

KSAM Briefing Note

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Responding to Government Consultation Exercises

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A trade association has to respond to consultation exercises initiated by government and regulatory bodies. Getting the substance of the response right is vital. But the process of drafting the response, its presentation and communication of the response are all important if the response is to have the desired effect.

There is a temptation to draft responses as if they will be read only by the organisation issuing the consultation document. This is a mistake. A response should always be a stand-alone document; members of an association and other interest groups are part of the target audience. A response should be drafted in a way that helps inform members about the issue and its relevance to them.

Key points are –

1. Assess the importance of responding and the resources that should be allocated. A brief response to any consultation, covering key issues, is always sensible if only to keep the association on the map. However, there is no point in devoting significant resources to producing a response that will have no impact, either because the decisions have already been taken, the association is of marginal relevance to the issue or the response does not deal with the issues.
2. Responses should be stand-alone documents, including a summary, and should not require reference to the consultation document.
3. Responses should deal with the questions asked but should also highlight the key points with which the association is concerned.
4. Use hard evidence that stands up to scrutiny.
5. Seek allies. Persuade other organisations to write in support of your response, with a few points specific to them (and do the same for other associations on other issues). Consider joint responses with other organisations where appropriate.
6. Remember that all associations have a reputation with the relevant government department or agency. Good quality representations, backed by hard evidence, will enhance the credibility of an association generally and facilitate opportunities for greater involvement in policy making. Poor quality representations have the opposite effect.
7. Regularly review the effectiveness of representational work, ideally by commissioning a relevant person to analyse the quality of written submissions and talk to relevant officials who are always ready to give views on the quality of an association's representations.

A more detailed checklist is appended.

CHECKLIST FOR A RESPONSE TO GOVERNMENT CONSULTATION EXERCISES

Pre issue of consultation paper

1. Ensure that a system is in place so that consultation exercises are known about well before they are officially announced.
2. If a principal consultee, seek to have an input into the policy-making process.

On issue of consultation paper

1. Issue a press release if sufficiently important, welcoming the general thrust of the consultation paper (if appropriate) and saying that the association will be making a full response in due course.
2. Ensure that members have a summary of the consultation paper, a brief note on its relevance and a link to the full document.

Deciding approach

1. Consider how the issue is to be handled in the association and who owns it.
2. Consider how to work with other trade associations and interest groups.
3. Decide what resources to devote to a response, which will depend on the importance of the issue to members and the scope for having an impact.

Obtaining input for the response

1. At an early stage, give all members, or the relevant committee, an indication of the likely line to be taken and seek comments.
2. Arrange for the relevant committee to discuss at an early stage.
3. Obtain currently available relevant data and consider seeking new data.
4. Where appropriate conduct a survey of members, ranging from “quick and dirty” to comprehensive and authoritative.
5. Secretariat to draft a response on which views are sought. Seek to structure comments by focusing on key issues.
6. If a principal consultee, discuss with relevant officials, preferably on the basis of a draft response. Officials can often indicate where further work would be helpful.
7. Liaise with other industry bodies and interest groups.

Presentation of response

1. Stand-alone document. Do not waste time on a covering letter. Put everything in the response. [A model outline response is given in the appendix.]
2. First paragraph gives the necessary brief details of the consultation, including its title and the broad subject covered.
3. Second paragraph gives brief information about the trade association, including who it represents and why it is important to the consultation exercise.
4. A stand-alone executive summary of the key points.
5. Sections dealing with each of the key points or, where there are specific questions, answers to those questions.
6. A section or appendix setting out points of detail.
7. A constructive approach which addresses the issues raised.
8. Well written and attractively presented, taking into account nature of issue and target audience. (A response that is to be formally published as a stand-alone document needs to be very different from a letter on a technical subject addressed to one official.)
9. Submitted within the required timetable.

Content of response

1. Address the issues raised.
2. No assertions (eg “practitioners in the industry know with their years of experience that ...”).
3. Points made must be supported by evidence, in particular hard statistical and other information for which a complete source should be given.
4. Where a specific survey has been done for the consultation exercise, the survey should be fully reported in an appendix.
5. On critical issues, consider using consultants to do a specific exercise. An authoritative independent view is likely to carry more weight than the views of an industry body.
6. Where there is a range of views among members, describe the range rather than give the lowest common denominator.
7. Where possible, use government policy statements and statistics in support of arguments.
8. Keep plugging away at issues that the association wants to promote even if not strictly relevant.

Handling the response

1. Submit the response electronically and send copies to relevant stakeholders, ensuring that each knows who has got the response.
2. Send the response or a summary to members and make the whole document available on the website.
3. Issue a press release where appropriate.

Appendix

MODEL RESPONSE TO CONSULTATION PAPER

BIS Consultation Paper on safety regulations for widgets – Response by the Association of Widget Manufacturers (AWM)

1 Introduction

1.1 On 13 January 2011 the Department for Business, Innovation and Skills (BIS) published a consultation paper [Safety of Widgets](#) [hyperlink]. The paper sets out proposed new safety standards for widgets. BIS has requested comments by 24 May 2011.

1.2 This paper is the response of the Association of Widget Manufacturers (AWM) to the consultation paper. The AWM comprises 450 companies which between them account for over 95% of widget manufacturing in the UK. The consultation paper is of major importance to widget manufacturers and the AWM.

2 Executive summary

2.1 [stand-alone, not more than one side, covering the key points. The format should be such that it can be “lifted” and reproduced in other documents]

3 General comments

3.1 The AWM welcomes the new safety standards but has concerns on [three] specific points.....

[A much expanded version of the executive summary; again, should be stand-alone.]

4 Detailed comments

4.1 [Specific comments or answers to questions. At the least the items being referred to should be identified by paragraph numbers or the next best alternative if there is one; ideally the points should be explained so the original document is not needed.]

5 Appendices

[Optional – to be used for the detailed results of research work, stand-alone papers prepared for other purposes etc.]