

Call for Evidence on the Government's new approach to consultations

A response from the Society of Biology to the
Lords Select Secondary Legislation Scrutiny Committee

29 November 2011

The Society of Biology is a single unified voice for Biology: advising Government and influencing policy; advancing education and professional development; supporting our members, and engaging and encouraging public interest in the life sciences. The Society represents a diverse membership of over 80,000 - including practicing scientists, students and interested non-professionals - as individuals, or through the learned societies and other organisations listed below.

In what circumstances the Government may reasonably decide not to consult on policy development;

1. The Society of Biology strongly recommends consultation wherever possible, except in the unusual circumstances of obligation where the Government has no choice in how policy is developed. In these cases, transparency is required to inform the public of the source of the policy change, its implications, and to measures taken to allow consideration of any outcomes.

The appropriate timing and duration of consultation exercises;

2. We agree that 'engagement should begin early in policy development when the policy is still under consideration and views can genuinely be taken into account', as stated in the new Consultation Principles and would regard this as a common sense approach. The length of consultations should be proportionate to their scope and topic, and must take into account both the ability of the respondents to reply and the implications for stakeholders. Short timeframes are likely to either deter engagement, or result in less considered responses, or most worryingly, both.
3. Paragraph 2.2 of the 2008 Code of Practice on Consultation states:
'If a consultation exercise is to take place over a period when consultees are less able to respond, e.g. over the summer or Christmas break, or if the policy under consideration is particularly complex, consideration should be given to the feasibility of allowing a longer period for the consultation.'
4. This flexibility and guidance should be incorporated into the new Principles, along with the stated expectation that 'consultation exercises should not generally be launched during local or national election periods'.

What factors the Government should take into account when deciding on the length of the consultation period, such as when policy is new and contentious;

Charles Darwin House, 12 Roger Street, London WC1N 2JU +44 (0)20 7685 2550 info@societyofbiology.org
www.societyofbiology.org

5. Respondents must be given adequate time to consider the consultation questions, identify appropriate expertise, collate replies, resolve or reflect different viewpoints and formally approve the final response. This is vital for stakeholders who are resource constrained and do not have professional policy expertise, and for organisational collaborations and umbrella bodies (such as the Society of Biology), and cross-sector groups such as SCORE (Science Community Representing Education). Governments have indicated that they value the considered opinions of groups with a broad base in their sector, and many groups have responded to this challenge and come together to speak collectively; it is vital now that the functioning of these groups can be accommodated within consultation procedures.
6. The 2008 Code of Practice states that 'allowing at least 12 weeks will enhance the quality of the responses'. We agree that at least this period is needed for consideration of weighty topics. We are concerned that the revised Consultation Principles state that 'for new and contentious policy, such as a new policy on nuclear energy, the full 12 weeks *may* still be appropriate' (our italics). We are surprised by the suggestion that a short period could be considered for a topic of this gravity and strongly recommend that at a 12 week-period is the expected standard for a contentious topic such as nuclear energy policy or similar. Furthermore, there should be a presumption that stakeholders will be adequately informed of the reasons if this is not provided.

The implications for different groups in society of the Government's expectation that consultation will be "digital by default";

7. The ability to disseminate information and collect views rapidly through digital technology should be used to encourage broad stakeholder engagement, however any citizen-focused consultation open to the broad public, must have sufficient routes of communication so as not to marginalise particular groups or significant portions of the population. There is a danger that the significant part of the population that is not IT literate will experience discrimination if consultation processes are exclusively digital. For these reasons, facilities to make everyone aware of and able to answer public calls for views must remain open to non-digital users.

Whether the Government's new approach overall will lead to improvements in the consultation process and outcomes;

8. While we support the focus on "real and meaningful engagement" with stakeholders, we are concerned that the Government's new approach to consultation may exclude certain stakeholder groups from engaging in calls for views, and that the outcomes of the consultation process are not mentioned in the revised Principles.
9. Although these Principles are based on laudable ideals, we are concerned that the lack of procedural guidance will result in little help for departments and gives similarly little expectation to potential consultees of how engagement will occur or how their submissions will be assessed.
10. The 2008 Code of Practice acknowledges the difficulty of contacting the full range of stakeholders, and identifies the risk of an 'over-reliance on standard lists of consultees'. It also explicitly states that 'it is vital to be proactive in the dissemination of consultation documents'. Although the revised Principles identify that policy makers should 'think carefully about who needs to be consulted and

ensure the consultation captures the full range of stakeholders affected', it fails to address the need for proactive engagement. This, along with potentially shorter consultation periods for civil servants to work within, and the apparent emphasis on 'key' stakeholders is concerning, and risks the pre-stated over reliance on standard lists of consultees. Transparency and accountability are enhanced by consulting widely, not restricting consultation to particular stakeholders with whom Government interacts regularly.

11. In order to have transparent and meaningful engagement, stakeholders must be able to track the progress of policy development and see if and when their recommendations have been influential, or considered. Furthermore, reflecting on the conduct and outcome of consultations can be instructive for all and help to gradually improve the process (and thereby, possibly the outcomes). Variable and unreported processes may leave no one the wiser for their engagement. We outlined these concerns in a letter to the Rt. Hon. Oliver Letwin MP in September this year, and attach this letter and the response we received as Appendix A & B.
12. We will continue to keep track of consultation processes and assess the impact of their structure on our ability to provide considered responses to relevant calls for views. Recent events give cause for concern, for example the NERC consultation on the proposal to merge British Antarctic Survey and National Oceanography Centre generated sufficient general controversy to trigger an investigation by the Commons Science and Technology Select Committee. They found that 'the consultation has been confused and lacks transparency'¹. Four major NGOs were also concerned about the style and timescale of the consultation, and raised this in a letter to Professor Duncan Wigham, CEO of the Natural Environment Research Council².
13. There is a danger that the relaxed guidance in the new consultation principles allows for inadequate consultation periods like this, and sets a worrying example to its Non-Departmental Public Bodies and voluntary organisations in allowing fewer than 12 weeks for a consultation, despite guidance through the Compact³. This may compromise the ability for Government to make sound policy changes.
14. The Society of Biology believes that time and resource should be devoted to ensuring all consultation processes are planned appropriately, to avoid the kind of retrospective action seen in the BAS inquiry. Not all topics are as headline-worthy as the arctic survey and so may not draw attention, despite need.
15. We recommend that clear central platform be created to gather from across government all consultations, calls for views, evidence checks and similar so that stakeholders can more easily be made aware of opportunities to contribute to policymaking and understand the reasons for the formulation of these inquiries.

¹ [House of Commons Science and Technology Committee Proposed merger of British Antarctic Survey and National Oceanography Centre Sixth Report of Session 2012–13 Paragraph 23.](#)

² [Letter from RSPB, Greenpeace, WWF and Friends of the Earth about proposed merger between the British Antarctic Survey and the National Oceanography Centre](#)

³ [The Compact](#)

Member Organisations represented by the Society of Biology

Full Members

Agriculture and Horticulture Development Board
Anatomical Society
Association for the Study of Animal Behaviour
Association of Applied Biologists
Biochemical Society
Biosciences KTN
Breakspear Hospital
British Andrology Society
British Association for Lung Research
British Association for Psychopharmacology
British Crop Production Council
British Ecological Society
British Lichen Society
British Microcirculation Society
British Mycological Society
British Neuroscience Association
British Pharmacological Society
British Phycological Society
British Society for Gene and Cell Therapy
British Society for Immunology
British Society for Matrix Biology
British Society for Medical Mycology
British Society for Nanomedicine
British Society for Neuroendocrinology
British Society for Parasitology
BSPB – British Society of Plant Breeders
British Society for Plant Pathology
British Society for Proteome Research
British Society for Research on Ageing
British Society for Soil Science
British Society of Animal Science
British Toxicology Society
The Ethical Medicines Industry Group
Experimental Psychology Society
The Field Studies Council
Fisheries Society of the British Isles
GARNet
Gatsby Plants
Genetics Society
Heads of University Centres of Biomedical Science
Institute of Animal Technology
International Biometric Society
Laboratory Animal Science Association
Linnean Society of London
Marine Biological Association
MONOGRAM – Cereal and Grasses Research Community
Nutrition Society

The Rosaceae Network
Royal Entomological Society
Royal Microscopical Society
Science and Plants for Schools
Scottish Association for Marine Science
Society for Applied Microbiology
Society for Endocrinology
Society for Experimental Biology
Society for General Microbiology
Society for Reproduction and Fertility
Society for the Study of Human Biology
SCI Horticulture Group
The Physiological Society
Tropical Agriculture Association
UK Environmental Mutagen Society
UK-BRC – Brassica Research Community
UK-SOL – Solanacea Research Community
University Bioscience Managers' Association
VEGIN – Vegetable Genetic Improvement Network
Zoological Society of London

Supporting Members

Association of the British Pharmaceutical Industry (ABPI)
Association of Medical Research Charities
BASIS Registration Ltd.
Bayer
BioIndustry Association
BioScientifica Ltd
Biotechnology and Biological Sciences Research Council (BBSRC)
BlueGnome Ltd
Forest Products Research Institute
Huntingdon Life Sciences
Institute of Physics
Lifescan (Johnson and Johnson) Scotland Ltd
Medical Research Council (MRC)
Oxford University Press
Pfizer UK
Royal Botanical Gardens Kew
Royal Society for Public Health
Select Biosciences
Syngenta
The British Library
UCB Celltech
Unilever UK Ltd
Wellcome Trust
Wiley Blackwell