

Effective Policy Making

Workbook Five:

From Consultation to Announcement

INTRODUCTION

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

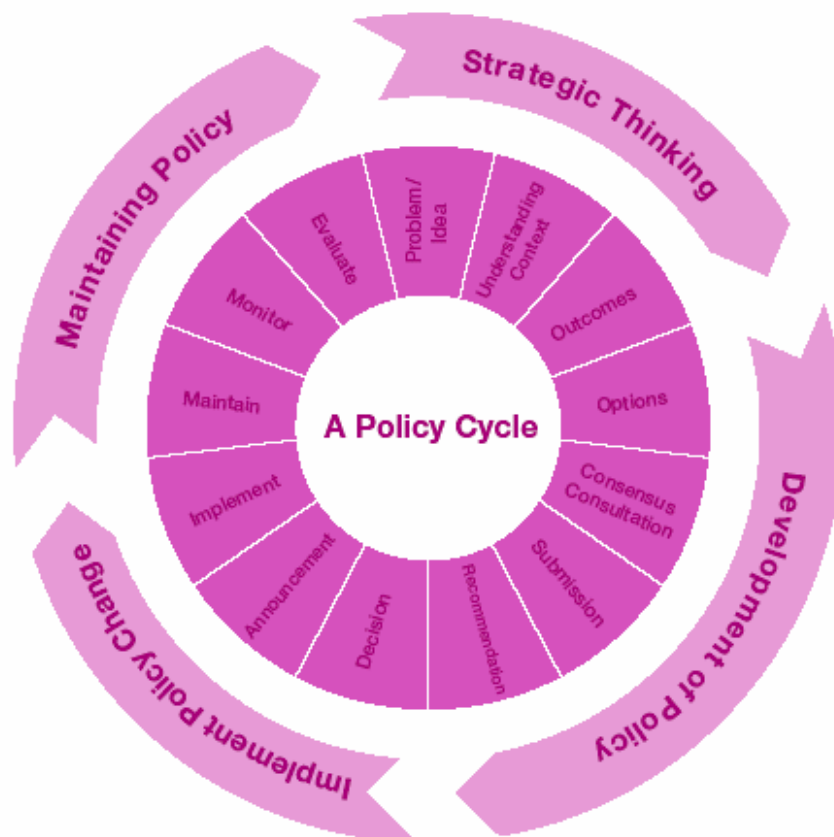
| Workbook: | Key Areas Addressed: |
|--|---|
| 1. Justification and Set-Up | <ul style="list-style-type: none"> Establishing the Need for Policy Intervention Planning Your Approach and Engaging Stakeholders |
| 2. Developing and Analysing the Evidence Base | <ul style="list-style-type: none"> Gathering 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 Assessments | <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 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.

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5.1 Overview

In Workbook One we looked at the importance of consultation and the need to develop a consultation plan at the outset of the policy process. It highlighted that consultation should be a continuous process that needs to be started early in the policy.

This section builds on this and deals specifically with the formal consultation period which often precedes a final decision and should involve the issue of a written consultation document. In particular it looks at planning the formal consultation, provides a best practice template for a consultation document developed from the [Cabinet Office guidance](#) and outlines the process of analysing responses, taking account of best practice guidance from Northern Ireland and beyond.

The Equality Commission for Northern Ireland has set out seven guiding principles for consultation. These are set out in Appendix One.

The formal consultation should include a written consultation document; however, it should not be restricted to a mass mailing paper based consultation. The formal consultation exercise should include alternative approaches to consultation such as those outlined in Workbook One. It is useful to consider again at this stage the needs of those with whom you wish to consult and the objective of the consultation exercise. This can help identify other approaches, such as public meetings and face to face meetings with key groups, which you may wish to undertake alongside the issue of the consultation document.

5.2 Formal Consultation Exercise

When is Formal Consultation Required?

A formal consultation exercise is required:

- On matters to which the statutory duties (equality) are likely to be relevant;
- On equality schemes;
- On the impact of policies.

Formal consultation should be undertaken at least once during the development of the policy. However, formal consultation is also required with regard to proposals for legislation, even where consultation has previously been undertaken on the associated policy area.

Minimum Consultation Period

The recommended period for a formal public consultation exercise is 12 weeks¹. However, where re-consultation takes place on the basis of amendments made in light of earlier consultation, a shorter period may be appropriate.

Where a consultation takes place over a holiday period or lasts less than 12 weeks, extra effort should be made to ensure that the consultation is still effective, in that all persons likely to be affected by or with an interest in the policy should have the opportunity to engage with the public authority. This may require additional promotion of the consultation to raise awareness among stakeholders, utilisation of additional methods to consult and consideration of requests to extend the consultation period.

¹ OFMDFM (2003), *A Practical Guide to Policy Making in Northern Ireland*, UK: OFMDFM, page 45.

The Consultation Document

The consultation document should be as simple and concise as possible. It should include a summary, in two pages at most, of the main issues/questions it seeks views on. Documents should set out the main information and competing arguments relevant to a decision, or say where they can be found.

The document should be set out in plain language, as free as possible of jargon (visit the Cabinet Office's [plain written language guidance](#) for more information). Technical detail may be unavoidable, indeed central to the issues; but documents should be as widely understandable as possible.

Paragraphs in a consultation document should be identified by numbers or letters (in preference to bullets, which are less easy to refer to in responses). Pages should be numbered.

It should make it as easy as possible for readers to respond, make contact or complain. Details (address, phone, e-mail, text phone and fax) should be given of a contact who can respond to consultees' questions. Similar details should be given of someone who will pursue complaints or comments about the consultation process. This should be a person outside the team responsible for the document. Details of how responses will be handled should be given, for example, we will acknowledge receipt of your response, but will not be able to reply to all the points you raise.

Template for a Written Consultation Document

The following template is a best practice example of a written consultation document:

1. Foreword/Introduction
2. Executive Summary
3. How to Respond
4. Chapters
5. Impact Assessments
6. Annexes

1. Foreword/Introduction

Many consultation documents carry a foreword from the relevant Government Minister. This would be particularly appropriate for major or high profile policy proposals. A ministerial foreword will outline the aims of the consultation and may add weight to the process.

2. Executive Summary

Provide an executive summary to the written consultation document that covers the main points of the document, preferably no longer than two pages. Even if the document is technical, ensure that the executive summary is accessible to all. Having read the executive summary, consultees should be in a position to decide whether the consultation is relevant to them, and whether they need to read further.

The Executive Summary should:

- Be as succinct as possible (no longer than two pages).
- Set out the aims and objectives of the consultation.

- Provide a summary of the issues and options being consulted on so that respondents can quickly decide whether or not the rest of the document is relevant to them.
- Make clear the period for which the consultation is open.
- If the consultation is running for less than 12 weeks, state clearly the reasons for this and emphasise the measures that have been taken to ensure that the consultation is as effective as possible.
- Ask respondents to also look at your attached impact assessment and to comment.

It is also useful to include a very brief overview of each chapter of the document, or each option under discussion. This will enable those respondents who have little time to quickly decide which sections of the document they should focus on most closely.

3. How to Respond

This section should include:

- A summary of the questions on which you want respondents to comment.
- The closing date of the consultation.
- The name, postal address, email address, telephone and fax numbers of the person to whom responses should be sent.
- A brief outline of other consultation exercises running alongside the written consultation and details of how to get involved in these.
- Information about how the responses will be used.
- A standard disclaimer on Freedom of Information and confidentiality.

The consultation document should state the date when, and the web address where, responses will be published, if applicable and/or where the summary of responses will be published. As far as possible this should be within three

months of the closing date of the consultation.

It should be made clear that responses may be made public unless confidentiality is specifically asked for. With some subjects – such as where the responses may concern individuals' private lives, or matters of commercial confidentiality, this may need to be flagged up especially prominently, so that no-one inadvertently fails to register a wish for confidentiality. In some cases, confidentiality cannot be guaranteed, for example, where a response includes evidence of serious crime: this may also need to be brought out. In addition you will wish to highlight to potential respondents that under Freedom of Information, public bodies cannot guarantee confidentiality.

4. Chapters

Each chapter should give information on a discrete issue relevant to the consultation, or one of the proposed policy options. Chapters should be comprehensive, but as concise as possible. Ensure that you use plain language throughout and explain fully any unavoidable abbreviations, acronyms or technical language.

It is useful to summarise the information contained in the chapter in a very brief introductory paragraph – draw attention to this by highlighting the text in bold or a different colour. Similarly, make sure that each chapter has a clear conclusion.

If your chapter outlines a key policy option, you should:

- outline the current situation
- set out the proposed option clearly and comprehensively
- briefly outline the potential costs and benefits of implementing the policy option. Remember to include a 'do nothing' option here: what would happen if you made no policy changes at all and things remained as they were?

In each chapter, reiterate the questions from your summary of questions which are pertinent to that particular topic/policy option. Highlight these in a shaded box or a different colour so that they stand out clearly.

Include relevant case studies or practical examples wherever possible in each chapter. This breaks up what might otherwise be dry, sometimes theoretical or technical, text and allows the reader to identify with the issues under discussion more easily. Again, it is useful to distinguish these from the main body of the text by highlighting them in a different colour or a shaded box.

5. Impact Assessments

The outcome of any impact assessment or screening exercises must also be included, inviting comments from consultees. Where the impact assessments are made available separately, an overview of the findings should also be included in the consultation document.

6. Annexes

The annexes can be used to accommodate any additional information not included in the main body of the consultation document. It is often useful to include more complex data or tables in an annex rather than the main body of the document.

In addition, the following items should be included somewhere in your consultation document and it is usually best to attach these as annexes at the end.

- **Membership of the Steering Group**

Where a steering group has been established to take forward the policy area, it is useful to provide the names and organisational details of those involved.

- **List of Stakeholders Consulted**

You should attach a list of all stakeholder organisations you have consulted informally, as well as all those who have received copies of the consultation document. You should also invite respondents to contact you with the names of any other stakeholder groups not on the list who they feel might be able to contribute. This will help to ensure that all those who wish to are given ample opportunity to comment on your consultation, making it as broad and diverse as possible.

- **Relevant Current Government Legislation**

If your consultation and policy proposal will directly affect, or be affected by, existing Government legislation, it may be useful to include a summary of this. Include a web link or contact name / address for respondents who may require further information on this, or who would wish to access the legislation in full.

Distribution of the Consultation Document

On issuing the consultation document, departments must also take steps to raise awareness among the public and relevant groups about the consultation exercise. This may include press releases, prominent advertisements in the general press and specialist press of affected groups, the Internet and direct invitations to key groups to respond. Once again, it is important to consider the needs of potential consultees.

Consultation must be both meaningful and inclusive, in that all persons likely to be affected by or with an interest in the policy should have the opportunity to engage with the public authority. Therefore, relevant interest groups as well as the Equality Commission, other public bodies, political representatives, relevant Assembly/Parliamentary Committees, voluntary and community sector, trade unions and other groups with a legitimate interest in the area should as a minimum be made aware of the consultation exercise.

Feedback from consultees indicates that mass mailing of a full consultation document to all groups on the public authority's list of consultees is not particularly effective. Recognising this, it is recommended that initially departments should circulate an executive summary, so that consultees can decide whether or not they would like to obtain the full document or respond to the consultation. Where appropriate, this can be in the form of a letter from the department and should include the following points:

- The proposal;
- The timeframe for consultation;
- The aim of the policy;
- The key issues; and
- A contact point for further information.

