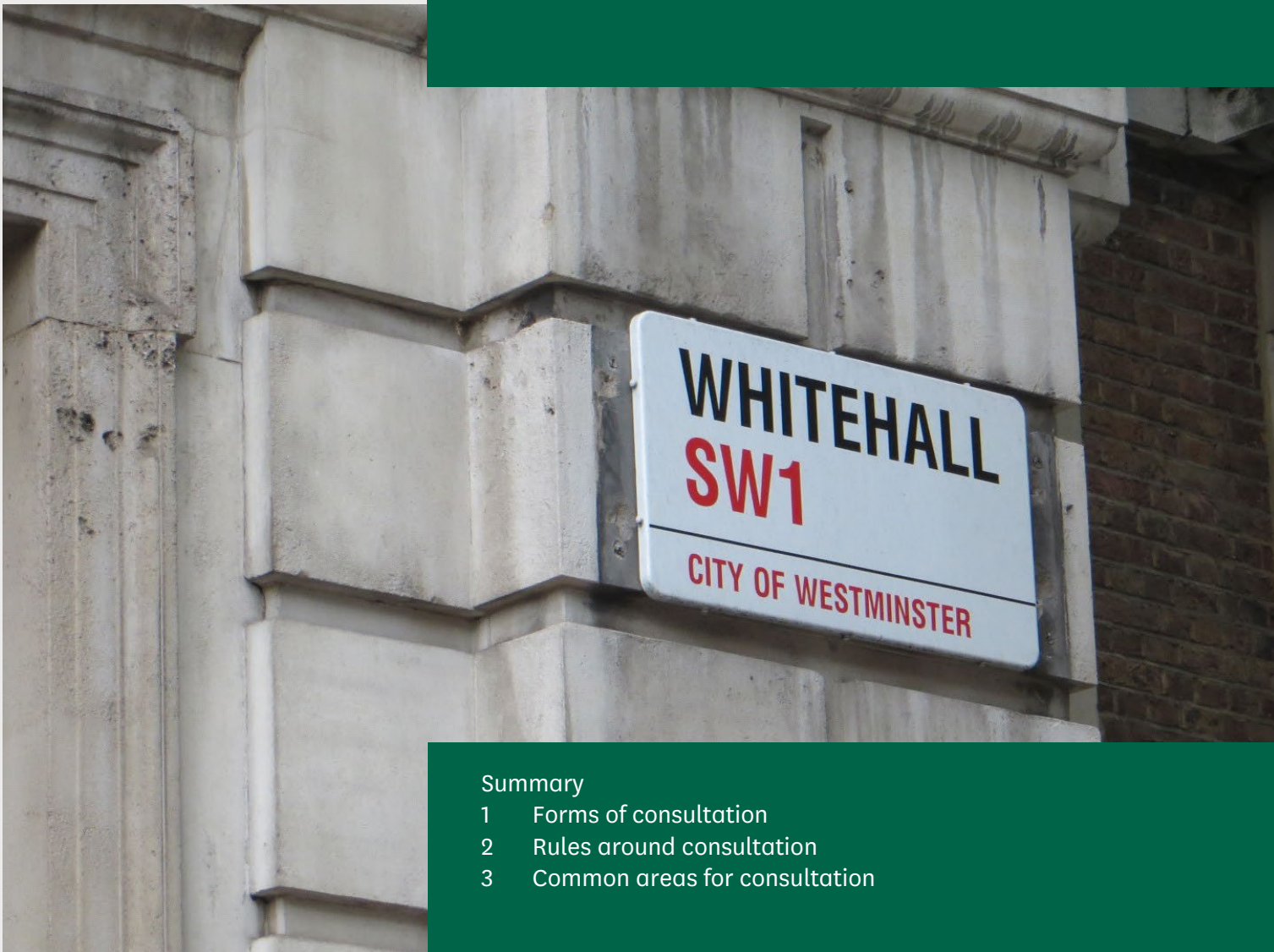


Research Briefing

14 February 2025

By Alice Baxter

Government consultations



Summary

- 1 Forms of consultation
- 2 Rules around consultation
- 3 Common areas for consultation

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Summary

A consultation is a process of inviting people to share their views on an issue to help inform decision-making. This research briefing describes how government departments and other public bodies consult and what rules apply to government consultations.

Consultations can be carried out by public bodies in any part of the United Kingdom, though some legal requirements differ between England, Northern Ireland, Scotland, and Wales. This briefing applies primarily to the rules on consultation in England.

What does government consult on?

Governments can consult on almost any element of policy. The [open consultations listed on gov.uk](#) show the range of topics that can be subject to consultation by the UK Government. Consultations can also be carried out by other public bodies, such as local authorities consulting on planning applications and NHS bodies consulting on changes to health services.

In some cases, public bodies have a legal duty to carry out a consultation. There will be legal duty to consult where:

- there is legislation which requires a consultation
- a government department or public body has promised to consult
- there is an established practice of consultation in similar cases
- not consulting would lead to obvious unfairness (in exceptional cases)

The [consultation principles](#) published by the Cabinet Office provide guidance on when and how government departments should carry out consultations.

Who responds to consultations?

Government consultations are generally open to the public. They are designed to seek views from people who have a particular interest in the policy under consideration.

Interested parties can respond to a consultation either individually or as part of a group, such as a charity or campaign group. Respondents might be:

- directly affected by a policy, such as a local resident responding to proposals for a neighbourhood plan
- someone with knowledge of the subject area, such as a business leader responding to a consultation on industrial strategy
- both, such as a healthcare professional responding to an NHS consultation

How can the public respond to a consultation?

There is no set format for responding to consultations. Consultations vary in the methods they use to collect responses, although government consultations are generally published online with instructions and specific questions to guide respondents.

Consultations will be open for responses for a set period of time: planning consultations generally last for 21 days, for example, while UK Government consultations have traditionally lasted for 12 weeks.

What happens after a consultation?

Generally, government departments and other public bodies should be able to demonstrate how the responses they have gathered during a consultation have impacted their decision-making process.

According to [guidance from the Cabinet Office](#), government departments should aim to publish a response within 12 weeks of the end of the consultation period. Government responses should be published on gov.uk alongside information about the views gathered from consultees.

However, what exactly happens at the end of a consultation period will vary depending on the public body that is carrying out the consultation and the issue that they are consulting on.

1

Forms of consultation

There is no set format for consultations. The term is sometimes associated with written formats such as green papers and white papers (see box 1), but ‘consultation’ can describe any activity that asks for the views of interested parties and takes these views into account in decision-making. Consultation may take place through surveys, online forms, drop-in events, roundtables or public meetings.

Forms of engagement such as [citizens’ assemblies](#), co-design, and co-production involve more active public participation than traditional forms of consultation. However, they can be used in a similar way to gather views from the public on important topics.

1 Green papers and white papers

[Calls for evidence](#) can allow early consultation before policy options have been developed. They will normally explain the scope of the consultation, give instructions on how to respond, provide background information on existing policies and evidence on the topic, and ask a series of broad consultation questions.

[Green papers](#) are consultation documents produced by the government when considering policy options. They are generally published before any final policy decisions have been made, though they will often set out policy options for consultees to comment on. As with calls for evidence, green papers will normally explain the scope of the consultation, give instructions on how to respond, and provide background information on existing policies and evidence on the topic. They will also ask a series of consultation questions, though these may be more targeted to the policy options under consideration.

[White papers](#) are policy documents setting out the government’s proposals for future legislation. They are generally published at a more advanced stage of policy design, sometimes following a green paper, and may contain a draft version of a bill. White papers generally do not contain specific consultation questions, but they can provide a basis for more specific consultation on the government’s final policy proposals.

1.1

UK Government consultations

Government departments can consult at different stages in the process of policy development. The [list of policy papers and consultations](#) published on gov.uk shows the range of topics that government can consult on at each stage. For example, a government department might publish a call for evidence when they begin to review a policy issue, a green paper when they are putting together policy options, and/or a white paper when they have a clear policy proposal in mind. Examples include:

- In November 2024, the Ministry of Justice published a call for evidence to support the work of the [Independent Sentencing Review 2024 to 2025](#).¹
- In November 2024, the Department for Business and Trade published [Invest 2035](#), a green paper on the UK's industrial strategy.²
- In November 2024, the Department for Work and Pensions, HM Treasury and the Department for Education published [Get Britain Working](#), a white paper on the government's proposals to reduce economic inactivity.³

1.2

Consultations in the devolved nations

The executives in Northern Ireland, Scotland, and Wales can consult on any devolved area of policy. Lists of open consultations can be found on the websites of the [Northern Ireland Executive](#), the [Scottish Government](#), and the [Welsh Government](#). The Scottish Government has also published [guidance on its approach to consultations](#).

Devolved legislatures can create statutory duties to consult for public bodies within their nation. For example, the Welsh Assembly (now Senedd Cymru or the Welsh Parliament) created a 'sustainable development principle' through [section 5 of the Well-being of Future Generations \(Wales\) Act 2015](#). Under this principle, certain public bodies in Wales have a duty involve people who reflect the diversity of the population in any decisions that may affect future generations. In practice, this requires public bodies to consult a diverse range of people when making certain decisions.

1.3

Local government consultations

Local authorities have a legal duty to consult on a range of issues, including aspects of education, social welfare, and commercial regulation. These

¹ Ministry of Justice, [Independent Sentencing Review 2024 to 2025](#), 14 November 2024

² UK Government, [Invest 2035: The UK's Modern Industrial Strategy](#), 14 October 2024

³ HM Government, [Get Britain Working](#), 26 November 2024

duties apply to many of the policy decisions taken by a local authority, including certain decisions about local services.⁴

Under section 3 of the [Local Government Act 1999](#), for example, local authorities must work to achieve continuous improvement in the “economy, efficiency and effectiveness” of their service provision. As part of this ‘best value’ duty, authorities must consult on the overall value of their services with representatives of local taxpayers, local service users and anyone likely to have an interest in the local area.⁵ [Statutory guidance](#) published in 2024 suggests that local authorities could carry out these best value consultations as part of the annual process of setting a budget, corporate plan and medium-term financial plan.⁶

Local authorities also have specific duties to consult when it comes to planning decisions (see section 3.1).

1.4 Alternative forms of public engagement

Citizens’ assemblies

Citizens’ assemblies bring together members of the public to deliberate on an issue and make policy recommendations. Participants are randomly selected but are broadly representative of the demographics of the country or the local community. Citizens’ assemblies generally meet for at least four days, during which time they hear from people with experience of the topic under consideration and take part in facilitated discussions to put together their recommendations.⁷

Citizens’ assemblies have been used by governments in some countries to help develop legislation. For example, in the Republic of Ireland, citizens’ assemblies have resulted in changes to the law on same-sex marriage and abortion.⁸ While citizens’ assemblies have not been used directly by the UK Government to develop policy or legislation, they have been used by various public bodies in the UK to consult on national, devolved and local issues:

- From 2018 to 2020, two government departments ran the [Innovation in Democracy Programme](#), an initiative that provided support for pilot citizens’ assemblies across three local authorities. Dudley Metropolitan

⁴ Matthew Wyard, Jim Hirschmann and Rosa Thomas, ‘[Public sector consultations](#)’, Local Government Lawyer, 28 November 2023

⁵ [Local Government Act 1999](#), s 3

⁶ Ministry of Housing, Communities & Local Government and Department for Levelling Up, Housing & Communities, [Best value standards and intervention: a statutory guide for best value authorities](#), 8 May 2024, para 3

⁷ Ministry of Housing, Communities and Local Government and Department for Culture, Media and Sport, [How to run a citizens’ assembly – a handbook for local authorities](#), January 2020, pp11-12

⁸ Commons Library research briefing SN7143, [Constitutional Conventions and Citizens’ Assemblies: power to the people?](#), s 2 and s 4.5

Borough Council and Test Valley Borough Council consulted on the future of town centres, while the Greater Cambridge Partnership consulted on providing better public transport, improving air quality and tackling congestion. The government later published a handbook for local authorities based on the programme: [How to run a citizens' assembly](#).⁹

- In 2018, a [Citizens' Assembly on Social Care](#) was commissioned by two House of Commons select committees to examine how adult social care should be funded in the long term in England.¹⁰
- In 2019, [Climate Assembly UK](#) was commissioned by six House of Commons select committees to examine how the UK should meet its net zero target.¹¹
- In 2019, Senedd Cymru commissioned the [National Assembly for Wales](#) to consult on how people in Wales should be able to shape their future.¹²
- From 2019 to 2020, the Scottish Government carried out the [Citizens' Assembly of Scotland](#) to consider what kind of country Scotland was seeking to build, how Scotland could best overcome the challenges it faced and how to enable people in Scotland to make informed choices about the country's future.¹³

The House of Commons Library research briefing [Constitutional Conventions and Citizens' Assemblies: power to the people?](#) provides more detail on the development of citizens' assemblies in the UK and abroad.¹⁴

Co-design and co-production

'Co-design' describes an approach to decision-making where service providers and users work together to design services. 'Co-production' describes a similar approach where users are involved in delivering – as well as designing – services.

In the UK, the term 'co-production' was first used in an official context in statutory guidance to the [Care Act 2014](#). The guidance advised local authorities to use co-production to deliver their care and support services where possible, defining co-production as follows:

⁹ Ministry of Housing, Communities and Local Government and Department for Culture, Media and Sport, [The Innovation in Democracy Programme \(iIDP\)](#), updated 24 January 2020

¹⁰ Involve and the House of Commons, [Citizens' Assembly on Social Care](#), June 2018

¹¹ Climate Assembly UK, [The path to net zero](#), 10 September 2020

¹² Involve, [National Assembly for Wales – Citizens' Assembly](#), July 2019

¹³ Scottish Government, [Citizens' Assembly of Scotland: research report](#), 25 January 2022

¹⁴ Commons Library research briefing SN7143, [Constitutional Conventions and Citizens' Assemblies: power to the people?](#)

“Co-production” is when an individual influences the support and services received, or when groups of people get together to influence the way that services are designed, commissioned and delivered.¹⁵

There is no one format for co-production, though the think tank the New Economic Foundation has identified some key elements, including using peer support networks, devolving some leadership to service users and enabling communities to take part in the design and delivery of their local services.¹⁶

Examples of co-production include the [NHS Expert Patient Programme](#), through which NHS providers have offered six-week courses for those living with long-term health conditions to learn self-management techniques and meet with others who have had similar experiences.¹⁷

¹⁵ Department of Health & Social Care, [Care and support statutory guidance](#), updated 27 September 2024, s 2.20

¹⁶ New Economic Foundation, [What is co-production?](#), 2008

¹⁷ Rhion Jones and Elizabeth Gammell, *The Politics of Consultation*, 2018, p125

2

Rules around consultation

Public bodies are required by law to hold consultations before making certain decisions. Public bodies can also be required to consult under the common law in some circumstances, such as when they have promised to hold a consultation.

Legislation sometimes specifies what process a consultation should follow. Where legislation does not specify a process, public bodies must abide by principles set in case law. The Cabinet Office has also published [guidance on consultations](#) for government departments.

2.1

Statutory duties

Legislation can impose duties on public bodies to consult in certain situations. A duty to consult can be either express (where legislation explicitly requires a public body to consult) or implied (where legislation requires a public body to engage with the public but does not explicitly require it to consult).

In some cases, other legal duties on a public body can create a duty to consult (see box 2).

2 Public Sector Equality Duty

Section 149 of the [Equality Act 2010](#) establishes the public sector equality duty, under which public bodies must give ‘due regard’ to their obligations to eliminate discrimination, promote equality of opportunity and foster good community relations. Discrimination is framed around nine protected characteristics: age, gender reassignment, being married or in a civil partnership, being pregnant or on maternity leave, disability, race, religion or belief, sex, and sexual orientation.¹⁸

Section 149 does not mention any duty to consult or to involve the public. However, it does require public bodies to demonstrate that they are aware of the impact their proposals would have on people with protected characteristics. In practice, this means that public bodies may be challenged

¹⁸ [Equality Act 2010](#), s 4

through judicial review if they do not consult representatives of any groups that would be affected by a policy.¹⁹

Legislation sometimes sets out the process that a public body should follow in its consultation. For example, section 3(2) of the [Local Government Act 1999](#) requires relevant public bodies to consult a list of specific stakeholder groups when making decisions; this is to ensure the “economy, efficiency and effectiveness” of its services.²⁰

In some cases, legislation that requires consultation does not set out a process for that consultation. For example, section 5D of the [Childcare Act 2006](#) requires local authorities in England and Wales to carry out “such consultation as they think appropriate” but does not specify what form that consultation should take.²¹

2.2

Common law principles and judicial review

Where a public body has made a decision without meeting its legal requirements to consult, the lawfulness of the decision can be challenged through judicial review. Different rules around judicial review apply in the jurisdictions of England and Wales, Northern Ireland, and Scotland. This briefing describes the rules around judicial review in the jurisdiction of England and Wales.

A court might find a decision to be unlawful if a public body should have carried out a consultation but did not do so, or if a public body carried out a consultation that did not meet statutory or common law requirements.

The doctrine of legitimate expectation

Under common law, public bodies can be required to hold a consultation if there was a ‘legitimate expectation’ that they would consult.

Under the doctrine of legitimate expectation, the public is entitled to expect public bodies to act in accordance with established rules. There might be a legitimate expectation, for example, that a public body will follow its own policies and established practice on consultation. In some cases, there might be a legitimate expectation of a consultation if a politician has publicly promised to consult.

¹⁹ Rhion Jones and Elizabeth Gammell, *The Politics of Consultation*, 2018, pp33-34

²⁰ [Local Government Act 1999](#), s 3(2)

²¹ [Childcare Act 2006](#), s 5D

The courts have held that, in exceptional cases, there can be a duty to consult where failing to hold a consultation would lead to “conspicuous unfairness”.²²

Public bodies can be challenged through judicial review if they have not held a consultation where there was a legitimate expectation that they would do so.

3 Judicial review and consultation: A case study

In 2003 the government launched the [Building Schools for the Future](#) (BSF) programme, which aimed to rebuild or refurbish every secondary school in England between 2005 and 2020. From 2003, when the programme was announced, many local councils spent time and resources producing outline business cases for rebuilding or refurbishing the schools under their control. However, following a change of government in 2010, the Secretary of State for Education decided to cancel all BSF projects with an outline business case which had not received final business case approval by 5 July 2010.

A group of six councils brought a judicial review against this decision. They argued that, in his decision-making process, the Secretary of State had failed to discharge the Public Sector Equality Duty and had breached the councils’ two legitimate expectations: an expectation that the rebuilding projects would not be cancelled and an expectation that they would be consulted on any decision to cancel.

The judgment held that it was not legitimate for the councils to expect that their projects would be completed, but it was legitimate for the councils to expect to be consulted on the decision to cancel the projects. The judge held that, because the councils had been in “continuous and intense dialogue” with the Department for Education throughout the BSF programme and because they had been spending money in reliance on their outline business cases right up until the decision was taken to cancel the projects, stopping the projects abruptly without any consultation was an abuse of power.

The judgment also held that the government did not meet the Public Sector Equality Duty in its decision-making process, as neither the documents prepared for the Secretary of State nor the decision itself contained any reference to the impact of the decision on people on the basis of disability, race or gender.

The judge quashed the Secretary of State’s decision, requiring him to consult the six councils affected and make a fresh decision on the future of their projects “with an open mind”.²³

²² [R \(Plantagenet Alliance Limited\) v Secretary of State for Justice](#) [2014] EWHC 1662 (Admin) para 98

²³ [R \(ex parte Luton BC, Nottingham CC, Waltham Forest LB, Newham LB, Kent CC and Sandwell MBC\) v Secretary of State for Education](#) [2011] EWHC 217

The Gunning principles

Even where a consultation has been held, public bodies can be challenged through judicial review if they have not followed the proper consultation process. On issues where there is no defined process for consultation set out in legislation, public bodies have some discretion in how they consult. However, they must abide by the common law principles for fair consultation, also known as the ‘Gunning principles’. The Gunning principles, which were established by the 1985 case *R v London Borough of Brent, ex p Gunning*, state that:

- consultation must take place when a proposal is at a formative stage and can still be changed
- consultees must be made aware of the criteria that will be used in decision-making and be told the reasons behind any proposals to allow them to give an informed response
- consultees must be given adequate time to respond
- the outcome of any consultation must be taken into account in the decision-making process²⁴

2.3

Government guidance

Cabinet Office guidance

2018 consultation principles

In 2018, the Cabinet Office released an updated version of its [consultation principles](#), which had first been published in 2011. The principles act as guidance for government departments conducting consultations. The guidance states that consultations should:

- be clear and concise
- be taken into account in decision-making and only cover issues where the government has not taken a final policy decision
- give enough information to allow people to understand the issues, including impact assessments where possible
- be part of a broader process, which also includes more informal ongoing methods of engagement

²⁴ *R v London Borough of Brent, ex p Gunning* [1985] LGR 168

- last for a proportionate amount of time (which will vary depending on the nature of the issue under consultation)
- be targeted at the people, businesses and voluntary bodies affected by the policy
- take account of the groups being consulted and use consultation methods that suit them
- be agreed before publication, with departments advised to “seek collective agreement” before publishing a written consultation
- facilitate scrutiny, with government responses published on gov.uk alongside information about the responses received from consultees
- be responded to by government in a timely fashion (within 12 weeks of the end of the consultation period where possible)
- not be launched during local or national election periods, except in exceptional circumstances following advice from the Propriety and Ethics team in the Cabinet Office²⁵

2008 Code of Practice on Consultation

These principles replaced the government’s [Code of Practice on Consultation](#), which was published in 2008. The code of practice set seven criteria for when and how government departments should consult.

The 2008 code of practice contained more detail than the 2018 principles, including a standard timescale for consultations. The code of practice stated that consultations should “normally last for at least 12 weeks, with consideration given to longer timescales where feasible and sensible”. The 2018 consultation principles do not set a minimum duration for consultations, advising only that they “should last for a proportionate amount of time”.

The 2018 consultation principles also removed the objective in the 2008 code of practice that officials should “seek guidance in how to run an effective consultation exercise and share what they have learned from the experience”.²⁶

The Compact

The UK Government has previously committed to consulting civil society organisations on the design of policies, programmes and services in England.

The Compact, which was initially signed in 1998 and renewed by the coalition government in 2010, is an agreement between government and civil society

²⁵ Cabinet Office, [Consultation principles: guidance](#), 19 March 2018

²⁶ HM Government, [Code of Practice on Consultation](#), July 2008

organisations that sets out shared commitments and guidelines for working together.

Under the Compact, the government committed to working with civil society organisations from the earliest possible stage of policy design, including giving early notice of upcoming consultations and conducting 12-week formal written consultations where appropriate. It also committed to providing civil society organisations with feedback on how their engagement had influenced the design of policies, programmes and services. In return, the civil society organisations that signed the Compact committed to promote government consultations and respond to them where appropriate, seeking the views of their service users and focusing their responses on evidence-based solutions.²⁷

From 2007, the use of the Compact was overseen and promoted by an independent public body, the Commission for the Compact.²⁸ The Compact has not been renewed since 2010 and the Commission for the Compact was abolished in 2011.²⁹ While subsequent governments have not announced a repeal of the Compact, reference to the Compact was removed from the 2018 update of the government's [consultation principles](#), despite featuring in the 2011 iteration of the guidance.³⁰

²⁷ HM Government, [The Compact](#), December 2010, p9

²⁸ Commission for the Compact, [Annual Report and Account 2008-09](#), 9 June 2009, p8

²⁹ Commission for the Compact, [Annual Report and Accounts](#), 31 March 2011, p2

³⁰ Rhion Jones and Elizabeth Gammell, *The Politics of Consultation*, 2018, pp46-47

3 Common areas for consultation

3.1 Planning

Local planning authorities in England have a duty to consult before making decisions on planning applications. Consultation periods typically last for 21 days, during which time the planning authority will carry out:

- public consultation, including with neighbouring residents and community groups
- consultation with any [statutory consultees](#) (specific bodies that the authority is legally required to consult)
- any consultation required by a [direction from the Secretary of State](#)
- consultation with non-statutory consultees who are likely to have an interest in a proposed development, where there are planning policy reasons to do so

The local planning authority must take into account all responses received within the consultation period when making a decision on the application.³¹ If an applicant submits any changes after the initial consultation period, a period of additional consultation may be carried out.³²

The House of Commons Library constituency casework article [Influencing the planning process \(England\)](#) describes the consultation process for planning applications.³³ The gov.uk page [Consultation and pre-decision matters](#) provides more detailed information on rules around consultation in planning.³⁴

3.2 Health

NHS bodies consult both locally and nationally. The open consultations on [NHS England's website](#) show the range of issues on which the health service

³¹ [Town and County Planning \(Development Management Procedure\) \(England\) Order 2015](#), SI 2015/595

³² Ministry of Housing, Communities and Local Government, [Consultation and pre-decision matters](#), updated 1 April 2022

³³ Commons Library constituency casework, [Influencing the planning process \(England\)](#)

³⁴ Ministry of Housing, Communities and Local Government, [Consultation and pre-decision matters](#), last updated 1 April 2022

can consult in England, including the treatment of specific medical conditions, the procurement of new medicines and the recruitment and training of healthcare staff.³⁵

Change NHS

In October 2024 the UK Government launched [Change NHS](#), a consultation on the future of the health service that was intended to be “the biggest ever conversation about the NHS”.

Change NHS has involved a range of consultation methods over several months, including an online form and in-person events for members of the public, workshops with health and care staff, and resources to allow local health systems to host community events.³⁶

Legal duties

NHS bodies have duties to involve the public in certain decisions on service provision, though this does not always mean formal written consultation.

National Health Service Act 2006

Under the [National Health Service Act 2006](#) as amended by the [Health and Care Act 2022](#), NHS England, integrated care boards (ICBs), NHS trusts and NHS foundation trusts have a statutory duty to involve the public in certain plans, proposals and decisions affecting NHS services. The duty is broadly defined and allows for the public to be involved “by being consulted or provided with information or in other ways”.³⁷

The ‘duty to involve’ replaced the more specific ‘duty to consult’ placed on health authorities, primary care trusts and NHS trusts under [section 11 of the Health and Social Care Act 2001](#).

NHS Standard Contract

Under the [NHS Standard Contract](#), all NHS providers are required to involve the public in the design of their services.

Under the contract, providers must involve service users (and in some cases their carers and legal guardians), staff, service users’ GPs and the public when considering and implementing changes to services. Providers must be able to demonstrate that they have involved the public and show how the views gathered from the public were taken into account.³⁸

³⁵ NHS England, [Surveys and consultations](#)

³⁶ Change NHS, [Welcome to Change NHS: Help build a health service fit for the future](#), accessed 14 January 2025

³⁷ [National Health Service Act 2006](#), s 13Q; [National Health Service Act 2006](#), s 14Z45; [National Health Service Act 2006](#), s 242

³⁸ NHS England, [NHS Standard Contract 2024/25 – Service Conditions \(Full Length\)](#), s 12.5

Statutory guidance

Under [statutory guidance](#) published by NHS England in 2023, ICBs, NHS trusts and NHS foundation trusts must involve the public when developing local plans and strategies.

These NHS bodies must involve people and communities at every stage of their planning and provide feedback about how public engagement has influenced decisions. NHS England has also adopted this guidance as its own policy for public involvement.³⁹

Implied legal duties

In practice, NHS bodies may need to consult even where statute does not explicitly require a consultation.

For example, under the [National Health Service Act 2006](#) as amended by the [Health and Care Act 2022](#), NHS England and ICBs are under a statutory duty to have regard of the need to reduce inequalities in access to health services and in health outcomes.

As part of this duty, NHS England and ICBs must be able to show that they are aware of the impact of their decisions on groups who experience health inequalities, which may require them to consult the groups affected.⁴⁰

3.3 Environmental issues

The UK Government has committed to consulting on certain environmental issues as a signatory to the [Aarhus Convention](#).

The Aarhus Convention (formally, the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters) was adopted by the United Nations Economic Commission for Europe (UNECE) on 25 June 1998.

The convention requires public authorities to:

- enable environmental non-governmental organisations (NGOs) and affected members of the public to comment on certain environmental activities, including those relating to industry, waste water treatment, road building, pipelines and overhead cables. Public authorities must consider these comments as part of their decision-making and must publish the reasoning behind their decisions (Article 6).
- enable the public to participate in the preparation of environmental plans and programmes. Public authorities must take account of the

³⁹ NHS England and the Department of Health & Social Care, [Working in Partnership with People and Communities – Statutory Guidance](#), 4 July 2022, p7

⁴⁰ [National Health Service Act 2006](#), s 13G; [National Health Service Act 2006](#), s 14Z35

outcome of any public participation as part of their decision-making (Article 7).

- enable the public to participate in the design of any legislation likely to have a significant impact on the environment. The outcome of any public participation should be taken into account as far as possible (Article 8).

Article 6 of the Convention sets out minimum standards for public participation:

- Environmental NGOs and any members of the public likely to be affected should be notified of proposed environmental activity in an adequate, timely and effective manner.
- There should be reasonable timeframes for public participation in the decision-making process.
- There should be opportunities for public participation early on in the decision-making process, before decision-makers have a preferred option.
- The public has a right to access information relevant to the decision.
- Decision-makers must take account of the outcome of any public participation.
- The public should be promptly notified of any final decision, with the reasons for the decision being made publicly available.⁴¹

The POSTnote on the [Arhus Convention](#) provides more information on the government's responsibilities under the convention.⁴²

⁴¹ Foreign and Commonwealth Office, [Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters](#), Cm 6586, 27 May 2005, Article 6

⁴² POST, [Arhus Convention](#), POSTnote 256

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