**Scottish Churches Parliamentary Office Briefing Paper**

**Advice and information for Churches on responding to policy consultations**

Prepared 27 July 2023

**Introduction**

Policy consultation is part of the public affairs way of life.

Parliamentary Committees call for evidence on inquiries. Proposals for legislation in the Scottish and UK Parliaments often have lengthy and detailed consultation periods on both broad principles as well as detailed scrutiny. The Scottish Government and UK Government departments regularly consult on developing new policy ideas, and increasingly non-departmental public bodies, think tanks and from time to time even Churches have held consultations on aspects of policy, decision-making or strategic direction.

Some consultations are a way for the policy-makers to find out what is going on, what people think and what options there might be for a way forward. Consultations on strategic proposals are sometimes known as Green Papers.

Some consultations might be perceived as being more consultative than others; in many instances a policy announcement by Government is followed up with a fig-leaf of public consultation, which allows the Government to ‘officially’ hear the views of its critics but with no genuine intention of engaging with the concerns raised or of changing its mind (e.g. the UK Government’s New Plan for Immigration in 2021[[1]](#footnote-1)). This would be a White Paper.

Sometimes a consultation response can lead to a Government realising the scale of opposition to its plans and a reversal of a deeply unpopular suggestion (e.g. the UK Government’s plans to privatise and sell of England’s forests in 2010-11.[[2]](#footnote-2)

Others, despite considerable opposition, merely seem to appear to strengthen the resolve of the Government, as happened with the Scottish Government’s plans to abolish Prison Visiting Committees in 2012.[[3]](#footnote-3)

Generally speaking, consultations are written documents setting out options and include questions inviting response. Consultations are usually open for responding for a period of around 12 weeks (though it can sometimes be longer, or shorter). There may be circumstances in which a written consultation process is supplemented by engagement sessions with relevant stake-holders over the same time.

For the Churches, responding to a consultation can serve several purposes, the main one being the opportunity to share the position, experience, understanding or vision of the Church to appropriate people at an appropriate time, with a view to help shape and influence public policy and as part of a constructive contribution to a wider debate about public issues.

**Which consultations?**

The Scottish Churches Parliamentary Office monitors Scottish Government consultations and Scottish Parliament inquiries/calls for evidence and these are circulated to the SCPO network regularly. When the SCPO is alerted to other relevant consultations we are also happy to share these with SCPO members. A list of Scottish Government consultations is available at <https://consult.gov.scot/> and Scottish Parliament inquiries at <https://www.parliament.scot/chamber-and-committees/committees/committee-call-for-views>

There are literally dozens of consultations open at any one time – Scottish and UK Government departments, non-departmental public bodies, Holyrood and Westminster Committees looking at issues as well as legislation, MSPs proposals for Member’s Bills, political party policy reviews, think tanks, strategic reviews by our partners. Although it may be possible in theory to respond to every consultation in a given year, it would leave very little time for anything else!

***It is therefore natural that there is a degree of selection and prioritisation.*** This process which each denomination/organisation will need to do for itself. Generally the following things are taken into consideration:

* Is it important?
* Do we have something to say?
* When is the deadline and do we have time and capacity to prepare and agree response?

**What do we say?**

As with any written document, it is important to consider who the audience is.

The primary audience might often be a single civil servant working in a Government department or as a Committee clerk. Given the volume of responses to some consultations it can sometimes be unrealistic to expect Ministers or MSPs and MPs to read every single response – usually the person doing the consultation will analyse all the response and produce a summary which will be used to inform decision-makers. It is therefore important to be concise, as well as drawing clear attention to the key points you want to make.

Consultation responses are also public documents – once a consultation period has closed they are published online (unless permission for them to be made public is not given). Written official responses from Churches should as a matter of course be freely published in the interests of transparency. Official responses are often also published by the responding organisation, to share their views to a wider audience and so that their members can find out what is being said in their name. This means that consultation responses are read by the public, by Church members and by the media. On some occasions you may want to draw the media’s attention to the response, and so might include something interesting (or even controversial), which may achieve a goal of contributing to a wider public debate.

Public responses also have the potential to put the Church under scrutiny from church members and the public; it is therefore necessary that what is said in consultation responses is based on Church policy, evidence or experience. Different denominations and organisations will have their own procedures for how policy is developed and agreed, and who has responsibility or permission to submit responses on behalf of the organisation.

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| Example: The Church of Scotland  Despite what some people might think, the national committee convener or national office staff don’t make policy up on the hoof.  Positions expressed in official responses are always based on what has been agreed by the General Assembly, through deliverances (resolutions) and the content of General Assembly reports.  It is by the authority and grace of the General Assembly that committees are entrusted with the responsibility to speak for the Church in the public square.  The role of the committee, the expertise of its members and staff, is taking the broad statement of principle expressed by the General Assembly and discerning how that could be applied in the context of the detailed policy proposal under consideration.  The committee’s role is invaluable in seeing opportunities, links and the policy framework in a contemporary context, especially if the Church policy is several years old. |

Consultation responses are often part of a large piece of work, and consideration and activity will have been put in before (and may be planned after) an official consultation period – both by the consulter (in terms of developing legislation, for example), or the consultee (as part of a strategic approach to advocacy and influencing).

**How to go about preparing a consultation response**

Our experience of working with Churches suggests that it can be helpful to appoint one individual as the ‘pen-holder’ – they are responsible for research, gathering internal views, drafting, seeking approval and submitting. They do not necessarily need to be an expert on the subject being consulted, but do need to have an understanding of policy-making and to be aware of things such as the deadline for submissions, taking into account that for Churches getting agreement can involve requiring sign-off by a committee or a number of relevant internal stakeholders.

**Research and Drafting**

The pen-holder undertakes to read and study the consultation document, and to research has ben said on the matter before, and to consider if there are any new factors or issues that may need to be considered.

It is possible that during this period the pen-holder reasons that the Church does not have anything significant to say and can recommend to the that no further work be done and not to submit a response.

**First Draft – Comments and Suggestions**

Once the pen-holder has prepared a draft (which they may have consulted with colleagues or with particular expertise or interest), this is circulated to those responsible in the Church for signing-off public statements or policy positions.

If they would like to add or change the draft response, their suggestion should be based on previous Church policy and not on their individual experience or opinion.

**Final Draft – For Sign Off**

The pen-holder uses the comments to correct and improve the response, which is then recirculated for sign-off and submitted.

It may be helpful to be clear who decides if there is a disagreement about content, or if time is very restricted, if someone has authority to sign-off on behalf of the Church.

**Joint Responses**

From time to time Churches are invited, or the opportunity arises, to submit a response jointly with a partner organisation or another Church.

The strength of joint responses are that it can demonstrate the strength of co-operation on a particular subject. Working with others, especially expert groups, can also enrich our own views with evidence and examples. It can also share the burden of the tasks of research and drafting if one pen-holder has been commissioned to work on behalf of two or more Churches (who might otherwise submitted separate responses), or enable Churches that might not otherwise have had capacity to respond to be able to contribute and share ideas.

For joint responses, it is recommended to consult at an early stage with partners about the direction and content of the response. Major changes to a draft at a late stage in the timetable may be difficult to agree between two (or more) governance structures to get through, and so some flexibility and understanding is encouraged.

There are, however, drawbacks to joint responses, which is that often in analysis summaries the *quantity* of responses supporting or opposing a proposal is highlighted. A joint response from six Churches sharing a negative view of a policy might only be recorded as a single organisational response in the summary document, which is likely to be the only report which decision-makers read in full. It can therefore sometimes be more advantageous to have several individual Church responses (all saying broadly the same thing) rather than one joint one. If there is potential for joint responses, deciding which route to take will depend on audience, timescale, capacity and likely outcome. The staff at the Scottish Churches Parliamentary Office would be happy to explore any specific instances if you are unsure.

1. <https://www.theguardian.com/world/2021/apr/30/sham-200-groups-criticise-uk-government-consultation-on-refugee-policy> [↑](#footnote-ref-1)
2. <http://www.guardian.co.uk/environment/2011/feb/16/forests-sell-off-cameron-uturn> [↑](#footnote-ref-2)
3. <http://www.heraldscotland.com/mobile/comment/letters/let-us-modernise-not-abolish-scotlands-prison-visiting-committees.16671493> [↑](#footnote-ref-3)