

Natural England Standard

External consultation management



1:0 About this standard

Introduction

In responding to requests (i.e. for external consultation responses or for comments on other organisations' standards and guidance), we establish clear processes for managing our responses. These processes include a set of criteria to enable us to prioritise responses of significance to Natural England (i.e. relevant to Natural England and its purposes; where there is potential for substantial benefit or significant risk). This enables us to plan and allocate our resource and expertise to best effect to provide timely, evidence-based content consistent with stated government positions. This also:

- Provides a clear process for screening external consultation requests to identify those which are a priority for a formal response and those that could be undertaken through different channels;
- Identifies strategic (i.e. complex, cross-cutting and politically sensitive) and non-strategic consultations;
- Helps lead authors to respond to invitations to comment on the Standards drawn up by other organisations;
- Provides a clear audit trail from logging, screening and scoping to final response;
- Ensures integrated responses across Functions – as required.

What does this standard cover?

This standard covers the approach for managing formal responses (i.e. to external consultations or to external standards or guidance). This ensures consistency across formal consultation responses. The standard does not include requests for technical advice or information – which may be informal (e.g. to Defra or ALB partners). Sub-national consultations are only included where they meet the selection criteria. Consideration of submissions to Parliamentary Select Committees are not within the scope of this Standard – all engagement with Select Committees, including submissions, are managed by the Sponsorship & Parliamentary Team (SPT). Any direct invitations to provide evidence to Parliamentary Committees must be drawn to the attention of SPT who seek initial feedback from Executive Directors and Director colleagues and oversee the submission process.

2:0 The standard

What is the standard?

In responding to a request for comment we follow clear processes for managing our response, including a set of criteria to identify and prioritise responses of significance to Natural England. This allows best use of resource and expertise ensuring timely, consistent, evidence-based responses.

The decision whether to respond formally to a consultation is informed by the following criteria:

- Does government expect us to respond?
- Where we have statutory duties or a formal advisory role e.g. European Landscape Convention (ELC);
- Situations which impact on our core statutory duties and our ability to deliver our responsibilities;
- Technical requirement to offer evidence to support Defra and other government departments' policy development;
- Where our specialist expertise enhances the body of knowledge available to the consultee.

Where one or more of these criteria is relevant, the request to respond is screened to inform a decision by the function manager (or delegated lead author) and presented at the External Consultation Group for ratification.

In order to deliver this standard, an eight step process is used for all relevant external consultations and comment requests received by Natural England.

1. Identification, logging & tracking - On receipt of a request to respond, the Secretariat log the request (with a unique identifier), identify¹ short-term single-function responses (STSFRs) and fast track consultations (i.e. less than six weeks) and send the consultation out to the relevant lead function via a nominated individual (in most cases this is the External Consultation Group representative). The e-mail includes a link to internal guidance to help the lead author producing the Natural England response.

The manager of the natural capital and sustainable growth function identifies the lead author for strategic (i.e. complex, cross cutting or politically sensitive) consultations. All other lead authors are identified by the relevant function manager once they have received the request to respond. The Secretariat is responsible for logging, tracking and maintaining an audit trail for all responses.

¹ Short-term single-function responses (STSFRs) have consultation periods of less than six weeks, have a clear single-function technical focus and are straightforward. They are identified by the chair and secretariat of the External Consultation Management group and are passed by the secretariat to the relevant function. Final consultation responses are sent to the secretariat for uploading on to the Natural England internet.

2. Screening decisions – Function managers identify and allocate one or more lead authors to complete the screening form addressing the following headings:

- What is the issue for Natural England?
- What is the risk if we do not respond?
- Where appropriate, what have been the outcomes of informal discussions with the consulting organisation, with Defra and with other relevant agencies in the Defra family?
- Are there any particular sensitivities or complexities around our response?
- Which other functions within Natural England could contribute to your response?
- Recommendation (to respond or not to respond). If responding, who will sign off this consultation?
- The classification in the box (0-4).

The function manager uses this screening form to determine how to respond and records the decision and reasons whether or not to respond. If the decision is not to respond, the form is sent to the Secretariat to complete the audit trail. Screening forms should be sent to the Secretariat at least seven working days before External Consultation Group meetings.

3. Scoping the Response – If the decision is to respond to the consultation, the identified lead author drafts a scoping document in discussion with relevant Heads of Profession², Environmental Specialists or other staff with appropriate expertise. This document is quality-assured by the External Consultation Group³. In the case of a strategic consultation, the scoping paper is submitted to the Operations Group for consideration.

4. The External Consultation Group considers the scoping document and makes recommendations. In addition, decisions are made to determine the sign-off route (i.e. joint function or single function sign off, joint signature with a partner, in agreement with a partner or escalation to Evidence Group).

5. Drafting the response - The lead author then writes the formal response in line with the scope and reflecting the view of the External Consultation Group. Quality assurance is provided by the relevant Heads of Profession. This is discretionary and applies to those responses deemed by the Group to be particularly sensitive or complex.

² The External Consultation Group can help identify the appropriate people (e.g. HoPs and Specialists) to contribute. The Secretariat also provides a monthly briefing to HoPs to ensure they are aware of forthcoming consultation responses and can engage appropriately.

³ The External Consultation Group consists of Managers from the Delivery Functions and representation from External Affairs & Evidence Teams. It meets monthly and is chaired by the Manager, Natural Capital and Sustainable Growth Function.

6. **Sign-off** – Responses must be signed off by the agreed functional Director (s), or delegated, as the Non Financial Schedule of Delegation (NFSOD) allows. Sign off must not be delegated to the Lead Author to ensure separation of duties.
7. **Consultation response returned-** After securing sign-off the lead author is responsible for ensuring that the final response is returned to the requested external address before the deadline date.
8. **Sending and Logging documents** – The lead author ensures that the final response is sent to the Secretariat for logging and audit trail closure. The Secretariat ensures that, where appropriate, the final response document is uploaded to the Natural England web page.

Fast Track

In a minority of cases consultation or comment requests are received with:

- a short timescale for response (4 weeks or less);
- at the request of the Chief Executive; or
- as an emergency consultation from Defra.

These consultations are managed following a compressed version of the normal process. The lead author drafts a combined screening /scoping paper, in discussion with relevant Heads of Profession, Environmental Specialists or other staff with appropriate expertise, for approval by the function manager. Sign-off is provided by the relevant function Director. In these cases the decision to proceed along a fast-track process is later ratified by the External Consultation Group. All consultation responses are required to complete the normal audit trail process with the Secretariat.

Short-Term Single-Function Responses

Short-term Single-Function Responses (STSFRs) have consultation periods of less than six weeks, have a clear single-function technical focus and are straightforward. They are identified by the chair and secretariat of the External Consultation Management group and passed by the secretariat to the relevant function. Final consultation responses are sent to the secretariat for uploading on to the Natural England internet.

Developing a Forward Look

The External Consultation Group gathers intelligence from sources such as Dods Tracker and Wired-GOV.net and established specialist networks to identify future government consultations. This forward look assists in the planning and co-ordination of resources across Natural England to support the consultation process. The forward look is maintained by the Group, and considered as a standing agenda item.

The forward look, together with information on external consultations and the deliberations of the group, is made available on OneNote to ensure Heads of Profession and others are able to keep informed of the external consultation programme.

Terms of Reference for the External Consultation Group

Purpose

The Natural England External Consultation Group is a sub group of Operations Group with delegated responsibilities.

The External Consultation Group:

- Provides quality review for screening decisions;
- Agrees the scope of, and provides integrated guidance to help lead authors to prepare responses that reflect Natural England's outcomes and objectives;
- Agrees on the sign-off process for individual submissions

Membership of the External Consultation Group includes:

Manager – Natural Capital and Sustainable Growth Function
Programme Director – Land Management
Manager – Land Use
Manager – Landscape & Biodiversity
Manager – Access & Engagement
Manager – Regulation
Manager – Marine
Principal Adviser – Sponsorship and Parliamentary Team
Secretariat – Natural Capital and Sustainable Growth Function

The External Consultation Group is quorate when four group members are present.

The expectations on a member of this group are to:

- Attend in person, or by phone, the monthly meeting – dates are circulated in advance. If a Group member is not available a deputy with appropriate authority can attend to present the view of their function/ programme;
- Receive and read the papers in advance of the meeting. Papers are circulated embedded in a draft agenda five days before the meeting;
- Contribute to the discussions by offering an assessment of whether the scope meets the criteria set out above – and contributing to cross-cutting deliberation;
- Identify gaps and points of emphasis for inclusion;
- Offer challenge and alternative perspectives to the proposed scope e.g. the inclusion of additional evidence/case studies, incorporation of an advocacy/stakeholder dimension etc.

ToR for Function Managers and Lead Authors

Function Managers must ensure that Lead Authors complete action points from the minutes and provide all scoping and screening documents, together with final responses, seven working days before External Consultation Group meetings. Function Managers are to ensure that Lead Authors complete all aspects of the audit trail as soon as possible (i.e. within a maximum of 10 working days of meetings).

Quick reference

Type of Standard Operational Standard

Purpose: To ensure Natural England considers and responds to requests (i.e. for external consultation responses and for comments on external standards) consistently and transparently, with defined accountabilities and a clear audit trail.

Owner(s): Natural Capital and Sustainable Growth Function

Sign-off: Director, Standards delegated to Team Manager- Amanda Craig
Director Evidence & Analysis- Tim Hill

Publication: Publication catalogue – external version

Next Review date: September 2013

Issue Number Final V.2

Document Amendment Record

Issue	Amendment detail	Author	Date
1		LS	15.7.11
2	To include comments and amendments by EJ	EMJ,LS,GB	19.7.11
3	To include verbal comments by external consultation group and written comments by CC, DK, AC	LS, EMJ	2.8.11
4	To include further comment from the External Consultation Group & HMcv	EMJ	14.09.11
5	Minor amendments made following comments by RA at sign-off	LS	03.11.11
6	Rewritten to include: i) commenting on external standards and guidance; and ii) responding to requests from Parliamentary Select Committees within the scope of the standard and the ECG role.	HM, EJ, SL, JH	1.11.12
V1	Final version	KH	1.11.12
7	Minor amendments following circulation to ECG, Analysis Team and Standards	JH	6.3.13
8	Minor amendments following further comments from Standards (AC)	JH	5.4.13
V2	Final version published	KH	20.5.13