

Effective Policy Making

Workbook One:

Justification and Set Up

Policy Innovation Unit

INTRODUCTION

This workbook is the first in a series of five which seeks to provide a practical overview of the key steps in the policy development process as outlined below:

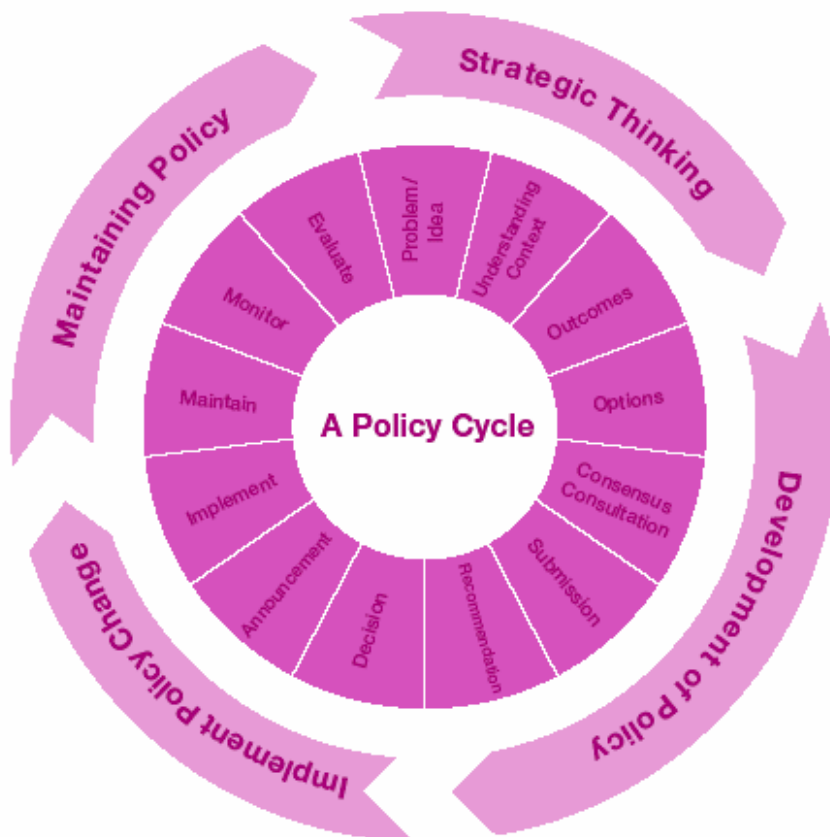
Workbook:	Key Areas Addressed:
1. Justification and Set Up	<ul style="list-style-type: none"> Establishing the Need for Policy Intervention Planning Your Approach and Engaging Stakeholders
2. Developing and Analysing the Evidence Base	<ul style="list-style-type: none"> Gathering the Evidence Analysing the Evidence Presenting the Analytical Report Agreeing the Aims and Objectives
3. Identifying and Appraising Policy Options	<ul style="list-style-type: none"> Identifying Policy Options Costs, Benefits and Risks Appraising the Options
4. A Practical Guide to Impact Assessment	<ul style="list-style-type: none"> Defining the Aims Screening the Policy Assessing the Impacts Consultation Prioritising the Impacts Agreeing Recommendations and Implementation Decision and Publication of Report on Results of Impact Assessments Monitoring and Evaluation
5. From Consultation to Announcement	<ul style="list-style-type: none"> Formal Consultation Exercise The Submission

Announcing the Decision

Each workbook seeks to provide practical guidance and draws on existing guidance material and best practice, in particular [A Practical Guide to Policy Making in Northern Ireland](#). The workbooks are intended as an introduction and a reference point for more detailed guidance. They are structured around the key stages of the policy development process to enable policy makers to dip into the guidance as appropriate.

In using the workbooks it is important to acknowledge that the policy process is cyclical and continuous as demonstrated in Figure 1 below. Policy makers rarely if ever start with a clean sheet and as we work through the process it is often necessary to consider the other stages. Therefore, it is advisable that before using the workbooks you familiarise yourself with the contents and the key messages of the Practical Guide.

Figure 1: The Policy Cycle



What is Policy Making?

Policy making is the process by which the administration translates its vision into actions to achieve desired outcomes. Good policy making is therefore essential if government is to achieve its aims and deliver real change and benefits.

There is no single uniform approach to policy making which can be applied to all areas and all departments. The range of factors and the environment within which policy makers operate can vary considerably. The policy maker may be addressing a regional, local or even international issue. They may need to consider any number of social, economic or environmental factors. There may also be considerable variation in the resource consequences of the policy and the number of groups or individuals which the policy may impact upon. However, there are a number of broad steps or stages which can be applied to most policy areas and these are outlined in this series of workbooks. The key is to tailor the policy process to needs.

CONTENTS**1.1 ESTABLISHING THE NEED FOR POLICY INTERVENTION**

- **Exploring the Issue**
- **Identifying the Drivers and Decision Makers**
- **Clarifying the Context and Establishing the Need for Intervention / Rationale**

1.2 PLANNING YOUR APPROACH AND ENGAGING STAKEHOLDERS

- **Establishing the Project Team**
- **Engaging Stakeholders and Developing the Consultation Plan**
- **Developing the Project Plan**

1.1 Establishing the Need for Policy Intervention

Policies and strategies in Northern Ireland are developed in the context of competing and growing demands on public expenditure. It is important that actions and resources are targeted where they are most needed and will have greatest impact. Therefore, at the outset of the policy process, policy makers should demonstrate a clear need for intervention or policy development. A key part of justifying the project is to be very clear about the nature and scope of the issue or the problem the policy will seek to address.

In light of this, the first step in the policy process is to clearly identify the issue, the factors that are driving demand for action, and to establish whether there is a potential case for intervention.

There are a number of steps in the process. These are categorised under three broad headings:

- Exploring the Issue
- Identifying the Drivers and Decision Makers
- Clarifying the Context and Justifying Intervention

The aim of these steps is to assist the policy maker in developing an understanding of the issue and placing it in a wider strategic context. This is of critical importance to all subsequent stages in the policy process, from establishing the aims and objectives through to evaluation. It is therefore important to spend sufficient time at this stage considering the context and establishing the rationale for the policy.

EXPLORING THE ISSUE

Step 1: Identify the issue

The first step in any policy process is to clearly identify the problem or issue which the policy will seek to address. Many policy areas can involve highly complex and often cross-cutting issues. Clearly outlining the issue to be addressed at the outset helps to ensure focus and avoid confusion at a latter stage in the process.

Step 2: Why is it a problem? What are the underlying causes of the problem?

It is also very important to understand why it is a problem and why there is a need for intervention. Partly, this is to ensure that the policy maker is actually addressing a real problem, but it also helps to ensure that potential solutions are identified and that actions are focused where they will have most impact. We also need to know what the causes of the problem are; finding the cause of the problem is crucial if appropriate solutions are to be arrived at and subsequent actions are to be targeted where they will do most good.

Step 3: What groups does the issue impact upon?

Section 75 of the Northern Ireland Act 1998 requires that consultation is an integral part of the policy-making process and that all persons likely to be affected by a policy should have the opportunity to engage with the public authority.

It is, therefore, important at the outset to identify those groups or sectors that the policy issue impacts on. This will help in the development of the consultation and engagement strategy outlined in Section 1.2 of this workbook and in undertaking any subsequent impact assessments.

IDENTIFYING THE DRIVERS AND DECISION MAKERS

Step 4: Who within the administration has decision making authority on the issue? What is the driver for intervention? Does the administration have authority to intervene?

A key early task is to identify who within the administration is ultimately responsible for decision making on the issue. This is most likely to be the relevant minister or senior official. Their input should be sought at the outset and throughout the project. Clarifying who has decision making authority helps ensure that the project is led by the appropriate department and business area. If the matter is not devolved, the administration will not have the authority or powers required to frame a policy. However, in this context, Ministers may still have a stated view to promote or they may seek to influence decision makers at Whitehall or in Europe.

CLARIFYING THE CONTEXT AND JUSTIFYING INTERVENTION

Step 5: Establish the administration's current position

At the outset, it is essential that you clearly establish the administration's current position on the issue. It is useful to consider the impact that the existing policy has had. This will help to indicate whether intervention is likely to impact on the issue.

Step 6: How does the issue relate to the administration's strategic priorities and goals? Will addressing the issue contribute to the realisation of strategic objectives?

Step 7: What policy instruments could be utilised to address the issue? Can the resource requirements be estimated?

Policies can be delivered using a range of policy instruments, both legislative and non-legislative, including regulation (for instance by licensing); the encouragement of voluntary change (including by grant aid); direct public service provision or the provision of information, education and advice. It will not be possible at this stage to develop robust costs for the project. However, an initial estimate should be made of the resources required to develop and deliver the policy. This is only an initial estimate and the policy maker will revisit these estimates as they work through the process and develop proposals.

Step 8: Is there a case for government intervention?

Here we are only making a preliminary assessment as to whether there is a case for intervention and also – considering previous experience, indicative costs, government priorities and the availability of funding – whether intervention is likely to have an impact on the issue.

Step 9: What impact assessments may be required?

Impact assessments are a basic component of best practice in policy making, and are essential tools to employ when considering the effect of a range of different proposals.

To be effective, the process of impact assessment should begin right at the start of your policy project. At this stage you should familiarise yourself with the range of impact assessments which may be required – see Workbook

Four – and consider which areas your policy might impact upon.

To assist in this regard it is useful to undertake an initial screening of the policy area, utilizing the impact assessment screening exercise contained in Workbook Four. The outcome of this initial screening exercise will help identify the evidence gathering requirements of the policy, as outlined in Workbook Two, and will also help to guide early thinking on the development of policy proposals, as outlined in Workbook Three.

Output

At this stage, it is very useful to draw up an initial paper. This paper will feed into the development of the project plan and can also be used to focus initial thinking in the evidence gathering stage. The framework below is only intended as a guide and should be adapted as appropriate to meet the needs of the policy team.

- i. Define the issue / problem to be addressed
- ii. Consider why there is a need for intervention and the underlying causes / sub-issues to be addressed
- iii. Identify the key stakeholders
- iv. Identify the driver for the project and the key decision maker
- v. Establish the current policy position and any work to date on the issue
- vi. Identify how the issue relates to wider priorities and objectives
- vii. Consider what policy instruments could be utilized and the anticipated resource requirements
- viii. Determine if there is a case for intervention.

Planning Your Approach and Engaging Stakeholders

Before embarking on any policy, programme or project, it is important to give adequate consideration to how it will be managed and resourced. Some aspects of the policy making process are very time-consuming, and effective planning is essential. For example, it is important to take a realistic view of timescales for consideration of policy proposals by Ministers. The recommended period for a public consultation exercise, especially one involving an Equality Impact Assessment, is 12 weeks. And, if legislation is required to implement a policy, this can add considerably to the time taken from initial idea to implementation. It is very easy to under-estimate the time and effort which will be required to introduce a new policy, or review an existing one, and inadequate planning can lead to failure to deliver.

It is necessary to consider carefully what resources will be required. This relates not only to the branch or team responsible for the programme but also to the potential involvement of professional advisers from a range of disciplines such as natural and physical sciences, social sciences, economics and statistics and the arts and humanities. Such specialists need to be alerted early so that their work programmes can take proper account of the department's needs. Where appropriate, consideration should also be given to obtain the experiences of other countries and regions especially if they have experience of, or are likely to be affected by, the issues under consideration. It is important to ensure that implementation issues are integrated into policy development from the start.

It is also important to identify information requirements. Recognising the wide range of competing priorities for funding and the need for effective solutions, good policy making will be based on evidence setting out what the need is and potentially evidence surrounding how best to intervene to meet the need also.

As such, the policy process can become highly complex and time consuming, it is therefore essential that time is spent at the outset planning the project. There are three key stages in the process as outlined below:

1. Establishing the Project Team
2. Engaging Stakeholders and Developing the Consultation Plan
3. Developing the Project Plan

1. **Establishing the Project Team**

It is likely that many of the initial tasks of justifying, planning and defining the scope of the project may have been conducted by one or two individuals, one of whom may be earmarked as the future team leader. However, as momentum builds behind the project, a full team will need to be established to take on the growing workload. A team with the right mix of skills and experience will bring insights and fresh thinking to difficult strategic issues. A roughly equal mix of experts and non-experts, insiders and outsiders, works well in ensuring the right balance of focused analysis and imagination.

In many cases, officials will be constrained in the choice of team members by budget considerations and the availability of staff. However, while recognizing this, there are a number of key issues which need to be considered when recruiting a team. These include:

- team size
- team skills

- **Team Size**

The size of the team is important – it should be large enough to encourage a mix of backgrounds and skills but small enough for each person to be a crucial part of the team. Relatively small teams, established especially for the project, tend to arrive at better solutions than single individuals or large legacy teams. In general, the larger the group of people, the harder it is for the

group to work well together. Smaller numbers also make team administrative tasks simpler and make it easier to develop a common purpose with mutual goals and mutual accountability. The size and composition of the team is likely to vary over the length of the project, as different phases of work will require different levels of resources and different skills.

- **Team Skills**

A multi-disciplinary team with the right mix of skills and experience will bring insights and fresh thinking to difficult strategic issues. Considering the appropriate split between civil servants and non-civil servants and between experts and non-experts will help to secure the right combination of knowledge and freshness.

Before beginning the recruitment process, a team leader may draw up job profiles to help identify the breadth of skills and experience needed in the new team. This may include:

- specific domain knowledge or expertise in certain subject areas
- general analytical and conceptual ability
- specialist statistical and economics skills
- decision making skills and project management experience
- interpersonal skills
- creativity skills
- delivery experience.

2. **Engaging Stakeholders and Developing a Consultation Plan**

This section considers the need for consultation and the added value which consultation can bring to the policy process. It deals specifically with the initial task of identifying those groups to be consulted, how

they should be consulted and when. The output of this section can assist policy makers in developing a consultation plan.

The issue of formal written consultation, including guidance on developing a consultation document and analysing responses to consultation, is addressed separately in Workbook Five.

The need for consultation

Consultation enables an assessment to be made of the views of those who are affected by policy decisions or changes to services. It can help policy makers to become aware of issues and problems, which policies may pose for various groups that the organisation might not otherwise discover.

Recognising this, consultation is not an end in itself; rather, it is a key plank of evidence-based policy making. It is also at the heart of Government's commitment to openness and inclusiveness. Where consultation is meaningful and undertaken effectively, it has the capacity to help develop policies which work and create a working partnership with stakeholders. However, done badly, it can also have the exact opposite effect. The Equality Commission for Northern Ireland has set out seven "guiding principles", which should be regarded as the minimum standard necessary to carry out any consultation. These guiding principles are set out in Appendix One. Consultation is also a legal requirement of Equality Impact Assessment (EQIA); indeed, the legislation requires that consultation is an integral part of the policy process. Consultation is also required on proposals for legislation. However, that consultation must be meaningful if it is to meet the requirements of Section 75. Guidance in this regard is set out in the Equality Commission for Northern Ireland's [A short guide to the public sector statutory duties](#) (2006) or the Equality Commission's [Guide to the Statutory Duties](#) (Revised February 2005).

The Consultation Plan

Consideration of the following areas will assist in clarifying your objective in undertaking consultation, identifying who needs to be consulted, how they should be consulted and at what stage in the policy process. A “consultation checklist” – to draw together conclusions and frame the consultation plan – is included at page 19 of this workbook.

Objective of Consultation

To be successful, policy makers need to clearly identify the objective of consultation. This may include: finding new ideas; collecting factual data; and determining public opinion. Clarifying the objective of consultation helps the policy maker to decide who they need to consult, how and when.

Who to Consult

Any group that the policy impacts upon should have the opportunity to engage at some stage with the policy maker. Over the course of the policy it is not adequate to exclusively consult with large umbrella organisations and credible efforts must be made to actively engage a wide range of representative groups.

Targeted consultation with representatives of those most affected by a policy can be beneficial, as can targeted consultation with ‘experts’ in a particular field depending on the objective of consultation.

How to Consult

There are a wide range of methods of consultation. These include:

- Face to face meetings
- Public consultation events
- Representation on policy teams and steering groups
- Research and surveys
- Citizens’ Juries

- Community-based activities
- Written consultation exercise (considered further in Workbook Five)

The important point is that there is no one right method that will work for any given circumstances. What works well on one policy may not work on another and likewise, certain methods will work well with certain groups and not so well with others.

It is therefore important to consider:

- your objective in consulting;
- which method will provide the input required; and
- the needs of those to be consulted and what will work for them.

When to Consult

Many policies will require a formal consultation period which often precedes a final decision and should involve the issue of a written consultation document. This is addressed in more detail in Workbook Five. However, at an early stage of the policy process it is necessary to consider whether a 12 week formal consultation period will be required. This will have significant implications for the timescale in taking forward the policy and is likely to require the policy team to develop a document for public consultation. It should also be noted that where the policy results in proposals for legislation, separate additional formal consultation must be undertaken on those proposals.

Formal consultation is required:

- on matters to which the statutory duties are likely to be relevant
- on equality schemes
- on the impact of policies

Consultation and engagement should be undertaken, where appropriate, throughout the policy process and not limited to the formal consultation period. In planning when to consult it is again important to consider the objectives of consultation and the resources available. In the initial stages of the policy process, more focused consultation with key stakeholder groups and delivery bodies can be beneficial.

TEMPLATE 1: Consultation Checklist

Key groups the policy will impact upon – including delivery bodies					
SECTOR	Groups / Details	When Consultation / Engagement should take place	Group Special Needs / Requirements	Desired Outcome of Consultation / Engagement	Appropriate Method(s) of Consultation / Engagement
Other Northern Ireland Civil Service (NICS) Departments					
Local Government					
Non Departmental Public Bodies (NDPBs)					
Business Community					
Voluntary and Community Sector					
Other					

3. Developing the Project Plan

An accurate and well-maintained project plan is essential to managing the project successfully. Although taking time to plan is crucial to the success of the project, planning is often neglected or rushed in the haste to get onto the more interesting analysis phase of the project, especially when stakeholders or Ministers are keen for project results.

- However, it is vital to do it well.

Taking a step back to develop a project plan before diving into the detail has a number of benefits:

- it helps forge a common vision across the team
- it provides coherency between different strands of the project
- it helps to think through tasks and anticipate potential roadblocks
- it highlights trade-offs on issues of time, budget, breadth and depth of analysis
- it helps anticipate long lead-time activities
- it helps manage key stakeholder expectations of what is in and out of the scope for the project, what the team is doing, and whether the project is on track
- it provides an 'anchor' when difficulties develop.

The plan should go into significant depth on the project's rationale and approach, including how the work will be structured, what the key milestones will be, and how the main risks will be mitigated or minimised. In addition the plan should set out the intended approach for managing stakeholders and communications, and define the project governance structure.

A suggested template for a project plan is attached below.

Output

The output for this stage should be a well articulated, clear and agreed project plan. Drawing on the initial paper outlined in Section 1.1 (page 10), as a minimum, the plan should:

- i. Set out the **rationale for intervention** including an initial assessment of the likelihood of the project having an impact on the issue or the findings of previous policy evaluations relevant to the issues concerned;
- ii. Define the **problem** that the policy is to address and the **key questions** that need to be answered;
- iii. Set a brief overview of available **evidence**, to include the key trends and work underway in related areas;
- iv. Outline a **timetable**, identifying the key dates and **milestones** by which various stages of the process must be completed (i.e. a legislative slot) and dependencies in the timetable (i.e. development and analysis of options cannot be undertaken until the research stage is complete);
- v. Identify the **key tasks** involved in taking forward the project and allocate responsibility for completing the key tasks;
- vi. Identify the **key outputs** at each stage (i.e. consultation document);
- vii. Identify the **skills** needed to take forward the work;
- viii. Identify **who needs to be involved**, including who is leading, who else needs to be brought in, who needs to be consulted;
- ix. Identify the **risks** which may delay or threaten progress and how these will be managed;
- x. Outline initial thoughts on **implementation** (these can be further developed as you work through the process);
- xi. Identify initial assumptions on project **costs**;
- xii. Identify the **sponsor Minister or senior official** and **management structure** (i.e. steering group or advisory group); and
- xiii. Outline a **communication and engagement plan**. This should clearly set out which stakeholders need to be engaged, when and how.

Note

The project plan can only be an effective planning and management tool if it is effectively communicated, and fully understood and agreed within the team.

It is also important to understand that the project plan should not be a static document to be placed on a shelf and ignored once the project is up and running. It should be a live document that is regularly revisited and revised. The initial plan outlined above should be developed and added to as you work through the process and clarify the issues.

APPENDIX ONE

Guide to the Statutory Duties at Section 4 paragraph 2(c)

The Equality Commission for Northern Ireland has set out seven guiding principles for consultation. These require that:

- consultation with groups and individuals should begin as early as possible;
- consideration must be given to which method of consultation is most appropriate in the circumstances. Consideration should be given as to whether face-to-face meetings, small-group meetings, focus groups, discussion papers with the opportunity to comment in writing, questionnaires, or internet discussions are best. Engagement with affected groups or umbrella groups to identify how best to consult or engage with stakeholders is recommended;
- the accessibility of the language and the format of information must be considered to ensure that there are no barriers to the consultation process. Information should be available on request in accessible formats for example Braille, disk, and audiocassette and in minority languages to meet the needs of those who are not fluent in English. Public authorities must ensure that systems are in place to ensure that information is available in such accessible formats in a timely fashion. In addition, specific consideration should be given to how to best communicate information to young people and those with learning disabilities;
- specific training should be considered to ensure that those facilitating consultations have the necessary skills to communicate effectively with consultees;

- adequate time should be allowed for groups to consult amongst themselves as part of the process of forming a view. The Commission recommends a period of at least two months for consultation exercises;
- appropriate measures should be taken to ensure full participation in any meetings that are held. Different groups have different needs and may have different customs. Public authorities will need to consider the time of day, the appropriateness of the venue, in particular whether it can be accessed by those with disabilities, how the meeting is to be run, the use of appropriate language, whether a signer is necessary, and the provision of childcare. Public authorities should recognise and in good faith meet access related costs; and
- Information should be made available to ensure meaningful consultation. This should include relevant quantitative and qualitative data and other documentation such as consultants' reports.