



# **Code of Practice on LSC Consultations**

## **Summary**

**EFFECTIVE FROM:**

**1 JANUARY 2007**

## Introduction

Effective consultation is valuable because it:

- helps build trust with stakeholders
- plays a key role in promoting openness and transparency
- encourages proper planning and careful consideration of all the options
- highlights potential problems early on so that they can be put right before a policy is implemented
- helps shape policy developments and set the agenda for better public services
- helps us to check our assumptions, provides a broader view and brings new ideas.

**The Code of Practice on LSC Consultations sets out the Legal Services Commission's approach to consultation. The Chief Executive has agreed that all our consultations should follow the principles and criteria set out within the Code.**

**This document provides a summary of the principles set out within the Code, showing what stakeholders can expect from an LSC consultation, and who to contact with any comments or queries.**

The Code is based on the [Cabinet Office's Code of Practice on Consultation](#), which the LSC is encouraged to follow as a non-departmental public body.

Consultation is an essential part of the policy-making process. However, policies and proposals on which we need to consult can arise in every LSC directorate. The code also applies in these contexts.

We may have an obligation to consult under the Access to Justice Act 1999 or related legislation, or as set out in our contracts with service providers.

As a public body our decisions are subject to scrutiny by the Administrative Court, a process known as judicial review. As well as considering whether any policy is rational or proportionate, the LSC may be challenged on the policy-making process. If we get it wrong we may have to answer to the court. A fair consultation exercise will reduce the risk of such a challenge as well as being good policy-making practice.

During consultations the LSC will need to take care to comply with our legal duties, such as those that arise under the Access to Justice Act 1999, the Human Rights Act 1998, the Data Protection Act 1998, the Freedom of Information Act 2000 and our contracts with service providers. In addition, we need to ensure we comply with the extended duties owed by public bodies under equalities legislation. The LSC's *Equality Scheme* contains specific obligations relating to consultation and the assessment of the impact of proposed policies on the promotion of equality.

The Code does not have legal force and the LSC retains its discretion not to conduct a full, formal consultation under the terms of the code. A full consultation is defined as one that lasts 12 weeks or more, and a formal consultation is defined as one that involves the publication of a written consultation paper.

The principles in the code should be followed as best practice, unless in particular circumstances the Chief Executive authorises a departure from the code. Any deviation from the code must be highlighted to stakeholders, stating the reasons for the departure and what specific measures have been taken to ensure that the consultation follows best practice in every other respect.

The LSC aims to ensure that the public and other stakeholders are made aware of the policy following a consultation, with an explanation of the consultation process we undertook.

## The six consultation criteria

The six consultation criteria have been developed from court decisions concerning consultation and are listed below. Click the links to see each of these in full.

1. [Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.](#)
2. [Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.](#)
3. [Ensure that your consultation is clear, concise and widely accessible.](#)
4. [Give feedback regarding the responses received and how the consultation process influenced the policy.](#)
5. [Monitor your department's effectiveness at consultation, including through the use of a designated consultation coordinator.](#)
6. [Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.](#)

## Contacts

If you have any comments, complaints or queries about the **consultation process** rather than about the topic covered by the consultation, you should contact the Consultation Coordinator, Holly Perry, on 020 7759 0424 or by email at [consultation@legalservices.gov.uk](mailto:consultation@legalservices.gov.uk).

Alternatively, you may wish to write to the address below:

**Holly Perry**  
**Consultation Coordinator**  
**Legal Services Commission**  
**85 Gray's Inn Road**  
**London**  
**WC1X 8TX**

If your complaints or comments refer to the **topic covered by the consultation** rather than the consultation process, you should contact the Consultation Owner listed in the consultation paper.

## The consultation process

As a stakeholder with an interest in one of our consultations, you can expect the following from us:

- We aim to **follow the consultation criteria** as set out above
- For significant proposals or policies we aim to **publish a consultation paper** for 12-weeks for all major proposals or new policies, except where there is a good reason why we should not or can not, and where this is the case we will explain this to you
- Our publications should be **clear, concise and accessible**. They should be published as widely as possible, electronically and in hard copy, using at least the LSC website and the *Focus* newsletter. Any documents published electronically should contain the date of publication and explain who to contact for alternative formats
- Wherever possible we aim to supplement a formal consultation paper with **informal methods of consultation** such as roadshows or focus groups
- We aim to **analyse all consultation responses** with an open mind, and then explain to respondents how the consultation responses influenced our proposals or policy
- We aim to **publish a summary of responses** within 12-weeks of the consultation closing, **and a final statement of policy**
- Where our proposals or policy have a **less significant impact or a limited group of stakeholders**, we may only publish a consultation paper for less than 12 weeks or use informal methods of consultation such as meeting with key stakeholder groups or roadshows.

See below for more information about the consultation paper.

## The consultation paper

All LSC consultation papers should generally follow the approved format set out below.

- **Cover and contents**

- **Foreword/introduction**

A foreword is particularly useful for major or high profile consultations.

- **Executive summary**

The executive summary allows readers to decide whether the consultation is relevant to them.

It should include: the **aims and objectives** of the consultation; provide a summary of the **issues and options** being consulted upon; make clear the period for which the consultation is open; state that your consultation is being conducted in accordance with the six criteria or give any explanation if the **consultation period** is less than the prescribed period.

- **How to respond**

This section should include: a **summary of the questions** on which you want respondents to comment; the closing **date** of the consultation; the **contact** name, postal and email addresses, telephone and fax numbers of the person to whom responses should be sent.

This section should invite respondents to provide any relevant **evidence** to support their views. It should make clear that all information contained in each response may be **published** in the public domain. Under the Freedom of Information Act 2000, a request for confidentiality from the respondent is not enough to guarantee confidentiality. It should also explain how the responses will be used, and when and where the summary of responses will be published.

- **The proposals and consultation questions**

The proposals may be organised into **chapters** that cover a discrete issue or policy option.

The **proposals should be set out clearly and comprehensively**, with any relevant background, costs and benefits of implementing that option and alternatives where possible.

The following items are expected to be included as **annexes**:

- **The consultation criteria**
- **List of stakeholders consulted**
- **Consultation questions**
- **Impact assessment**
- **Question and answer brief**
- **Contact for comments or complaints.**