



## **SIGMA**

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## ***Formulating and Implementing a Policy on Consultation***

### **Background**

The environment in which all governments and public services operate is constantly changing and presenting fresh challenges. A key challenge is the need for rigorous, evidence-based policy-making. In order to ensure that the policies and regulations formulated and introduced by governments are robust, are appropriate, and will be effective, they need to be based on good quality information, both statistical and qualitative.

While certain information can be gathered from quantitative processes – data, statistical information etc. - consultation with key stakeholder groups is one of the most important ways of accessing such information. Consultation is also a crucial element in the design, delivery and improvement of services. Consultation is about seeking the views of those outside the decision-making process, in order to better inform that process. Consultation is not intended to be a substitute for decision-making, but reflects the fact that the decision-making process benefits from having the widest range of views and fullest information on a particular issue. A quality consultation process with those who will ultimately be affected by changes in policy or laws, can be highly beneficial in identifying unintentional side-effects (negative and positive) and alternatives ways of implementing or developing a policy or law to achieve the same outcome. Finally, improved consultation with stakeholders during the policy or regulatory development process can help improve compliance, even where the stakeholder may not necessarily agree with the proposals developed by Government.

In Ireland, the Government recognises that understanding the variety of perspectives on different areas of economic and social life can improve the quality of its policy and decision-making processes, and of how services are ultimately delivered. The Irish experience of the 'social partnership' approach across so many areas of policy reinforces this understanding. There was recognition however, that the traditional methods of consultation employed in Ireland were not involving all relevant stakeholders, and that important viewpoints and inputs were not being taken into account.

This paper outlines the approach taken in Ireland to improve consultation processes and procedures, and to provide better supports and guidance to those public servants who conduct consultation processes.

### **The need for a new approach to consultation in Ireland**

Historically in Ireland, those involved in policy formulation or regulatory development within a Department (Ministry), have been well acquainted with their key stakeholder groups, and with officials in other key ministries. As such, they would have been well placed to hold regular, informal discussions or consultations with key groups, regarding proposed changes to policy or regulations. Ireland also has a long history of social partnership, whereby employer groups, trade-union representatives, and representatives of the voluntary and community sectors, regularly meet to discuss issues of national importance.

With the exception of social partnership meetings, and high-profile issues on sectoral areas, consultation processes tended in Ireland to be informal, and varied considerably both within and across Ministries. The lack of a systematic, consistent approach to consultation, combined with the increasing complexity of policy and regulations, and a rapidly growing population of diverse needs, meant that such traditional informal approaches needed to be radically improved. While regulatory authorities and the independent regulatory bodies in Ireland had developed detailed consultation processes, it was recognised by the Government that greater

consistency was needed in the approach that Ministries and public service agencies take regarding consultation with all stakeholders.

In the 2004 White Paper, *Regulating Better*, the Irish Government undertook to consult more widely before regulating. The introduction of the Irish model of Regulatory Impact Analysis (RIA) in 2005, placed a formal requirement on public bodies, particularly the government Departments, to consult more widely and systematically on proposals for regulation, before final decisions were taken by Government. The White Paper also recognised the need for greater consistency in approaches to consultation. Greater consistency gives stakeholders and respondents a sense of what may be expected from a consultation. Structured analysis of submissions to consultations also helps to ensure a balance of viewpoints contribute to policy-making. As such, the White Paper contained a commitment to develop procedures and guidelines to promote better-quality public consultation across the Irish public service.

### **Guidelines on Consultation**

In support of the rollout and mainstreaming of the Irish model of RIA in 2005, and in order to ensure that there was greater consistency in the approach that Government Departments and agencies were taking regarding consultation with stakeholders, guidelines on consultation were developed and published in July 2005<sup>1</sup>.

These Guidelines were designed primarily for use by civil & public servants, public bodies and other organisations, regarding different methods and approaches that they might use in consulting with their main stakeholder groups. The Guidelines however, have also proved useful to those who are interested in participating in a consultation process and responding to a consultation request. Copies of the Guidelines were sent to all public libraries in Ireland in 2005.

While not designed as a prescriptive or legally binding document, the Guidelines clearly set out the standards of consultation that a stakeholder should expect from

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<sup>1</sup> *'Reaching Out: Guidelines on Consultation for Public Sector Bodies'* Department of the Taoiseach, 2005  
[http://www.betterregulation.ie/attached\\_files/Pdfs/Consult%20english.pdf](http://www.betterregulation.ie/attached_files/Pdfs/Consult%20english.pdf)

public bodies. They also set out the different aspects that public bodies should consider when engaging in consultation. The different components of a consultation process are considered chronologically, highlighting three distinct stages of a consultation:

- (a) planning
- (b) execution
- (c) analysis and evaluation

A 'check-list' (set out at the end of this paper) was included in the Guidelines, to assist in ensuring that all the important aspects of organising a consultation have been covered.

As indicated, the Guidelines were developed in support of the rollout and implementation of RIA in 2005. Intensive training courses were provided for officials involved in policy and regulatory development on the Irish model of RIA, and these courses included specific reference to the need for systematic and consistent approaches to consultation processes.

### **Methods of Consultation**

In recognition of the challenges that can be presented in trying to ascertain the viewpoints of different elements of society – the elderly, the disabled, those on the margins of society, children etc. – the Guidelines included information on a broad range of different consultation methods and processes. Different methods will suit different situations, while in some cases a combination of methods may be needed. Each consultation method also has its own unique combination of strengths and weaknesses in terms of cost, representativeness and how it seeks or provides information. It should be noted that some of these methods of consultation are not, or have not been used in an Irish context, but are included here for completeness, as they may be of interest.

- **Written Consultation**  
The submission of comments based on a published consultation document or request for comment notice in the press. Written consultation is the most popular method of consultation in Ireland.
- **Comment / Suggestion schemes and complaint mechanisms**

Forms which offer customers an immediate channel for comments, complaints and suggestions regarding the service they have received. The primary purpose is to provide information to staff quickly so that operational problems can be corrected as soon as possible. While this approach may not be perceived as a consultative process, and would not be utilised in cases of proposed or new developments, their usage to gather views on existing policies or regulations may be worth examining.

- **Piloting proposals**

Piloting changes in a small area of a service, or among a small group, is a good way of testing whether a change will work. It is also used as a way of highlighting factors that may help or hinder the proposed change. This allows consulting bodies to plan for and communicate these issues when mainstreaming the change.

- **Public meetings**

Meetings that are arranged for members of the public to find out about and express their views on a specific issue. Meetings are held in public and attendance is usually open to anyone.

- **Open Days / Road Shows / Exhibitions**

Events that provide an opportunity for users or clients to meet an organisation and its staff, ask questions and provide comments or written feedback about proposals. More formal events can be structured with presentations and discussion panels. On a less formal basis, organisations can place information stands at major public events. Such processes can be useful to ascertain possible planning or environmental impacts for high profile issues such as a proposed new building structure of public interest, planning or environmental impact issues etc.

- **Focus groups**

Consists of a small number of people led by a trained facilitator in a one-off discussion focused on a particular topic. Issues can be explored in considerable depth. Focus groups are a useful way of finding out what specific groups of people think about proposals.

- **Customer / User panels**

Involves a small group of customers or stakeholders who meet representatives from Departments/Offices, on a formal or informal basis, to express their opinions on the services they have received or to express user concerns. Customer panels meet regularly over a long period and are aimed at attracting a large number of customers to include the widest possible representation. While useful for ascertaining views on existing services, they can be useful for generating information on proposed changes or on how best to make improvements to existing services.

- **Advisory committees**

A semi-permanent or permanent committee established by an organisation to act as a source of expert advice on complex issues. These may be composed of social partners (employer groups, trade union representatives etc.), representative organisations and / or experts in the relevant field. It is however important to

ensure that the membership of such committees is reviewed on a regular basis to ensure balance of representation.

- **Face-to-face interviews**

Interviews that allow in-depth exploration of individual views, attitudes, behaviour and motivation.

- **National fora**

In Ireland, national fora can be established under partnership structures such as the National Social and Economic Forum (NESF). Such fora are convened on a regular basis to promote consultation on particular issues with the wider group of social partners. They can be preceded by pre-consultation meetings held on a regional basis, to maximise effective participation of groups who would normally be excluded. The most recent use of this model in Ireland related to citizenship and active ageing.

- **Community fora**

A locally based forum for residents and other stakeholders to participate in local decision-making, relevant to an area. Committees meet regularly to discuss issues that affect them. Community fora are often used to make recommendations to a local authority. Examples in Ireland would include local residents committees.

- **Inquiry by design**

An intensive workshop bringing together public officials, stakeholders and members of the public to consider and suggest solutions for complex issues, such as in the area of planning. A given workshop will involve a structured, but fast-paced, interchange of ideas between participants so that results can be produced rapidly. This model can provide a cost-effective means of envisioning outcomes at an early stage and of assessing proposals at the final stage.

- **Citizen panels**

Panel of a relatively large (c. 500 - 2500) representative sample of population. Used to assess reaction to specific proposals, to assess local or sector-specific service delivery, and to develop views about future priorities, needs or goals.

- **Citizen Juries<sup>2</sup>**

A structured method of obtaining detailed, considered views from members of the public on specific issues. Juries are comprised of a similar number of people to a court jury (12 -16) and are neither experts nor members of particular interest groups. "Juries" hear evidence from expert witnesses over several days and then draw conclusions.

- **Customer surveys - Questionnaire-based surveys**

Quantitative research which provides answers and statistics in response to set questions. Quantitative surveys can be face-to-face, postal, telephone, email or web based.

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<sup>2</sup> This model has not as yet been formally used in an Irish context

- **Foresight / Market observatory**  
Foresight exercises bring together technical experts, policy makers, industry representatives and others to identify strategic issues affecting a particular policy area - including emerging opportunities, technologies and trends, and recommendations for appropriate policy responses. A market observatory will generally be an ongoing mechanism for tracking developments such as trends in innovation in a particular industry. Market observatories are used to inform the development of policy in particularly complex areas and may or may not have ongoing interaction with the industry being observed. This model tends to be one used more by the private sector, but has its uses in the public sector.
  
- **Ballots / Referenda / Deliberative polling**  
National referenda are generally held to decide matters relating to the Constitution. However, referenda to decide local issues are also possible. Deliberative polling takes place among a representative sample of the population. After learning more about the issue, the same group of people is polled again. This method seeks to generate a robust result through targeted dissemination of information on an issue to the sample group of people. Such methods (in addition to quantitative surveys or questionnaires), are most frequently used by media groups and think-tanks/statistical research bodies.

### **Strengths /Weaknesses of different methodologies**

While there are too many methods of consultation to go into all of these in depth in this paper, I will highlight the key elements, and also the strengths and weaknesses of the 'usual' or more traditional methods, and also of some alternatives. Ultimately the method or methods chosen should reflect the particular circumstances of each individual consultation processes.

#### **Written consultation**

Written consultation processes are among the most frequently utilised methods among public bodies in Ireland. This method requires the preparation, publication and dissemination of a written consultation document, used to shape and assist stakeholders in making their contribution. As such, the drafting and content of the written consultation documents requires particular attention. The content and style of a consultation document will depend on the issue or subject of the consultation process, and on the 'house style' of the consulting organisation. There is no single "best" way to write such a document. What is vital however is to ensure that the language and terminology in the document, is as simple and accessible as possible. The use of 'jargon', acronyms, or overly technical language should be avoided,

unless the document is being prepared for a highly specific audience that will understand the terminology.

Ideally, the document should be short, and should set out the background to the proposal under consultation. It should highlight clearly, the key questions being asked by the consultation process, who is likely to be affected (and how), and clearly set out how the target audience can make submissions. If it is intended that the consultation document will be made available to the public at large, or to a very broad subset of the population, consideration should be given to the formats the document will be made available in. For example, the size of the font used, the way text is laid out in a document, should take account of the needs of people with visual impairments. It may be useful to provide alternative accessible versions, such as Braille / speaking text versions. Copies of the document placed on a website should be checked to ensure that they are fully accessible. It should be also possible to make submissions through a number of easily accessible channels – e.g. both written and electronic – to further assist people.

Written consultation processes tend to be very useful for communicating very detailed, complex or technical information to a target audience and getting their views. Submissions made in a written consultation process are also more likely to be based on a common understanding by all participants of the key issues. This model also lends itself well to being adapted for use online, including the use of online submissions and commentaries by interested parties. The consulting organisation can shape detailed questions that it wants responses on, in addition to allowing more ‘open’ viewpoints to be expressed. This model also allows time for considered responses to be prepared, as most written models would allow up to 12 or 16 weeks for views to be submitted.

However despite efforts to minimise the use of technical language, in some instances this can be a challenge for organisations preparing the documents, and a balance has to be made between being overly simplistic (and possibly patronising), or overly technical and accessible by only a small minority of the intended target audience. One of the largest difficulties however, is that individuals, or small groups of respondents, may be disadvantaged by not themselves having sufficient

resources at their disposal to make a full and detailed submission. Large organisations or representative organisations may have significant resources, data, or information at their disposal, thereby affording them an opportunity to make substantial submissions. Finally, responses received may not be entirely representative of the target audience, and can be difficult to analyse.

#### Questionnaire-based surveys

This method of consultation is one that most people are highly familiar with. Questionnaire-based surveys tend to be focused on quantitative (as opposed to qualitative) research which provides answers and statistics in response to set questions. This method is extremely useful where the target audience is likely to be large (or where it needs to be large or statistically significant), and is very flexible, in that surveys can take place on a face-to-face basis, by post, by telephone, via email or via the web. This method is highly useful for complex questions and can be targeted at a specific and representative audience. Self-completed questionnaires (usually done by post, by email or online), allows the respondent to take more time and give greater consideration to their answers. In cases where questions are on sensitive matters, this can be extremely useful.

There are however a number of weaknesses with this model. Capturing qualitative information (views, opinions etc.), is difficult, both in collecting the information easily on a form, and in analysing the information afterwards. The design of the questionnaire is critically important – a form that is too long, or has a substantial number of ‘options/answers’ to each question, may be perceived by a respondent as being too difficult or too confusing to complete. This can impact significantly on response rates. As such, a larger target audience than envisaged may need to be contacted to ensure a sufficient figure is met. While costs can be minimised by sending questionnaires out to the target audience for them to complete (rather than having researchers or staff conduct the survey), this can lead to delays in getting completed forms returned to the lead organisation. The use of incentives to get respondents to send forms back may be considered, but the downsides and implications of such incentives on the actual responses received, should be taken into account carefully.

#### Public meetings

Public meetings are an excellent method for capturing views and opinions of a broad range of participants in a transparent and open process. Media interest in such meetings can help to raise the profile and awareness of issues and stimulate active debate and contributions. As attendance can be unpredictable however, significant thought needs to be given to where and when such meetings will be held. Meetings held during normal working hours can exclude individuals who cannot take time off work. Meetings in the evening can exclude those with small children who cannot find baby-sitters or the elderly, who may not be willing to attend meetings late in the evenings. The location of the meeting is also a factor – ideally meetings should be held in public buildings that are easily accessible by public transport systems, or that have car-parking facilities nearby. It may be necessary to have a number of public meetings at different times to ensure that all have the opportunity to attend. Once people attend, the next challenge is ensuring that all those who wish to contribute, have an equal opportunity to do so. It is possible that a small number of individuals can dominate proceedings unless the meeting is effectively chaired by an independent observer. It can also be intimidating for some individuals to stand up in front of their peers to put forward their views. The use of public meetings in conjunction with another method – such as the ability for people to make formal written submissions – can help to counteract such challenges.

### **The use of ICT in Consultation**

The use of information and communication technology (ICT) and particularly the Internet is becoming pervasive in the day-to-day business of the public, and of the public sector. ICT has a significant role to play in increasing or facilitating participation in consultation processes. As such, irrespective of the consultation method being utilised by an organisation, consideration should always be given to how ICT can be of assistance. The use of the internet or web-based systems for example, increases the opportunity to reach a wide range of interested parties at a relatively low cost. It can allow for easier and more ‘real-time’ interaction with interested parties, with information and views capable of being updated or amended relatively quickly. But there are downsides and challenges associated with the use of ICT. The lack of universal access to the internet, or the non-use of the internet by

certain groups in society (the elderly, disabled, socio-economically disadvantaged) means that over-reliance on web-based or electronic channels of consultation, should be avoided. When used in conjunction with other techniques, however, the use of ICT can significantly enhance a consultation process.

### **Conclusion**

Given the increasing complexity of policy and the need to ensure that all relevant viewpoints are appropriately considered before final decisions are taken by Government, there is an increasing requirement on public services to ensure that the views of stakeholders are considered in a systematic and consistent way. There is no 'one-size fits all' approach to consultation. Different consultation methods, or a combination of different methods, may need to be used to gather the views and opinions of different stakeholders. The development and availability of written guidelines to assist officials who are charged with designing and conducting consultation processes, provides them with a valuable information resource to help them choose the best method (or methods) for their needs. The ready availability of such guidelines, which are also accessible by the public, can also help ensure that there is greater consistency of approach by different public service bodies. It also raises awareness among the public / stakeholders, regarding what they can expect from a consultation process.

### Checklist for better consultation<sup>3</sup>

- Are you clear on the purpose and objectives of your consultation?
- Are you clear on the questions you want to ask in your consultation?
- Have you identified all of the stakeholder groups and individuals that should be consulted?
- Have you chosen the most appropriate and inclusive methods of consultation, including those that meet the needs of 'non-traditional' stakeholders?
- Have you allowed for sufficient resources for the consultation?
- Have you considered all of your legal obligations?
- Have you publicised your consultation in online and offline media?
- Have you allowed sufficient time to give stakeholders an opportunity to consider the issues fully?
- Have you planned how you will analyse the submissions received during your consultation?
- Have you planned to evaluate your consultation process and to ensure any lessons learned are taken into account for the future?

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<sup>3</sup> From 'Guidelines on Consultation for Public Sector Bodies', 2005, Department of the Taoiseach