

**Public Prosecution Service for Northern Ireland**

# **A User Guide to Stakeholder Consultation**



**Independent, Fair and Effective**

## Alternative Formats

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## Director's Foreword

This User Guide to Stakeholder Consultation has been produced in conjunction with colleagues in the Department of Justice and it is aimed at all staff working in the criminal justice system. Its purpose is to provide staff with guidance in an accessible form which will assist in promoting good practice in this crucial area.

The guidance offered includes a series of practical steps which should be followed when setting out to consult. For example, it emphasises the need to plan well and to build sufficient time within the process for early engagement with stakeholders. Sources of advice and support are also provided. At the same time it does not advocate a 'one size fits all' approach. It prompts us to consider the most appropriate methods of consulting with a diverse audience and also highlights the importance of engaging with 'hard to reach' groups, who are often most affected by our policy decisions.

We must recognise the importance of consultation in ensuring that we get our policies right. Ultimately meaningful engagement with stakeholders, where we can demonstrate that we have taken account of views, is vital in building and maintaining the confidence of the public. Therefore we must strive to find ways to improve our approach to consultation and over time to develop new and more effective methods to engage.

I believe that this guide will help us to take full account of our responsibilities with regard to consultation and equality, and lead to improved policy outcomes. I hope you find it useful and would urge you to consider the advice given before embarking on any future engagement with stakeholders and the public.



**Barra McGrory QC**  
**Director of Public Prosecutions**  
**For Northern Ireland**

**February 2013**

# Introduction

This 'User Guide to Stakeholder Consultation' is intended to give those involved in developing policy within the PPS an accessible introduction to the key principles of consultation.

Effective engagement does not mean that every consultation must follow the same format or use every consultation tool. You know your policy and stakeholders best – therefore develop a consultation that will meet their needs as well as yours. Every consultation is an opportunity to develop more innovative and effective ways for PPS to engage with the community.

In “Section 75 of the Northern Ireland Act – a guide for public authorities”, the Equality Commission state:

***“Section 75 is underpinned by the building of relationships between those who make and deliver public policy and those affected by such policy. Consultation can help authorities to become aware of problems their policies may pose for individuals, which the organisation might not otherwise discover. The legislation requires consultation on the equality scheme itself, on the impact of policies and on matters to which the Section 75 statutory duties are likely to be relevant.*”**

***Section 75 should enable public authorities to identify the usefulness of their policies with a view to improving service provision and accessibility on a continuous basis. Public authorities will want to ensure that they are providing the best possible services within available public monies. Consultation can help to ensure that public policy meets its intended need and contributes to better service delivery and accessibility. A key aspect of effective consultation is providing timely feedback to consultees demonstrating how their input was considered and how it affected decision making.”***

Chapter 3 of the PPS's Equality Scheme sets out the Service's arrangements and commitments for consulting in accordance with the Equality Commission's guidance.

## Why Consult?

There are three very good reasons why we should consult with the public. It is good practice, it makes for better policies and services and it makes sense to ask those directly affected for their views.

When you are preparing a consultation you should look to *and beyond* the generic groups that respond routinely to public consultations. Also keep in mind that **Section 75 emphasises the need to actively seek ways to encourage greater equality of opportunity and good relations through policy development**. Our Equality Scheme recognises the importance of consultation in all aspects of the implementation of Section 75 statutory equality duties. Some stakeholders believe that not enough thought has gone into reaching those affected by the matter under consideration. It has also been raised that engagement should be more meaningful – a two way process – and we need to demonstrate that *we take full account* of stakeholder's views.

Criminal Justice Inspection NI's 2009 report revealed that a number of groups consulted had acknowledged the failure of the early approach to consultation which was described, by the Equality Commission, as "*general mailshots with no targeting and no follow-up*". It was agreed that this approach was not always appropriate and that more focused and targeted consultation was necessary. Concerns were raised, however, that some agencies, when faced with the low response rates to the earlier attempts at general consultation, had decided on a policy of "*targeted but selective*" consultation. The consulted groups felt that this often had the outcome of excluding some of the voices which might be most critical of the approach being taken by the agency involved.

It must, therefore, be stressed that consulting is about dealing holistically with equality of opportunity across a range of categories. Every consultation must be approached on the basis of its specific content. Although certain minimum standards must be met in every one, the most effective means of consultation can only be decided on the basis of the details of the policy in question.

A Criminal Justice Consultative Forum, encompassing Section 75 Representative Groups, has been established to support and improve the way in which criminal justice agencies conduct consultations. In the longer term, it is envisaged that the Consultative Forum will engage with the Criminal Justice Board to provide advice and raise issues of strategic significance.

## ***Thinking of Consulting? What MUST you do?***

***First***, decide whether a consultation is required.

- Ensure you plan well and allow sufficient time;
- Ensure early engagement with stakeholders;
- Talk to colleagues and learn from experience;
- Screen your policy early and notify consultees as part of the screening report ensuring the screening form is attached as an Annex to the consultation document;
- Use plain English, explain technical terms and jargon;
- Include reference to Section 75 duties and Human Rights obligations in the document;
- Advise entire consultation list of forthcoming consultation, inviting interest (advise the Equality Officer if updates are required to the list); and
- Produce and publish summary reports of consultation responses following analysis.



# Step by Step Guidance on Stakeholder Consultation

The following table sets out a step by step guide on the different stages of consultation from pre-consultation to analysis and publication. While each consultation will have its own particular stakeholders and differing ways of engaging, the general principles below will help you carry out a proportionate and effective consultation.

	<i>Questions to ask.....</i>	<i>Points to consider....</i>
<p><b>1. Agree on subject and purpose of consultation:</b></p>	<p>Does this policy relate to the prosecution of offences and therefore excluded from the operation of Section 75?</p> <p>Why are you consulting?</p> <p>Are you and your team clear about what you are consulting on?</p> <p>Are your plans, timescales and milestones clear?</p> <p>What outcome/objective do you need to deliver?</p> <p>Have you considered the support and engagement of other criminal justice agencies?</p> <p>What resources will be required, including staffing?</p>	<p>The <b>pre-consultation</b> period should not be rushed. It is important to take time to plan prior to consulting, and if applicable, to prepare a detailed project plan.</p> <p>Consider how you are going to encourage stakeholders to become involved and plan the process from <b>'who to consult with'</b> to agreeing on <b>how you will analyse findings</b>, monitor, evaluate and <b>provide feedback to your consultees</b>.</p> <p>Early engagement with your key criminal justice partners makes sense, helping identify any potential problems at the outset. Have you developed a working relationship with criminal justice partners?</p>

	<p>Have you and your staff taken up training opportunities on 'Public Consultation and Engagement'?</p>	<p>The Centre for Applied Learning offers a one day course entitled: '<b>Public Consultation and Engagement</b>' which provides invaluable advice and a useful opportunity to discuss with other civil servants, who are at various stages of engagement.</p>
<p><b>2. Identify timescales for consultation:</b></p>	<p>Is your team aware of Section 75 Statutory responsibilities?</p>	<p><b>Equality screening</b> must be completed at the earliest opportunity in the policy cycle or review processes. The lead role in the screening of a policy is taken by the policy decision maker who has the authority to make changes to that policy. The PPS's Equality Officer can advise – screening forms <b>must be published</b> on the PPS website. Reports on equality screening <b>must be shared</b> with consultees.</p> <p><b>Definition of an Equality Impact Assessment (EQIA) -</b>          "The mechanism underpinning Section 75, this is a form of assessment to find out how a policy may discriminate against a group of people, and to identify how to mitigate against these factors. EQIAs require the analysis of both quantitative</p>

	<p>How long should the consultation last?</p> <p>How will you consult?</p>	<p>and qualitative data”.</p> <p>Consider that your policy may require Rural proofing - Shared Future, Economic and Social proofing, as well as Equality of Opportunity guidance - the PPS’s Equality Officer can advise.</p> <p><b>Formally, at least 12 weeks and following a period of early engagement with key stakeholders.</b> You <b>MUST</b> allow longer if the consultation coincides with a holiday period – less than 12 weeks consultation may be agreed at SAD level in <b>exceptional cases only</b>. [e.g. in cases where EU legislation requirements may mean a shorter consultation period]</p> <p>Consider – <b>proportionately</b> – whether ‘road shows’ are going to be appropriate, consider interactive tools, how you will reach diverse groups. Consider the impact of the issue, is it wide ranging or more specialised? You should decide how best to reach your audience after considering these factors.</p>
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<p><b>3. Identify stakeholders and methods:</b></p>	<p>Who are your stakeholders?</p> <p>Do you know who your stakeholder 'Umbrella' groups are?</p> <p><u>How</u> and <u>when</u> should you engage?</p> <p>Have you contacted the Equality Officer who will provide guidance on the current consultation list?</p> <p>Have you considered consulting with your own staff?</p> <p>Have you considered whether similar work is ongoing elsewhere internally and beyond the PPS?</p>	<p>Make use of existing networks and current best practice being applied currently across the PPS.</p> <p>As early as possible – remember earlier engagement keeps the right people informed of your plans and presents an opportunity to influence the policy at an early stage.</p> <p>If required carry out a <b>stakeholder analysis</b>.</p> <p>A copy of the PPS S75 Consultation List is available on the Equality Scheme page of the intranet.</p> <p>Remember that public sector organisations should be representative of the community – and that their views are important. The Equality and Diversity Steering Group can provide highly valuable feedback on your proposals. For details contact the Equality Officer.</p> <p>It is <b>highly</b> valuable to liaise with other business areas and experts in the field to establish if similar policy/work is ongoing elsewhere in the PPS or in other organisations. The PPS actively collaborates with</p>
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	<p>What are the best ways of reaching stakeholders?</p> <p>Who can help you to reach the marginalised groups?</p>	<p>other CJOs to achieve maximum buy-in from stakeholders.</p> <p>Remember that your stakeholders <u>also</u> have stakeholders. You may not have had an opportunity to develop a relationship with these bodies - and <b>often these are the groups who are overlooked</b> and who could potentially make a significant contribution to policy development – <b>find out who they are</b> and how you might reach them.</p> <p>Contact the Equality Officer / Policy and Information Section to identify key stakeholders with whom you should initiate early engagement.</p> <p>Much value can be added to the process by pre consulting with these important stakeholders.</p> <p>Contact the <b>Equality Commission</b>, if you need advice and validation of your approach.  <a href="http://www.equalityni.org">www.equalityni.org</a>.</p> <p>Policy and Information Section can also offer advice.</p>
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<p><b>4. Decision to proceed:</b></p>	<p>Have you sought appropriate approval on the policy intention and consultation process?</p> <p>Have you drafted a briefing paper and draft consultation document for approval by the Senior Management Group and Management Board?</p> <p>Does the consultation document require an executive summary and does it include reference to Section 75 and Human Rights duties?</p>	<p>The appropriate Senior Assistant Director should be informed at the earliest opportunity who will bring to the attention of the Senior Management Group and Management Board as required.</p> <p>The draft briefing paper and draft consultation document should be agreed by the Senior Management Group and Management Board prior to publication.</p> <p>The submission to the Senior Management Group and Management Board attaching the draft briefing paper and draft consultation document should be with the Senior Assistant Director no later than two weeks before the scheduled Senior Management Group / Management Board.</p> <p>Consult your in-house experts for advice on how you should initially announce the forthcoming consultation. A <b>targeted approach</b> should then be taken to consulting with those who express a particular interest in the policy area.</p> <p>Consider your audience – and various accessible formats.</p>
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<p><b>5. Identify methods:</b></p>	<p>Are you considering advertising? or Have you considered asking stakeholders to advertise for you, through their websites?</p> <p>How can you <b>ensure</b> your chosen methods reach everybody?</p> <p>How will you launch the Consultation?</p>	<p>Involve Media and Communications at an early stage to discuss how to put the consultation into the public domain.</p> <p>If you need to advertise, where and how much will it cost are all issues Media and Communications can advise on. They will also provide advice on the press release and any specific publications. Consider whether you should advertise in relevant <b>specialist</b>, press or media.</p> <p>The consultation document will have to be placed on the website and must comply with accessibility guidelines. Media and Communications will be able to advise you on how this is achieved.</p> <p>As this is not the only medium, consider other ways that will help you to contact the hard to reach groups.</p> <p>The PPS Website should be used to announce your consultation.</p> <p>Consideration should be given to launching the consultation <b>at an appropriate event – take advice from Media and Communications.</b></p>
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**CONSULTATION PERIOD – duration of at least twelve weeks, giving consideration to holiday periods.**

**During consultation period – questions to ask...**

<p><b>6. Publication and distribution of material:</b></p>	<p>Have you chosen communication channels to reach everybody?</p> <p>Have you provided an option to respond in a number of ways? And is the material accessible?</p> <p>Have you considered focus groups, workshops, public meetings?</p>	<p><b>Consider your audience</b> and whether alternative formats are needed. Offer a translated version of the document.</p> <p>Documents should be provided in an easily accessible language appropriate to your audience. The Equality Commission’s website provides advice <a href="http://www.equalityni.org">www.equalityni.org</a>.</p> <p>Provide clear instructions for responding to your consultation and offer flexibility on how to respond.</p> <p>The <b>Participation Network</b> provides free advice and consultancy support to Government agencies wishing to engage with children and young people – this includes drafting young person friendly versions of documents. <a href="http://www.participationnetwork.org">www.participationnetwork.org</a></p> <p>Consider how to reach all marginalised groups. For advice on this contact the Equality Officer or Policy and Information</p>
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	<p>Have you advised your consultees of its publication?</p> <p>Do stakeholders have enough time to respond?</p>	<p>Section.</p> <p>Ensure there is flexibility in dates for response.</p> <p>If necessary and appropriate, consider extending the deadline and <b>advise consultees accordingly.</b></p>
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<b>Post consultation period – questions to ask...</b>		
<p><b>7. Analysis of responses and dissemination of results:</b></p>	<p>How can you encourage/remind stakeholders to provide feedback?</p> <p>Will respondents' submissions be published?</p>	<p>Where appropriate contact (e-mail or phone) key consultees to remind of deadline.</p> <p>Follow up by targeted phone calls to key consultees if required.</p> <p>You should advise consultees of your intention to publish at the earliest opportunity.</p>

**Post consultation period – questions to ask...**

	<p>Will the analysis draw out key messages and themes?</p> <p>Is 'specialist' help needed for the analysis?</p> <p>How will feedback be given? Do you need to weight responses?</p> <p>Are you content that you have been open about how you weight responses?</p> <p>Can your audience access the completed document and published policy?</p>	<p>Consideration should have been given to this by crafting questions that should be easily understood.</p> <p>Formal analysis is crucial to assess whether the policy meets the intended objective, and this should be qualitative and quantitative.</p> <p>Statisticians? Economists?</p> <p>Produce your analysis in a format that is <b>easily understood</b>. Some groups may have greater experience or understanding than others. However you need to consider how to weight the responses received. Specify those issues which are accepted, rejected and noted and reasons for same.</p> <p>For advice on weighting of responses, contact the Equality Officer.</p> <p>Consider how, when and where you will publish</p>
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**Post consultation period – questions to ask...**

	<p>Can you demonstrate to respondents that their input was valued and considered fully?</p> <p>Have you forwarded a copy of the summary report to the relevant Senior Assistant Director for approval with further reference to the Senior Management Group / Management Board if required?</p>	<p>Think of how your final document will demonstrate to respondents that you have considered their input. Thank respondents for their input.</p> <p>Ensure you have allowed sufficient time for publishing your final document.</p>
<p><b>8. Review of consultation process:</b></p>	<p>Have you evaluated your consultation?</p> <p>How will you consider the 'Lessons learned' during the process?</p>	<p>Share results of evaluation with colleagues within relevant sections of the PPS.</p> <p>What worked and did not work in the consultation?</p> <p>It is important to evaluate whether the consultation <b>made a difference</b>.</p>

# Consultation Checklist

A consultation must always have clear aims and objectives.

Consultation should be about engaging with practitioners and the community to improve proposals and to seek views on what will work.

## Follow these simple rules and you can't go wrong.

### 1. When you decide to consult, ask for advice

The PPS have launched previous consultations and colleagues have been through it all before. Ask them for the pitfalls, what worked well and what they would do next time around. Help is out there. Make use of networks: find out if similar consultations are ongoing or due to launch.

### 2. Screen early – Section 75 is **vital** to the consultation

Although **pre-consultation** with key stakeholders will add time to the process it is a **key** part of effective consultation. A few extra weeks of meaningful engagement at this stage will add value to what you produce and may save you time in the long run.

### 3. Factor in extra time for the Senior Management Group and Management Board

The Senior Management Group and Management Board has a key role in scrutinising a draft consultation document before it is formally launched and the consultation responses after analysis and prior to publication.

### 4. Pre-consultation with those **most closely affected** is always a good idea

### 5. Involve Media and Communications at an early stage

6. **Involve a critical friend**

Before issuing your document ask a colleague in the PPS to run a critical eye over your proposals.

7. **Be clear on why you are consulting and be proportionate**

**Case Study:** A County Council in England sent out a 20 page survey to 180,000 homes at a cost of £100,000. The survey took two hours to complete and was returned by 85 people – that's £1,200 per response.

8. **Be flexible**, avoid consultation overload and expect some negative views – it's not personal.

9. **Use plain English** – avoid jargon and try to make your consultation interesting

10. Avoid leading questions

11. Allow **at least 12 weeks** for formal response – longer if it clashes with holidays

12. Offer a **choice** of ways to respond – it's about the consultee, not what's easy for the PPS

13. **Actively involve 'hard to reach' groups**

Become familiar with the many 'umbrella' organisations out there.

14. **Consider carefully how you will publish responses**

After you have analysed responses you must produce a summary report. Consideration should be given to publishing all responses, where appropriate.

# Further Sources for Information

PPS Website <http://www.ppsni.gov.uk/Equality-5023.html>

**Northern Ireland:**

**Equality Commission Northern Ireland:** [www.equalityni.org](http://www.equalityni.org)

*Section 75 of the Northern Ireland Act 1998 – A Guide for Public Authorities.*  
(Revised 2010)

**Equality Commission Northern Ireland - consultation advice**

[http://www.equalityni.org/sections/default.asp?cms=policy\\_Section+75+-+the+statutory+duties\\_consultation&cmsid=89\\_98\\_102&id=102&secid=6](http://www.equalityni.org/sections/default.asp?cms=policy_Section+75+-+the+statutory+duties_consultation&cmsid=89_98_102&id=102&secid=6)

**Equality Commission Northern Ireland** [www.equalityni.org](http://www.equalityni.org)

*Monitoring Implementation (public policy and programmes) of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) in Northern Ireland*

**Equality Commission Northern Ireland (2008):** [www.equalityni.org](http://www.equalityni.org)

*Lets Talk Lets Listen: Guidance for public authorities on consulting and involving children and young people.*

**Office of First and Deputy First Minister**

*A Practical Guide to Policy making in Northern Ireland*

[www.ofmdfmi.gov.uk/policylink-a-practical-guide-to-policy-making](http://www.ofmdfmi.gov.uk/policylink-a-practical-guide-to-policy-making)

**DHSSPS 2003**

*Guide to Consultation Methods for Northern Ireland Public Authorities*

[www.dhsspsni.gov.uk/consultationguidance](http://www.dhsspsni.gov.uk/consultationguidance)

**Office of First and Deputy First Minister (2003)**

*Effective Policy Making Workbook Five: From Consultation to Announcement*

**Office of First and Deputy First Minister (November 2008)**

*Guidance on distribution of Departmental publications and consultation documents*

**NI Direct for information, help and advice on equality matters delivered through the official government website for Northern Ireland citizens:**

<http://www.nidirect.gov.uk/section-75.htm>

**Northern Ireland Commissioner for Children and Young People (NICCY):**

*Participation Policy Statement of Intent.*

**Office of First and Deputy First Minister website for information, help and advice on equality matters:**

<http://www.ofmdfmni.gov.uk/equality.htm>

**Great Britain:**

Cabinet Office (2002) Viewfinder:

*A Policy Maker's Guide to Public Involvement.*

**Department for Business, Enterprise and Regulatory Reform (2008):**

*Code of Practice on Consultation.*

**Dundee City Council:**

*An introductory guide 'How to consult your users'.*

**Scottish Executive (2002):**

*Good Practice Guidance: Consulting with Equality Groups.*

Scottish Executive (2008):

*Consultation Good Practice Guidance.*

**Republic of Ireland:**

Department of the Taoiseach (2005)

*Reaching Out Guidelines on consultation for Public Sector Bodies*