

Having your say:

Ofwat's code of practice on consultations

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1 Foreword

We constantly work to become more open, to provide information about our work and to take account of the views of interested people when we make decisions.

Informed stakeholders can make better contributions to the debate and so make sure that our decisions are based on sound evidence. We have introduced changes to our code of practice, taking account of new Cabinet Office guidance, and of our own experience in consulting stakeholders.

In this, as in all our policy development work, we aim to follow the five principles of better regulation. These are: accountability, consistency, proportionality, targeting, transparency (you can see definitions for these on the Better Regulation Task Force website at www.bruf.gov.uk). Effective consultation should make sure that, as far as possible, everyone concerned has the opportunity to have their say, and know that we have considered their interests.

I hope that this code of practice will help to make this easier.

Philip Fletcher
Director General of Water Services
July 2004

2 Introduction

We first published a code of practice on consultation in April 2000. This latest version takes account of the most recent Cabinet Office guidelines, and our own experience.

The code covers the following areas.

- The style of our consultation papers.
- Our plans to reach the widest possible and most appropriate range of people.
- How interested people can take part in our consultations.
- The timetable we will follow for consultations.
- How we will publish our decisions.

3 The consultation process

We will do the following.

- Start a consultation as early as we can in the policy process.
- Make every effort to draw the consultation to the attention of everyone who we think might be interested in it.
- Discuss the issues informally with interested people before formal consultation if we think that will help the process.
- Normally produce a consultation document.
- Make all consultation documents readily available and free of charge.
- Make all the documents available on our website (www.ofwat.gov.uk) from the time they are published.

We will issue a press release, or similar announcement, about every consultation. Sometimes we will give details of the consultation in relevant newspapers.

Our website has a link to Directgov (www.direct.gov.uk), which is the central, web-based entry point to government information. This holds a central register of current public written consultations.

We have designed our website so that it is easy to use and quick to download. We hope you find it useful. We have a free subscription service that can alert you, by e-mail, when we publish something new.

You can reply to our consultations by e-mail. There is an on-line response form on the website.

The internet is important, but paper copies of our documents are always available. Each consultation paper will contain a list of the organisations we have consulted. We welcome responses from all interested people. Contact us if you want to be included on our consultation lists.

We can sometimes provide consultation documents in other languages if you ask us to. When appropriate, we will publish documents in both English and Welsh. This is in line with our Welsh Language Scheme.

If you have special needs, we can provide consultation documents in other formats, for example, in Braille or large print, if you ask us to.

Although written consultation is important, it is not the only or best way.

It has many advantages, but we will also consider other methods to reach interested people. For example, we will consider contributing articles to relevant journals, publishing leaflets, holding meetings, workshops or seminars with organisations or individuals – to explain the issues, and to make sure we properly understand different points of view.

We will analyse your responses fully and with an open mind.

We aim to put all responses to our consultations in our library and on our website.

If you respond to our consultation, we will acknowledge your response and send you a copy of our decision document. We also welcome any suggestions you have about who else we should consult.

We will publish our final decisions, including our reasons for them. Our decisions will show how we have taken account of your response.

You can send us your response:

- by e-mail, to the e-mail address shown on the consultation paper;
- on-line, using the consultation response form at www.ofwat.gov.uk/ofwat/consultationform; or
- by post to the Office of Water Services, Centre City Tower, 7 Hill Street, Birmingham, B5 4UA.

4 Timetable for consultations

When we are carrying out our consultations, we need to allow enough time for organisations to consult their members and interested people. For example, the customer watchdog, WaterVoice, may want to meet with customers to ask them what they think.

The Government's code of practice recommends that national public consultations on policy developments should usually last at least 12 weeks. We have followed this advice since January 2002.

Many of our consultations are in response to events with timetables set by other organisations, for example, mergers where the timetable is set by the Office of Fair Trading. Other consultations are in connection with matters where the water companies' licences set out the timetable. And many of our consultations do not cover the whole of England and Wales.

We will allow a 12-week consultation period if we are asking members of the public for their views on major issues that will directly affect them and the whole of the area we regulate (England and Wales). If we cannot allow 12 weeks because of circumstances outside our control, we will explain why.

We will consider extending deadlines for some issues.

We will extend the consultation periods to allow for Christmas and other public holidays. Where possible the consultation period will take into account the timetable of WaterVoice meetings, giving them time for local consultation.

Consultation periods

Type of consultation	Period of consultation
Consultation on broad matters of regulatory policy.	Normally 12 weeks. The consultation period will need to recognise the nature of the issue and the effect of delaying the decision.
Consultations on the process and information we need for annual reviews of company performance and setting prices.	8 to 12 weeks.
Proposed licence amendments arising from changes in regulatory policy.	2 to 4 weeks. (This will normally follow a consultation on broad matters of regulatory policy.)
Inset appointments.	At least 4 weeks.
Consultations about commercial issues such as mergers, where the timetable is set by other organisations.	2 to 4 weeks.
Proposed licence amendments arising from issues such as mergers or changes in legislation.	2 to 4 weeks.
Consultation on urgent policy issues which are of interest to a clearly-defined group of stakeholders.	We will judge each case individually, recognising the nature of the issue and the effect of delaying the decision.

5 Consultation documents

Our consultation documents will be concise and clearly laid out. We will use simple language wherever we can. Technical detail is sometimes necessary – but our aim is to make our documents easy to understand.

As far as possible, our consultations will be open. If we have already made a decision on an issue, or if there are things that cannot be changed, we will let you know.

Our consultation documents will include the following.

- A summary written in plain English, highlighting the main issues.
- A description of the purpose and aims of the consultation.
- The issues on which we are asking for people's views in the form of clear questions, wherever possible.
- Details of any advice we have received.
- Where appropriate and practical, an assessment of how an issue could affect the environment.
- The deadline for responses.
- The timetable for decision-making and the introduction of new policies.
- Details of who to contact for more information.
- Details of who will deal with complaints or comments about the consultation process.
- Details of which parts of England and Wales the document relates to, and whether it contains proposals which are the responsibility of more than one organisation.
- Who the consultation is particularly aimed at and a list of people we have told about the consultation.
- When we will publish consultation responses.
- A glossary of terms.

If necessary, we will attach a regulatory impact assessment to the consultation paper, highlighting the costs, benefits and risks of the proposal, and explaining who is likely to be affected, and how.

We will ask people to give us their names. We will ask representative groups to give us a summary of who they represent. This will help us to get a balanced view of responses.

We will also ask for each response by e-mail. We aim to put these on our website.

6 Our decision document

We will analyse responses in a careful and open-minded way.

The decision document will usually include the following.

- A summary of the responses we received to each issue.
- Our decisions and explanations on these issues.
- Where appropriate, details of how the issues discussed are likely to affect particular groups such as the water companies, or particular groups of customers (small households, large families and so on).
- The timetable for introducing any changes arising from the consultation.
- Details of who to contact for more information.
- A list of people who responded to the consultation.

If you need us to explain any points in this paper, or if you have comments or suggestions about how we could improve our consultation processes, please e-mail our consultation co-ordinator at julia.havard@ofwat.gsi.gov.uk. Or you can phone her on 0121 625 1450.