

## THE CONSULTATION PROCESS *(cover)*

### Purpose

1. To approve publication of this updated procedural narrative for the Consultation Process used by the SCJC (***Paper 3.1A***).

### Background

2. The Council approved the first version of this document at its January 2024 meeting and the main reasons for doing so were:
  - *TO RAISE AWARENESS* - of each of the procedural steps that have been used to build fairness into this management process; and to underpin the delivery of quality outcomes when that process is being used.
  - *TO FACILITATE MORE CONSULTATIONS* – in response to a general perception that the Council should consult more frequently;
  - *TO FACILITATE TRANSPARENCY & ACCOUNTABILITY* – by ensuring that all consultation documents issued, along with the responses received, remain publicly available via the [consultation page](#) of the Councils website; and
  - *TO MITIGATE RISK* - as this document provides a key management control to help mitigate the risk of legal challenges being made (*for running an unfair consultation or for a failure to promote public participation etc.*)
3. The updating of this document provides the Council with a quality assurance check on both “the way we consult” and the reasonableness of that process.

### The changes made

4. This updated procedural narrative for the Consultation Process (***Paper 3.1A***) rewords and refreshes the original document; including a more explicit reference (*para 30-33*) being made to best practice in having “due regard” to the five “statutory principles for protecting the environment.
5. This updated document (***Paper 3.1A***) also includes a more explicit reference to the duty held under the Aarhus convention that requires the Council to “strive” to promote public participation whenever a pending decision on court procedure may have a “significant effect” on the environment (*para 34-36*).

## **Recommendation**

### **6. It is recommended that the Council:**

- **Considers the content of this revised Consultation Process (*Paper 3.1A*) and approves its publication subject to any stylistic or typographical changes.**

**Secretariat to the Scottish Civil Justice Council  
August 2025**