

Effective Consultation: A Guide for Government Decision Makers in Nigeria

Part One Introduction

The purpose of this document is to provide Nigerian decision makers with guidance on how to conduct effective consultation with stakeholders. It is based on an increasing body of international lessons and best practice, and powerful evidence of the contribution of stakeholder consultation to democratic governance.

The Guide is centered on 12 key principles associated with engaging stakeholders in government decision making. Understanding stakeholders' interests in an issue, how the issue affects them, and their level of influence over the issue's outcome are all important bases in carrying out consultation. No two stakeholder groups will be exactly alike on these dimensions, and by assessing these factors, Government will be in a much better position to mobilize support for an issue and neutralize opposition.

The stage of public consultation is one of many stages as part of developing and implementing a reform or policy proposal. While Government should carefully and objectively consider all inputs from stakeholders, not all of that input will typically be reflected in the proposal's final contents. The goal, however, is to put in place a process that solicits the best possible feedback that improves a proposal so that it can generate the greatest benefit for the greatest number of people. But at the end of the day it is Government which decides on the final outcome.

The ultimate goal should be the embedding of a structured and formal approach in government (called "public-private dialogue", or PPD) when undertaking consultation on matters of policy and demonstrating the substantial benefits inherent in undergoing a legitimate process when engaging with stakeholders formally. The long-term goal is that good practice consultations by different tiers of government will eventually lead to the adoption of a "Code of Practice" on consultation.¹

Part Two Benefits of Consultation

Evidence from around the world shows that dialogue between government and citizens plays a key role in promoting and implementing reform and facilitating development. Governments that listen to its citizens are more likely to promote sensible, workable reforms. Stakeholders

¹ "Public Private Dialogue", or PPD, refers to the structured interaction between the public sector and other stakeholders to promote the right conditions for development. Effective PPDs are structured mechanisms, anchored at the highest level of government, coordinated by a light secretariat, and aimed at facilitating the reform process by involving a balanced range of public and private sector actors in identifying, filtering, accelerating, implementing, and measuring policy reforms. PPDs can be initiated by forward-thinking governments, specific stakeholder groups, or third parties such as international donor agencies. It can take place at local, national, or international level. It can be organized by sector or it can cover cross-cutting issues.

who understand what the government is trying to achieve are more likely to support these reforms.

Regarding government communications, the universal lesson from around the world is that ***reforms are much more likely to succeed when they are understood and supported by those affected by them.*** Without consultation, this needed level of understanding and support is much less likely to be achieved.

Evidence from around the world also shows that governments, despite the best of intentions, pass policies or laws or take other decisions that often do more harm than good. A main reason for this is inadequate consultation with stakeholders. This consultation can often produce important new insights about a law's impact or effectiveness, and even change the entire set of assumptions and justification for the law in the first place. Consultation and public participation brings the expertise, perspectives and ideas of those directly affected; helps law makers balance opposing interests; helps identify unintended effects and practical implementation problems; helps understand which groups are positively affected and negative affected.

Specific benefits of consultation are as follows:

- ✓ ***Promotes transparency and accountability in public governance*** - Carrying out dialogue is a sign of a government's openness, or "transparency"; this is a foundation of a democracy and one of the biggest differences between democracy and dictatorship.
- ✓ ***Helps explain government activity and decisions to the people***, as a basis for gaining their support.
- ✓ ***Improves relevance of policy proposals to key stakeholders*** - Government should always remember that those who are directly affected by a law or policy usually have a lot of experience with the issue. As a result, they can share important practical information with Government about how the proposal will impact them, or what it should look like in the first place. Government should seek out this practical advice as often as possible.
- ✓ ***Integrates new ideas and perspectives*** - Government officials will never know everything about an issue. They can always learn from other people.
- ✓ ***Can create cost savings*** - Often, by obtaining the right feedback, government can alter its proposals which have the effect of saving money, or identifying unforeseen consequences.
- ✓ ***Helps to check assumptions*** - Government often has to make assumptions when it makes decisions, including the main causes of specific problems. If it gets those assumptions wrong, its decisions may not help the situation at all, or could even make the situation worse. External input helps to better understand the causes or emergence of certain problems.

- ✓ **Helps to *gain information*** - Stakeholders can often provide valuable statistics and data about their sectors that Government needs before it makes a decision.
- ✓ ***Early input in policy results in fewer revisions later*** - A foundation for good consultation is to do it early, while proposals are still being developed. This is the time when stakeholder input can have the greatest impact. If you leave it until late in the process, government is more likely to resist any further changes given all the effort that has been made so far.
- ✓ ***Can make people more willing to follow the decision taken*** - The notion of “voluntary compliance” means that people will be willing to follow the rules without being forced to do so, or chased down to do so. Often, when people have had a chance to comment on a Government idea, even if in the end they disagree - this usually increases the chances that people will actually follow the rule, and not oppose it. Hence, consultation helps to create a sense of ownership of reform programs among stakeholders which makes policies more likely to succeed in practice. More broadly, a greater respect for the rule of law is also achieved.
- ✓ Helps build an atmosphere of ***mutual trust and understanding*** between government and other sectors, improving social cohesion.

Part Three About Government Policy

If stakeholder consultation is to be applied for the development of policy, it is important for stakeholders to understand what policy is. All Governments have strategic objectives which describe what they are trying to achieve. The role of policy is to describe how Government is going to achieve those objectives, or how they are going to deal with a specific issue or problem. This includes the actions they propose to take and who will implement those actions.

- Policy must address the underlying causes of problems, not the symptoms. If we misunderstand the causes of these problems, it is likely that our proposed solutions will not work. A key type of feedback from stakeholders is therefore: do we accurately understand the problem(s) and its causes?
- Every policy should include data to indicate the problem’s size and impact. Stakeholders should be encouraged to provide data that helps in this regard.
- Policy is typically implemented through a wide range of different actions - i.e. direct intervention from Government, legislation, regulation, institutional strengthening, incentives, education and/or information. It is important to highlight that policy comes before legislation and regulations; in the policy development process, legislation is just one aspect of the policy implementation strategy.

Examples of Policy Options

- *Passing new laws or regulations*
- *Improved enforcement of existing laws*
- *Direct Government intervention (in delivery of goods and services)*
- *Subsidising providers or discouraging/encouraging through taxes*
- *Information and education*
- *Institutional realignment*
- *Skills and training for public or private sector staff*

include:

- ✓ whether the right mix of policy options or tools is being proposed; are some tools missing?
 - ✓ of the tools being proposed, which would appear to be of greatest important and/or priority?
 - ✓ is the role of Government appropriate in the policy's implementation, or can the affected stakeholders or sectors themselves play a greater role?
- An assessment should be made of the likely impacts on various groups (both positive and negative) of each policy option. If this information is not contained in the policy itself, stakeholders should be encouraged and expected to provide this type of information as part of their feedback, even in rudimentary form. In terms of the impact on the private sector, different perspectives can be used, i.e. businesses of different sizes, businesses in different sectors, and businesses in different locations. As part of this analysis, the costs and benefits of policy options should be approached systematically; this includes the cost to Government of policy implementation.
 - Policy Implementation - Too often, policies are developed with little thought given to their practical implementation. An Implementation Plan for any policy should address:
 - Who will be responsible?
 - What resources (i.e. staff) will be required?
 - What capacity building will be required?
 - How will the policy be communicated to staff and stakeholders?
 - How will results be monitored and reported on?
 - What is the timetable and is it realistic?
 - What are targets and key performance indicators to enable implementation to be monitored?

As part of the consultation process, it is entirely legitimate for stakeholders to ask questions about the policy's implementation using the above set of questions as a guide.

Part Four Stakeholder Consultation: 12 Key Principles

The following 12 key principles should guide the FTCA's approach to stakeholder consultation.

- **Access** - Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.

- **Breadth** - Consult widely; the private sector and civil society are multidimensional.
- **Targeted** - Some groups are more directly affected by the proposal than others, and must be targeted for inclusion.
- **Diversity** - Use different methods of consultation.
- **Focus and Clarity** - Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.
- **Efficiency** - Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.
- **Quality of Input** - Provide suggestions or establish guidelines for the types of feedback of particular relevance.
- **Timeliness** - Formal consultation should take place at a stage when there is scope to influence the policy outcome and people have a chance to provide real input.
- **Duration** - Allow enough time for feedback (3 months is good practice).
- **Responsiveness** - Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation including how their inputs influence the contents of the proposal.
- **Implementation** - Continue dialogue after the proposal's approval to address implementation issues. How is the proposal working in practice?
- **Capacity** - Develop and share lessons for the future. What worked? What did not work? How did participants add value?

Principle 1 Access

Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.

- 1.1 It is essential that interested and affected parties are identified early in the process so that consultation exercises can be designed and targeted accordingly. When consultation exercises involve numerous and diverse audiences, several consultation approaches may be required.
- 1.2 In the consultation document it should be stated what ways are available for people to participate and how exactly to become involved. Over-reliance on standard lists of consultees to disseminate consultation papers can mean that key groups are excluded and others receive consultation documents that are not relevant to them.
- 1.3 As far as is possible, consultation documents should be easy to understand: they should be concise and free of "jargon". This will also help reduce the "burden" of consultation.
- 1.4 It is vital to be proactive in disseminating consultation documents. Careful consideration should be given to how to alert potential consultees to the consultation exercise and how to get their views. While many interested parties can usually be contacted directly, there will often be other interested parties not known to Government or who can only be reached through intermediary bodies. Working with appropriate trade, community or civil society organisations can help the Government to hear from those who would otherwise go unheard.

- 1.5 Using specialist media or conducting media events can also help promote consultation exercises among interested groups. The print media can also be used to provide summaries or snapshots of the proposal's main contents.

A media strategy should be developed for all consultation processes and address the following:

- Media to engage should be an appropriate mix from print, broadcast and radio;
 - Individual journalists who are particularly keen on the issue should be cultivated by feeding them information and being available for interviews;
 - Personal interviews with key Government representatives to discuss the issue can help explain or even demystify it;
 - The media can play a vital role in increasing the transparency of the consultation; this includes announcing the consultation exercise, providing details of the Government's position, helping explain the issue to citizens through in-depth coverage, reporting on public consultation events if permitted, and publishing the results and impacts of the dialogue.
- 1.6 Thought should also be given to alternative versions of consultation documents which could be used to reach a wider audience, e.g. a young person's version, a Braille and audio version, other language versions, an "easy-read" version, etc., and to alternative methods of consultation.
- 1.7 There should also be an adequate number of physical copies of the proposal available in the relevant Government offices, and clear instructions provided for how these copies can be accessed.

Principle 2 Breadth

Consult widely; the private sector and civil society are multidimensional.

- 2.1 There is unlikely to be a single representative body for either the private sector or civil society on which to solely rely for input.
- 2.2 An issue or proposal can impact numerous sectors or sub-sectors within the business community or civil society.
- 2.3 The private sector is composed of businesses of different sizes, sectors, organisational forms, and location, as well as businesses in the formal and informal sectors. It is often the case that a proposal can have different and even opposite impacts among these groups.
- 2.4 It is not just representative organisations which should be engaged. Often, prominent individuals can be an important source of feedback.
- 2.5 Do not forget to consult across Government. Some Government Ministries or Agencies will be closely linked to or impacted by a proposal, and the views of these entities must be sought out.

Principle 3 Targeted

Some groups are more directly affected by the proposal than others, and must be targeted first.

- 3.1 Some groups are more directly affected by the proposal than other groups and must be prioritized for consultation.
- 3.2 **“Stakeholder Analysis”** is the process of identifying, assessing and prioritizing the stakeholders and interests that affect the mission and objectives of reform. One of the results of this analysis is to develop a plan to harness the support of those in favour of the proposal, while managing the risks posed by those against it.
- 3.3 Performing a stakeholder analysis is integral to reform. It is designed to help identify:
 - Relationships between stakeholders which may form coalitions;
 - Specific interests and character of stakeholders who may be affected by or affect the reform;
 - Capacity of stakeholder groups to participate in the reform initiative;
 - Risks threatening project success;
 - Opportunities and relationships to build on in order to achieve results;
 - Potential incentives to ensure participation;
 - Ways to reduce the negative impacts on affected stakeholders;
 - Mechanisms to increase the sustainability of project results.
- 3.4 The steps as part of Stakeholder Analysis are as follows:
 - Identify and list stakeholder groups affected by the reform objective.
 - Survey stakeholders to obtain their general views and insights.
 - Analyse survey findings to assess stakeholder levels of support/opposition and degrees of influence and to identify barriers to reform.
 - Map and categorise key stakeholder groups:
 - Key stakeholders - are those which can significantly influence the reform effort and are critical to the reform’s success or failure
 - Primary stakeholders - are those directly affected by the reform, either positively or negatively
 - Secondary stakeholders - are all others with a stake or interest in the reform; they may not be directly affected but have an interest in the economic and social development of the country.

Category of Stakeholder	Description	Stakeholder Group	Interests at stake	Potential impact on project success
Key				
Primary				
Secondary				

By “impact”, we mean the degree to which the proposal will impact their current or future operating or financial status, or general well-being. Where proposed reforms are targeted at specific sectors of the economy, for example, then those specific sectors must be involved in the consultation, ideally through a representative organization. A cross cutting membership organization like a Chamber of Commerce should also be involved if it is considered an important voice of the business community, even though some of its members may not be affected by the proposal. Where reforms such as taxation affect all businesses, it is important that representative organizations with a broad base of membership be engaged. Sometimes a Government proposal affects stakeholders in one specific region; where this is the case, regional bodies will be a key participant in the consultation. In the case of civil society, its participation will depend on the issue being addressed because civil society is typically composed of such a wide range of stakeholders that to include all of them would be impossible (examples here would include women, religious affiliations, youth, labour, the elderly, the physically challenged, rural stakeholders, etc.).

A Stakeholder Map

Support reform but are less influential = “POTENTIAL PARTNERS”	Support reform and have high influence = “ALLIES”
Oppose reform but have little influence = “OPPONENTS”	Oppose reform but are influential” = “ADVERSARIES”

The purpose of this Guide is not to strategise about how to mobilize or neutralize the groups listed above, but the planning require for public consultation needs to be aware of these dynamics.

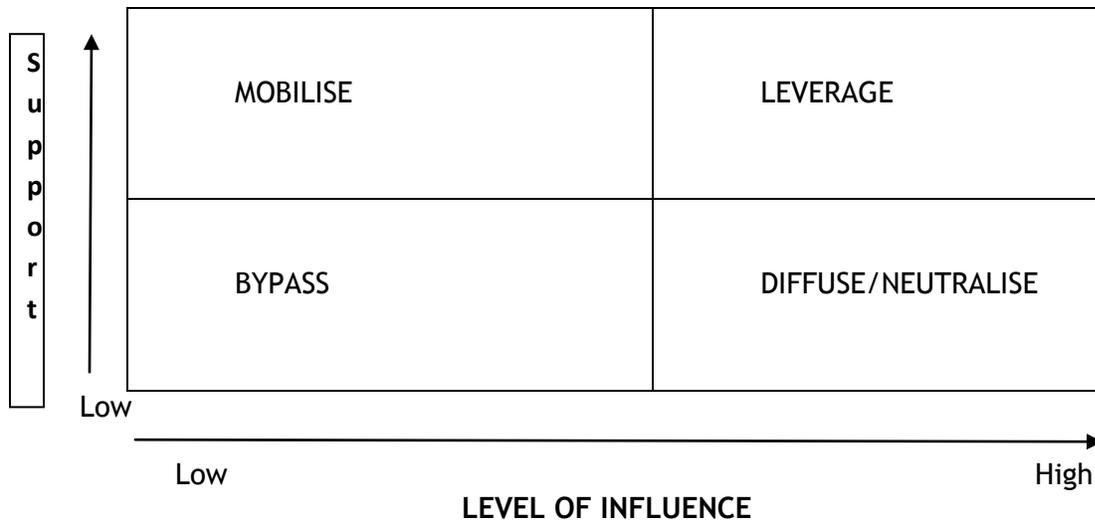
A more sophisticated breakdown of stakeholders might be as follows:

Stakeholder Category	Stakeholder Group	Interests at stake	Potential impact on project success (+/- /0)	Level of Support for the Reform	Level of influence
				1= strongly opposed 2= somewhat opposed 3= uncertain / unknown 4= moderate support 5=strongly support	1= Little/No 2= Some 3= Unknown 4= Moderate 5=Significant

When considering the level of “influence”, stakeholders will typically be drawn from within the public sector and sometimes from within the private sector, depending on how powerful that private sector group is (for example, a labour union or business association) in being able to influence the government policy or issue being addressed. Here, the various public sector

stakeholders should be deliberately segmented. The focus should be on specific Government Ministries and perhaps public sector agencies (such as a country’s Law Reform Commission if a law or regulation is involved). Sometimes a policy or issue is linked to several Ministries, and if so, then all those Ministries should be involved (for a business or economic issue, Ministries of trade, finance, justice, foreign affairs, internal affairs and others can legitimately be involved in the dialogue if the issue is in some way related to their respective mandates). Representatives from enforcement units in a Government Ministry should also be engaged.

By categorizing all stakeholders along these dimensions, the following map can be produced:



Again, the reason for undertaking this exercise is because Government’s work on a reform issue will continue after the consultation phase has ended, and this work will include mobilizing support for the reform and neutralising opposition. This is why it is important to understand as much as possible about stakeholders as early as possible in the process.

3.5 All other stakeholders can be considered “secondary” stakeholders; this means that they are affected only indirectly by the proposal and/or not in a position to significantly influence its final shape. They do not need to be meaningfully engaged in the consultation process.

Principle 4 Diversity

Where appropriate, use different methods of consultation.

4.1 Written input is probably the most traditional method through which to receive feedback on a proposal. However, other equally effective methods can include stakeholder meetings/workshops; surveys/questionnaires; focus groups; and the Internet.

4.2 In order to reach certain groups, this may require going beyond the traditional written consultation exercise.

- 4.3 Public events involving numerous stakeholders must be carefully managed; it can be easy for stakeholders to go off topic in their presentations at such events, talk for too long, or in general allow emotion to dominate. Issues to address as part of planning and delivering public consultation events are as follows:
- All relevant stakeholders have been identified, informed and invited, and representation has been secured.
 - The invitation letter is an opportunity to both describe the issue or proposal, and provide insight about how the public event will be organized and the types of feedback of greatest value.
 - At the event, all issues on the agenda are thoroughly discussed; 1 or 2 issues do not dominate.
 - The “rules of order” are clearly communicated at the outset.
 - Public events represent opportunities to educate stakeholders about the issue; as such, they should begin with a summary presentation of the issue or proposal, and have copies available of all power point presentations delivered.
 - The moderator must actively engage; this means setting the stage for each issue, asking probing questions, controlling participant’s speaking time, and moving through the agenda items. The moderator or organizer must also inform participants about what will happen once the event has concluded. The moderator should possess the right mix of technical knowledge on the subject as well as the skills necessary to command an audience.
 - Distributing a set of “Guiding Questions” can help ensure a focused and structured discussion.
 - Feedback can be obtained at the event in different ways, for example in the “town hall” style where the audience sits together and people provide input voluntarily. Another approach is to break participants into smaller groups and have them each conduct discussions simultaneously, and then report back at the end. While this approach typically will yield more specific input, the capacity of participants to properly engage in this way may be limited.
 - Where possible, technical specialists can participate in the discussion to clarify specific points or provide context.
 - Participants at public consultation events should also be given the opportunity to submit separate written feedback by a later date. This also applies to those who were invited but were not present.
 - Reaching consensus at the end of the event is not the objective; it is likely that the issues were debated vigorously. It will be up to Government to sift through the comments made to determine what contributions were of greatest value.
 - A press release or summary can be issued once the formal consultation phase is over; this can be sent to the media as well as to all participating stakeholders as a way of staying in contact and encouraging them to share this information within their own respective networks.
- 4.4 At times, a formal, written, public consultation will not be the most effective or proportionate way of seeking input from interested parties, i.e. when engaging with stakeholders very early in policy development (preceding formal consultation) or when the scope of an exercise is very narrow and the level of interest highly specialised.

Principle 5 Focus and Clarity

Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.

- 5.1 Consultation exercises should be clear about the consultation process, i.e. what has taken place in the development of the policy prior to the consultation exercise, how the consultation exercise will be run and, as far as is possible, what can be expected after the consultation exercise has formally closed.
- 5.2 Government should prepare and distribute simple, easy-to-read summaries about the issue or proposal in question and selected details about the upcoming consultation process. Often, a simplified guide to a policy or other major piece of Government work can help stakeholders better understand the issue than the actual policy document. A summary of a proposal can be as little as 1-2 pages in length and should address the main issue or problem and the main recommendations. Information pieces about upcoming consultation exercises should summarise the main issue or problem and then provide details about how Government is intending to solicit feedback from stakeholders and the kinds of questions in which it is particularly interested. It should also say what will happen once the public consultation phase is over.
- 5.3 Consultation exercises should be clear about their scope, setting out where there is room to influence policy development and what has already been decided.
- 5.4 Estimates of the costs and benefits of the policy options under consideration should normally form an integral part of consultation exercises, setting out the Government's current understanding of these costs and benefits. A "consultation stage Impact Assessment" should normally be published alongside a formal consultation, with questions on its contents included in the body of the consultation exercise. An Impact Assessment should be carried out for most policy decisions and consultation of interested parties on the Impact Assessment and on equality assessments can bring greater transparency to the policymaking process and should lead to departments having more robust evidence on which to base decisions.
- 5.5 Questions should be asked about which groups or sectors would be affected by the policy in question, and about any groups or sectors (e.g. small businesses or civil society organisations) that may be disproportionately affected. Consultation exercises can seek ideas about how specific groups or sectors might be exempted from new requirements.
- 5.6 The subject matter, any assumptions the Government has made, and the questions in the consultation should all be as clear as possible. A mixture of open and closed questions will often be desirable, and consideration should be given to offering consultees the opportunity to express views on related issues not specifically addressed in the questions. Examples of closed questions include:
 - Do you believe this proposal will generate net benefits? (Yes/No)
 - In terms of priority, rank the following proposed actions from highest to lowest.
 - From the following list of implementation tools, select the ones most likely to be effective.

- What specifically should the cooperation between Government and the private sector for establishing industry standards consist of? (select from the following list)
 - Which of the following groups will bear the largest costs associated with the proposal's implementation? (select from list)
- 5.7 Ensure that all written documentation about the issue or proposal is as clear as possible (before, during and after consultation).

Principle 6 Efficiency

Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be secured.

- 6.1 When preparing a consultation exercise it is important to consider carefully how the "burden" of consultation can be minimised. While interested parties may welcome the opportunity to contribute their views or evidence, they will not welcome being asked the same questions time and time again. If the Government has previously obtained relevant information from the same audience, consideration should be given as to whether this information could be reused to inform the policymaking process, e.g. is the information still relevant and were all interested groups canvassed? Details of how any such information was gained should be clearly stated so that consultees can comment on the existing information or contribute further to this evidence-base.
- 6.2 If some of the information that the Government is looking for is already in the public domain through market research, surveys, position papers, etc., it should be considered how this can be used to inform the consultation exercise and thereby reduce the burden of consultation.
- 6.3 In the planning phase, Government policy teams should speak to their Consultation Coordinator and other policy teams in similar sectors to look for opportunities for joining up work so as to minimise the burden of consultations aimed at the same groups.
- 6.4 Consultation exercises that allow consultees to answer questions directly online can help reduce the burden of consultation for those with the technology to participate. However, the bureaucracy involved in registering (e.g. to obtain a username and password) should be kept to a minimum.
- 6.5 Formal consultation should not be entered into lightly. Departmental Consultation Coordinators and, most importantly, potential consultees will often be happy to advise about the need to carry out a formal consultation exercise and acceptable alternatives to a formal exercise.

Principle 7 Quality of Input

Provide suggestions or establish guidelines for the types of feedback of particular relevance.

- 7.1 Participants which have little experience with formal consultation can, as part of their feedback, focus on such things as the proposal document's style, presentation, length, or readability, or certain technical content. In doing so, the consultation exercise is being denied input on much more important issues such as:
- ✓ Accuracy - did the government properly understand the problem(s) and its causes, and the current situation?
 - ✓ Completeness - were all key issues or problems raised and addressed as part of the proposal; what about the range of options suggested and solutions proposed?
 - ✓ Impact - Costs and benefits of each option.
 - ✓ Achievability - can the proposal's contents be implemented? What implementation challenges loom the largest (i.e. human capacity, financial, attitudinal).
 - ✓ Priority - a proposal can consist of numerous actions; which among those suggested are of greatest urgency, would have the widest possible impact, and therefore need to be prioritised?
- 7.2 Issues of interest to Government can relate to specific components of the proposal, or to the proposal as a whole. Examples of the latter include:
- Did we correctly understand the issues or problems in the first place,? Is it clear what we are proposing?
 - Are we proposing the right set of ideas and tools? What to add? What to eliminate?
 - What will be the major impacts of this policy, if implemented, on key stakeholder groups? i.e. on the economy? On specific groups? Did we consider possible (unintended) costs to business, or other groups, that may arise? How to minimize these potential negative impacts?
 - Which actions would be of highest priority and how would we determine that?
 - IMPLEMENTATION
 - Can it be realistically and effectively implemented? What time frame might we be talking about?
 - What additional implementation ideas or tools could we suggest? (i.e. public awareness, enforcement)
 - Is there adequate capacity within front-line agencies? Are the financial implications clear?
 - Is Government's role in implementation appropriate?
- 7.3 Even broader feedback can also be requested:
- Is the proposal necessary?
 - Are the objectives clear?
 - Is this proposal consistent with other proposals or policies?
 - Are the financial implications clear? Has the proposal been properly costed? Who pays?
 - Are the recommendations clear and logical?
 - Has the proposal been drafted clearly and is it well structured?

Principle 8 Timeliness

Formal consultation should take place at a stage when there is scope to influence the policy outcome and people have a chance to provide real input.

- 8.1 It is important that consultation takes place when the Government is ready to put sufficient information into the public domain to enable an effective and informed dialogue on the issues being consulted on. But equally, there is no point in consulting when everything is already settled. The consultation exercise should be scheduled as early as possible as these factors allow.
- 8.2 When the Government is only making information available to stakeholders rather than seeking views or evidence to influence policy, e.g. communicating a policy decision or clarifying an issue, this should not be labelled as a consultation.
- 8.3 It will often be necessary to engage in an informal dialogue with certain stakeholders prior to a formal consultation to obtain initial evidence and to gain an understanding of the issues that will need to be raised in the formal consultation. This is usually the case when the proposal or issue is sufficiently complex, impacting numerous stakeholder groups simultaneously.
- 8.4 Over the course of the development of some policies, the Government may decide that more than one formal consultation exercise is appropriate. When further consultation is a more detailed look at specific elements of the policy, a decision will need to be taken regarding the scale of these additional consultative activities. In deciding how to carry out such re-consultation, the department will need to weigh up the level of interest expressed by consultees in the initial exercise and the burden that running several consultation exercises will place on consultees and any potential delay in implementing the policy. In most cases where additional exercises are appropriate, consultation on a more limited scale will be more appropriate.
- 8.5 Consultation exercises should not generally be launched during election periods. If there are exceptional circumstances where launching a consultation is considered absolutely essential (for example, for safeguarding public health), departments should seek advice from the relevant team in the Cabinet Office. If a consultation is ongoing at the time an election is called, it should continue. However, departments should avoid taking action during election periods which will compete with candidates for the attention of the public.

Principle 9 Duration

Allow enough time for feedback. Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.

- 9.1 Under normal circumstances, consultations should last for a minimum of 12 weeks. This should be factored into plans for policy development work. Allowing at least 12 weeks will help enhance the quality of the responses. This is because many organizations, including business associations, will rightfully want to consult the people they represent or work with before drafting a response to Government and to do so takes time.

- 9.2 If a consultation exercise is to take place over a period when consultees are less able to respond, i.e. over the summer or Christmas break, or if the policy under consideration is particularly complex, consideration should be given to the feasibility of allowing a longer period for the consultation.
- 9.3 When timing is tight, for example when dealing with emergency measures, or international, legally-binding deadlines, or when the consultation needs to fit into fixed timetables such as the Budget cycle, consideration should be given to whether a formal, written, public consultation is the best way of seeking views. Where a formal consultation exercise is considered appropriate and there are good reasons for it to last for a shorter period, the consultation document should be clear as to the reasons for the shortened consultation period. In such circumstances it is important to consider the provision of additional means through which people can express their views.
- 9.4 When planning a consultation, it is important to take steps to raise awareness of the exercise among those who are likely to be interested. In particular, departments should consider ways to publicise consultations at the time of, or if possible before, the launch-date so that consultees can take advantage of the full consultation period to prepare considered responses.
- 9.5 Allow adequate time to evaluate the feedback received. Clear criteria should be utilized and the roles of specific individuals and any joint bodies clearly spelled out.

Principle 10 Responsiveness

Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.

- 10.1 All responses (both written responses and those fed in through other channels such as discussion forums and public meetings) should be analysed carefully, using the expertise, experiences and views of respondents to develop a more effective and efficient policy. The focus should be on the evidence given by consultees to back up their arguments. Analysing consultation responses is primarily a qualitative rather than a quantitative exercise.
- 10.2 In order to ensure that responses are analysed correctly, it is important to understand who different bodies represent, and how the response has been pulled together, e.g. whether the views of members of a representative body were sought prior to drafting the response.
- 10.3 To add the proper structure, criteria should be developed as the basis for evaluating stakeholder feedback. These criteria could include, for example:
- Is the feedback consistent with the proposal's scope and objectives?
 - Does the feedback include a specific solution?
 - Did the feedback include options not previously considered by Government?

- Did the feedback include useful data or analysis which helped to clarify the issue or problem and its causes? Were analytical, evidence-based arguments used to support the recommendation(s)?
 - Was the recommendation made by a majority of participants?
 - Does the recommendation make the Government proposal more complete, either by introducing new ideas or more fully fleshing out existing components?
 - Will the feedback increase the likelihood of the proposal's effective implementation? Did it include useful implementation-related details?
 - Did the feedback include an identification of certain costs and benefits to help us understand the impact it will likely have on certain groups, and on the basis of this information do we need to re-think certain things?
 - Did the feedback include guidance on which of the many actions should be prioritised?
- 10.4 Consultation documents should, where possible, give an indication as to the likely timetable for further policy development. Should any significant changes in the timing arise, steps should be taken to communicate these to potential consultees.
- 10.5 Following a consultation exercise, the Government should provide a written summary of who responded to the consultation exercise and a summary of the views expressed. A written summary of any other significant comments should also be provided. This feedback should normally set out what decisions have been taken in light of what was learned from the consultation exercise. This information should normally be published in writing before or alongside any further action, e.g. laying legislation before Parliament. Those who have participated in a consultation exercise should be alerted to the publication of this information.
- 10.6 The Government's response can be in the form of a **Stakeholder Consultation Feedback Report**. This Report is a way to tell stakeholders in writing how they influenced a policy, law or other Government initiative. It helps build relationships with stakeholders; it is an example of open and transparent Government in action; and serves to educate stakeholders about reform issues. It is particularly important in a situation when a Government is engaging in formal public consultation for the first time. Finally, attaching a copy of this Report to the policy will help smooth the way to faster approval by higher Government authorities, should questions be asked about whether consultation was carried out.

In addition to being distributed as a formal written document, feedback from Government about a consultation process can be disseminated in other ways:

- presented at a public forum involving the stakeholders which participated in the consultation exercise;
- 1 on 1 meetings involving Government officials and particularly important stakeholder groups;
- summarized in print or broadcast media;
- presented on the relevant Government institution's website;
- presented in the relevant Government institution's newsletter;
- distribute feedback through business associations to individual businesses (directly in hard copy or on the association's website or newsletter).

Care must be taken not to present the results too generally; the last thing a stakeholder group needs is to be thanked for their input but have little or no idea as to the exact difference their input made to the contents of the policy.

10.7 The Stakeholder Consultation Feedback Report consists of the following sections:

EXECUTIVE SUMMARY

- ✓ 1-2 page summary describing the purpose of the consultation, who participated, the types of feedback received, and how the feedback impacted the issue or proposal.

PART ONE BACKGROUND

- ✓ Clearly describes the issue around which the consultation was carried out
- ✓ Summarises the contents of the document (i.e. policy, law, etc.) that was the basis for the consultation
- ✓ Describes the purpose of the consultation
- ✓ Lists who was consulted, when, and how (i.e. email, focus groups, conferences, etc.)

PART TWO FEEDBACK RECEIVED

- ✓ Lists the types of feedback that may have been requested
- ✓ Discusses the quantity of feedback provided including the types of feedback most commonly received
- ✓ Evaluates the feedback provided using specific criteria
- ✓ Notes particularly interesting or useful feedback received
- ✓ Evaluates the approaches used to obtain the feedback - what worked? What did not?
- ✓ Presents the degree to which the feedback obtained influenced the content of the proposal
- ✓ Explains why certain types of feedback did not influence the content of the proposal

PART THREE WAY FORWARD

- ✓ Discuss planned next steps in moving the issue forward, including future consultation with stakeholders if appropriate
- ✓ Provide contact information for stakeholders to stay in touch with you

DISTRIBUTION OF REPORT

- ✓ Rule: Distribute the Report as widely as possible; you are setting an example of transparent government and as many people as possible should know about this
- ✓ Distribute both in hard and soft copy
- ✓ Always attach a cover letter introducing the Report to stakeholders
- ✓ Physical distribution can be accompanied by a presentation, or series of presentations, or a press conference or media event; be prepared to address questions directly
- ✓ Government and Parliament are key recipients of the Report
- ✓ Send the Report even to people or groups which were not part of the actual consultation; they may be important in the future

✓ Use the Report to build capacity internally - ensure it is reviewed by staff

10.8 Consideration should also be given to publishing the individual responses received to consultation exercises.

Principle 11 Implementation

Consultation should also include an assessment of how effectively the proposal is being implemented.

11.1 The implementation of every proposal needs to be monitored over time to see how well it is working in practice.

11.2 Affected stakeholders should be included as part of the assessment team.

11.3 Clear guidance must be provided as to the purpose of the evaluation exercise and how it will be undertaken. This could involve tools such as focus groups or surveys, and/or the collection of data from Government officials.

11.4 The effectiveness of this exercise will be enhanced if sufficient implementation details, including milestones and sequencing, are provided as part of the original proposal.

11.5 The outcome of this evaluation exercise may require changes to the proposal that was implemented originally.

Principle 12 Capacity

Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

12.1 Develop and share lessons for the future. What worked? What did not work? How did participants add value? What would you do differently next time in terms of the consultation exercise carried out? Examples:

- Were stakeholders given enough time to respond?
- Did you avail stakeholders of all relevant information concerning the consultation process?
- Were the guiding questions that you developed specific enough to solicit useful feedback?
- Did you do all you could to ensure stakeholders understood the main features of the proposal?
- Were the right techniques used to solicit the feedback?
- How might you change the design and delivery of public events to produce more helpful feedback next time?

12.2 Every organisation to which this Guide applies should appoint a Consultation Coordinator. The Consultation Coordinator should be named in consultation documents as the person to contact with any queries or complaints regarding the consultation process (the policy lead should be the contact point for queries regarding content).

- 12.3 Policy officials who are to run a consultation exercise should seek advice from their Consultation Coordinator early in the planning stages.
- 12.4 Government departments should monitor the effectiveness of their consultation exercises. Learning from consultation exercises should be shared with the department's Consultation Coordinator who will facilitate the sharing of lessons learned within the department and between departments and agencies.