

### - Consultation criteria

#### Code of Practice on Consultations

The Government has adopted a Code of Practice on consultations. The Code sets out the approach Government will take to running a formal, written public consultation exercise. While most UK Departments and Agencies have adopted the Code, it does not have legal force, and cannot prevail over statutory or other mandatory external requirements (e.g. under European Community Law).

The Code contains seven criteria. Deviation from the code will at times be unavoidable, but the Government aims to explain the reasons for deviations and what measures will be used to make the exercise as effective as possible in the circumstances.

The seven consultation criteria are:

- **When to consult:** Formal consultation should take place at a stage when there is scope to influence the policy outcome.
- **Duration of consultation exercises:** Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.
- **Clarity of scope and impact:** Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.
- **Accessibility of consultation exercises:** Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.
- **The burden of consultation:** Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.
- **Responsiveness of consultation exercises:** Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.
- **Capacity to consult:** Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

A full version of the code of practice is available on the Better Regulation Executive web-site at: <http://www.bis.gov.uk/files/file47158.pdf>

The Department considers that a shortened consultation period of four weeks is reasonable in these circumstances given the need to transpose the Directive as the deadline has now passed (July 2010). Also there have been two previous consultations held by the Department about the UK's transposition of the Directive. Many of the proposed changes in this consultation are to take account of a Recommendation published in April by the Commission about the correct implementation of the Directive. It is expected that most stakeholders will be familiar with the subject matter of this Recommendation. A workshop was held in July 2011 to explain some of these proposals and a further workshop will be held during the consultation period to help deal with any queries or points of clarification.