

Consultation considerations and the role of the 'Critical Friend'

What the paper is about

This Paper by the Secretariat highlights issues for consideration in fulfilling the ACC's role as a 'Critical Friend'.

Background

At last year's conference, delegates discussed the independence of ACCs including how the role of a 'critical friend' might be understood. It was agreed that this issue needed more detailed discussion within the context of consultation generally. This agenda item seeks to fulfil that remit. The session will be facilitated by Daniel King, Customer Contact Manager, Manchester Airport Group and will seek to identify areas of best practice and what more can be done to assist ACCs in fulfilling the consultation and 'critical friend' roles more effectively.

A Stansted perspective

To help inform the discussion, the Chairman of the Stansted Airport Consultative Committee (STACC) has prepared the attached paper which outlines some considerations in respect of consultation generally and the role of the 'critical friend' in particular as seen from a Stansted perspective.

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UKACCS Secretariat
May 2015**

STANSTED AIRPORT CONSULTATIVE COMMITTEE

DISCUSSION NOTE

CONSULTATION AIRPORT OPERATORS AND AIRPORT CONSULTATIVE COMMITTEES

Introduction

Consultation is a slippery word. It can mean different things to different people and at different times. Often the meaning can differ for those who believe they are consulting and for those who thought they were being consulted!

It might be helpful first to set out briefly some general ingredients of what might become 'best practice' consultation principles and then to suggest that these are developed at each airport into practical action by the Airport Operator (AO) and by the matching Airport Consultative Committee (ACC). This Discussion Note has largely been informed by the discussion at the STACC Awayday last year and by the writings suggested there by Committee Members. It is largely common sense of course but as we all know, common sense is not always that common!

Best Practice Principles

It is suggested that best practice principles should include the following:

1. **Integrity.** The process of consultation must be undertaken with honest intention by both the AO and the ACC. The AO must be genuinely willing to listen to the views put forward by the ACC and then equally genuinely be prepared to be influenced by those views when taking subsequent decisions and action. The ACC must be prepared to make thoughtful and informed comments or views. A process of this nature will help to build trust. Without trust there can be no hope of an ACC ever establishing its credibility and without credibility it cannot hope to influence.
2. **Visibility.** The fact that consultation is taking place should be made known to all those within the ACC membership and within the AO management who might have an interest in the issue which is the subject of the consultation. For an ACC this should be quite simple and especially where there is a Sub Group (eg Working Group or Sub Committee) established for the purpose of holding a preliminary and/or detailed discussion. For the AO, there will need to be sound internal communication mechanisms which sometimes might be more easily talked about than undertaken.
3. **Accessibility.**
 - a. The method of consultation must be appropriate for the nature of the issue and for the ACC members. Invariably, the mechanism would be by way of an AO written report and/or oral presentation amplifying the issue at a meeting of the ACC or at one of its Sub Groups. The AO should be encouraged to produce written reports; this helps to focus the mind more precisely onto the particular issue, provides a point of reference and helps to move away from any hint of 'sofa government'. The ACC should produce Minutes or Notes of relevant discussions for the same reasons.
 - b. The actual consultation meeting should take place in a room suitable for its purpose and one readily accessible by those of restricted mobility.

- c. In urgent situations, an acceptable method of communication could be by way of an 'email meeting' or, depending on the nature of the issue, by phone.

4. Transparency.

- a. There should be as much openness about the consultation as is practicable. It is important to be clear at the outset about the primary reason for the consultation. For example, is the reason to encourage general views or particular preferences; to help shape policy or determine action; to get views on practical implementation or on presentation issues – even unintended consequences.
- b. The AO should provide reasonable disclosure of information relevant to the consultation issue. Where such information is confidential, ACC members must respect this (particularly issues and information having some degree of commercial sensitivity) and be prepared to enter into confidentiality agreements where appropriate. Where the AO for good reason is not prepared to disclose such information, the area of confidentiality and the reasons for non disclosure should be prior identified and disclosed.
- c. The consultation outcome can be strengthened by the AO taking account (and being seen to take account) of different but relevant expertise, experience and perspectives within the membership of the ACC. There is no monopoly on wisdom!
- d. The consultation should not merely be to inform.
- e. Which members of the ACC are being/have been consulted about what and when should be self evident from the Minutes/Notes of all meetings of the ACC including those of its Sub Groups.

5. Disclosure

- a. The AO should readily acknowledge the importance to meaningful consultation of reasonable disclosure of relevant information. The AO should disclose information which could materially influence the nature and extent of the ACC's response.
- b. The AO should be explicit about those areas within any particular consultation where decisions have in effect already been taken for good reason and where the ACC's views cannot genuinely influence the situation.
- c. It should always be made apparent when an ACC member is contributing a personal (albeit an informed) view to the discussion and when a view is that of an organisation which the member represents on the Committee. Where it is the latter, the ACC member should make clear the extent of any significant minority view held within the organisation.

6. Fairness

- a. Both the AO and the ACC should acknowledge that there are often different stages in policy or project development and that therefore the nature of the consultation engagement might need to be different in character at these different stages. It is important here to be explicit about time frames too. Timeliness is a key issue. A lack of adequate time for consultation can undermine the process.
- b. Every effort should be made by the AO to consult the ACC as 'upstream' as is practicable so as to avoid any suggestion of merely informing (as opposed to genuinely engaging), 'going through the motions' or providing simply a 'fait accompli'.
- c. The ACC should appreciate that on some occasions consultation is not possible by reason of the need for urgent action by the AO. This position should always be communicated to the ACC as quickly as possible together with the reasons for the urgency.
- d. Both the AO and the ACC have a common interest in seeing the outcome of any consultation disclosed or published.

- e. In interpreting and weighing relevant data and views emanating from a consultation, the AO should assess these as objectively as possible. Where there is a difference of view between the AO and the ACC, the AO should explain the reasons for holding that different view.
- f. The character of the consultation at any particular consultation stage needs to be proportionate to the nature of the issue and to the probable impact of the proposal or of the decision to be taken.

7. Critical Friend

- a. The essential nature of the role of the ACC is to be a critical friend to the AO. The ACC has no executive powers but only a capacity to influence based on the expertise and experience of its members and through these its credibility for giving sound advice.
- b. Inherent in playing this role successfully is the need for the ACC to be as independent of the AO as is practicable albeit that in almost every situation the AO funds the work of the ACC. Some steps along the path towards being an independent 'critical friend' might include:
 - i. *Negotiating with the AO an annual grant from the AO to the ACC.*
 - ii. *A bank account for the ACC separate from the AO.*
 - iii. *A protocol for the appointment of the 'independent' ACC Chairman whereby the ACC plays an important role and the appointment is not (and is seen not to be) exclusively that of the AO. The Chairman might be paid by the AO but she/he should be seen not to be 'in the pay' of the AO.*
 - iv. *A written Constitution for the ACC.*
 - v. *Holding an Annual Meeting of the ACC which would include the usual 'constitutional' agenda items eg appointment of Chairman of the Committee and of any Working Groups, terms of reference, allocation of members to Working Groups and an annual Committee budget.*
- b. *Inherent too is the need to implement in a partnership understanding with the AO most if not all of the general consultation principles set out above.*
- c. This all needs careful negotiation but most successful AOs recognise the importance and value of such a role of the ACC provided it is undertaken responsibly and constructively.

Next Steps

Subject to any refining of these principles, it would be up to individual AOs and ACCs to work out how the principles are reflected in a 'protocol' of actual working arrangements tailored to the requirements and 'personality' of each airport.

**Stewart Ashurst,
Chairman, STACC
May 2015.**