014 Care Act** enabled the Secretary of State to introduce, through Regulations, an independent appeals process for decisions on individual ‘care packages’ by local authorities. When the failure to do so was legally challenged, the Court pointed out that even though the Cameron Government had consulted on the matter, Ministers in subsequent Governments were not bound to introduce the mechanism¹⁴. It illustrates how consultations – or the lack of them can make the **IMPLEMENTATION** phase seriously contentious.
4. At least in the civil service and for regulators, there is a reasonable amount of **continuity**. This is less likely with **projects**, especially where the selected contractors only appear long after key decisions have been taken. In general, they are unaware of the nature of the dialogues that took place – how controversial they might have been, who were the protagonists, what were the main issues of contention, and what assurances might have been given ... Few contractors inherit a satisfactory *commitments register*.
5. For major projects like HS2, Crossrail (now Elizabeth line) or Hinkley Point Nuclear, many different contractors took responsibility for different parts of the project and adopted a different approach to ongoing dialogue – some doing better than others. They relied in the main on appointing specialist public engagement consultancies who employed experienced **public liaison staff** to liaise with local communities, but with varying scope for discretion. Some have expertise in consultation – but many do not, leading to inconsistencies in the ways communities are listened to.
6. With a legacy of opposition to some projects, it is inevitable that those whose role is to build or implement are fearful of re-opening old wounds and stimulating a re-run of old arguments. Part of the challenge is to **heal divisions in society**, and this can take years. One way to do this is to work closely with local institutions like parish councils, local charities and other voluntary bodies. There are experienced and skilled people with aptitude for these kinds of roles and community dialogue needs to span a range of capabilities – including consultation. The biggest danger is to see investments in such people and skills as a short-term fix and a lack of long-term financial provision.
7. Major NHS reconfigurations, large-scale urban regeneration and Council-wide net-zero programmes all require sensitive management of local people’s interests and expectations. The concept of **just transition** recognises that there are *winners* and *losers* in many change scenarios and accepts the need to mitigate and occasionally compensate for losses or disruption. These do not always emerge as forecast. Indeed, it is only at the **IMPLEMENTATION** stage that it becomes evident who has lost most. Addressing these by top-down edict risks alienation and it is far better to consult those affected – and other stakeholder interests as part of the process. Not enough *best practice* is documented, but much expertise is available, though deeply embedded in community organisations and in local government.

¹⁴ R (HL) v Secretary of State for Health and Social Care [2023] EWHC 866 (Admin)

Standards

If the key standard for **DETERMINATION** is clarity on who takes the decision, the equivalent standard for **IMPLEMENTATION** is knowing “*Who is in charge?*” This is often referred to as the ‘*Michael Heseltine question*’. Imprecision in this is blamed for problems experienced in many projects and programmes over the years – most recently in discussions on the challenges facing High-Speed Two.

As formal consultations can also occur during the **IMPLEMENTATION** function, it is perfectly reasonable for the Gunning Principles to apply. But they do so in subtly different ways. For example:

- For *Gunning One*, the concept of being at the ‘formative stage’ does not really work, and it is more about being clear as to what the available discretion might be.
- For *Gunning Two*, *consultors* can assume that interested *consultees* will know far more about the background and can focus the information required more narrowly.
- For *Gunning Three*, less time may be required.
- For *Gunning Four*, *consultors* may have more leeway to take account of project or programme-related imperatives.

The use of digital media opens up the whole questions of online data security and behaviour. **Community dialogue** application vendors will need to police user-published content and provide a monitoring or moderating service to ensure that harmful or defamatory material is not disseminated – especially if a ‘take-down’ notice is served.

In the discussion on the relevance of **community benefits** for communities affected by Major Infrastructure Projects, the Scottish Development Trusts Association published an influential set of proposals for standards. More recently, in April 2025, the UK Government’s Dept for Energy Security & Net Zero published Guidance for Community funds for transmission infrastructure. This proposes a range of good practice including governance and eligibility for grants – all of which, if implemented will oblige those running **IMPLEMENTATION** consultation and engagement exercises to observe new standards, though it is unclear how they might be enforced.

In SUMMARY

Consultations on **IMPLEMENTATION** are more frequent than previously thought, they are the least developed in terms of *best practice* and need more attention. They pose real challenges and require investment in expectations management, engagement design and dialogue standards.

Section Seven: Implications

One of the main aims of this analysis was to shed more light on the various processes of consultation, and to offer a simple categorisation that could be useful to different participants. The implications, however, are potentially much more far reaching:

The Framework tries to distinguish between **form** and **function**. The *form* that a consultation can take includes methodologies that are used almost interchangeably, and many are recognisable to stakeholders who generally know how to respond. What has been more obscure, however is the *function* that the consultation is intended to perform, and it is the imprecision of this that has led to confusion, uncertainty and delay. This has led to a culture of **defensive consultation** which, in turn has attracted criticism, scepticism and poor practice.

For all **FOUR FUNCTIONS**, someone, somewhere has to take some actions. A decision, a programme or a policy. But how easy is it to identify who precisely is the actor? In the feverish debate over the impact of AI, there is a very real danger that **power shifts – or is perceived as shifting - from officials and politicians ... even ... to algorithms**. If participants in public engagement start to feel that they are being manipulated to approve actions that are determined opaquely through technology, trust will rapidly disappear. Transparency and accountability is therefore essential.

If we are to improve consultative practices of all kinds, this **FRAMEWORK** needs to stimulate significant changes.

1. **We adopt the vocabulary** of the **FOUR FUNCTIONS**. When consultations are specified or published it should be clear – with few exceptions – which function is being undertaken. We train consultation practitioners to recognise the differences between them, the most appropriate methodologies, the issues and challenges and the emerging standards.
2. **We insist on more precision** and end the ambiguities prevalent in many organisations' consultations. Instead, we champion the greater flexibility, agility and effectiveness of the more innovative consultation methods. In essence, greater clarity will lead to better and faster consultations. We set out to persuade decision-makers that consultation is of immense benefit, and not a bureaucratic chore to be tolerated.
3. **We reduce the fear of consultation**. Too many organisations have been worried about the dangers of legal challenges and the anxiety that every type of consultative exercise could involve them in Court proceedings. To minimise the risk, they have sought, whenever possible to seek people's views but without using the dreaded word 'consultation'! This has inspired the NHS and others to prefer to use the term 'engagement' even when the circumstances clearly require them to seek informed views and act upon them. There are elements of this Framework – e.g. Calls for Evidence that could be used more freely if its aims and processes are correctly understood and not just viewed as a consultation by-pass.

4. **We encourage the development of generic standards** that can apply to all methodologies, but which do not become so burdensome as to deter organisations from consulting their stakeholders. A good starting point may be the **Centre for Consultation (CFC)**'s proposed set of 'Values and Standards' under ten headings¹⁵ (paraphrased)
- **Adaptability** *"...uses creative methods and, where appropriate, digital and analytical technologies applied responsibly and transparently to engage diverse perspectives..."*
 - **Equity** *"... efforts to achieve demographic representation, eliminating systemic, geographic, and digital inequities..."*
 - **Integrity** *"... authentic and not predetermined..."*
 - **Power** *"The scope of influence is made clear: the consultor's authority ... is transparent."*
 - **Proportionality** *"The scale, methods, and resources of consultation match the significance and impact of the decision, avoiding both tokenism and undue burden..."*
 - **Resourcing** *"Dedicated budgets and identified teams, with relevant skills, demonstrate that consultation is valued as an investment."*
 - **Responsiveness** *"...responses are considered with care, visibly influence outcomes, and feed into continuous feedback loops..."*
 - **Timeliness** *"takes place early enough to shape proposals and allows sufficient time for genuine involvement and influence..."*
 - **Trust** *"...being open, honest, and accountable... ...communities can see their input genuinely reflected in decisions."*
 - **Visibility** *"clearly promoted and easy to discover..."*

It will be a challenge to adapt these, so they make sense for the broad spectrum of consultative processes, and CfC is well aware of the need to refine its existing draft which is open for discussion.

5. **We absorb the lessons of the FOUR FUNCTION ANALYSIS :**

- Those organising **NAVIGATION** consultations need to tackle difficult conflicts of values and allow wider debate from a broad range of *consultees* and perspectives.
- Those undertaking **EXPLORATION** consultations need to be far more open about their processes and who has been involved.
- **DETERMINATION** consultations will continue to be contentious and litigious – so *consultors* will need to observe the highest standards and fully meet the Gunning Principles (including the Fifth!)
- Far more **IMPLEMENTATION** consultations are required – both to ensure better projects and to improve the scrutiny of decisions, programmes and policies.

¹⁵ The Centre for Consultation (www.centreforconsultation.org) has called this the *DRAFT FRAMEWORK FOR ETHICAL, INCLUSIVE AND LAWFUL CONSULTATION* but this is unlikely to be the final title.

6. **Technology providers and users face many exciting opportunities** to enhance their offerings and innovate on many participative and consultative methodologies. Companies like **Tractivity** (Stakeholder management) and **Publiq** (community dialogues) – both of whom are GuRU clients – **so I declare an interest** - have enormous scope to help practitioners improve the efficiency and effectiveness of consultation. By embracing a much wider range of methods and scenarios, the **FOUR FUNCTIONS FRAMEWORK** will help identify ways to consult faster and better, with AI as the major agent of change.
7. Finally, in a wider context, a better appreciation and clarity of consultation can help reinforce the concept of **political accountability**.

Western-style democracies are under pressure and one of the main reasons why electorates are more volatile is that people struggle to understand who is responsible for what. Too many issues appear to be beyond the ability of any one Minister or any one Government department to address. There is always someone or something else to blame. In short there is a **crisis of accountability**.

In this situation, consultation, when done properly possesses an important characteristic in that, **there is clarity for who is accountable**.

Over the years, the criticism has been that it does not disturb the existing power structure, and many who crave greater public participation genuinely want to identify new and different sources of authority. That is great, but in the current state of uncertain accountability, greater use of consultation – in the many forms considered in this paper, can only be helpful in demonstrating clearly who, precisely takes the decisions, and who is open to influence.

Conclusion

The Consultation GuRU has spent years following the use and abuse of public consultations. It is not an exact science, and many critiques of the process are amply justified. But it will not go away. Predictions that it is a temporary fashion have proved unfounded.

This is an attempt to acknowledge some of the confusion and explain how a better understanding of the functions performed by consultation can help us all do them better.

Appendix

INVOLVE's draft Standards for Citizens Assemblies (2019)

1. Clear Purpose

- **Essential:** A focused question(s) with multiple possible outcomes; clearly defined scope; decision-makers commit to formally respond.
- **Desirable:** Includes explicit trade-offs; enjoys cross-party support; run by a responsible public authority. [reddit.com+15involve.org.uk+15involve.org.uk+15](#)

2. Sufficient Time

- **Essential:** Time must match the question's complexity; include **learning**, **deliberation**, and **decision-making** phases; at least **30 hours (≈ 4 days)** overall.
- **Desirable:** Extend to **45 hours (≈ 6 days)** or more. [archive.involve.org.uk+4involve.org.uk+4involve.org.uk+4](#)

3. Representative

- **Essential:** Recruit **40+** participants via random selection and stratified sampling to reflect demographics.
- **Desirable:** Involve **100+** participants; use full civic lottery; consider attitudinal as well as demographic representation. [reddit.com+12involve.org.uk+12involve.org.uk+12](#)

4. Inclusive

- **Essential:** Reimburse reasonable expenses; offer at least **£50/day** honorarium; meet accessibility needs; allow carers; maintain facilitator ratio ≤ 9:1; use jargon-free briefings.
- **Desirable:** **£75/day**; materials in multiple formats; cover childcare/care costs; aim for ≤ 7:1 facilitator ratio. [involve.org.uk+2involve.org.uk+2involve.org.uk+2](#)

5. Independent

- **Essential:** Impartial facilitation; design and agendas reviewed by an independent advisory group.
- **Desirable:** Operate **at arm's length** from the commissioning body. [en.wikipedia.org+11involve.org.uk+11involve.org.uk+11](#)

6. Open

- **Essential:** Publicly share recruitment methods, advisory group members, speaker lists, agendas, briefing materials, conclusions; decision-makers respond publicly.
- **Desirable:** Live-stream all evidence sessions. [involve.org.uk+2involve.org.uk+2involve.org.uk+2](#)

7. Generative Learning

- **Essential:** Provide balanced, accessible expert evidence; include Q&A; allow participants to invite their own experts.
- **Desirable:** — (*less defined but implies deeper, ongoing learning support*)

8. Structured Deliberation

- **Essential:** Facilitated small-group and plenary discussion; structured process; builders of collective sense-making.
- **Desirable:** — (*INVOLVE implies more nuanced facilitation design and reflection time*)

9. Collective Decision-Making

- **Essential:** Clear, transparent decision methods (e.g., voting protocols); ensure that outcomes reflect collective input.
- **Desirable:** — (*could include consensus-building tools, iterative feedback loops*)

10. Evaluated

- **Essential:** Evaluate both process quality and participant experience; report using transparent criteria.
- **Desirable:** Include **longitudinal follow-up or impact evaluation**