



# Consultation Principles & Guidance

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## Foreword

Ireland's first Open Government Partnership (OGP) National Action Plan was published on 23 July 2014. The Government's membership of the Open Government Partnership (OGP) is based on the belief that the aims of OGP would strongly reinforce and add further depth to Ireland's ongoing programme of wide-ranging democratic reform. The National Action Plan provides a framework for a new phase of reforms, and its commitments span three core areas: promoting open data and transparency, building citizen participation, and strengthening governance and accountability to rebuild public trust in Government. These areas are extremely important to the functioning of government institutions and economic growth. This is recognised in the Civil Service Renewal Plan which has as one of its aims to 'promote a culture of innovation and openness by involving greater external participation and consultation in policy development'.

This document has been prepared to further the implementation of two particular actions contained in the OGP Action Plan. These are:

- *Review national and international practice to develop revised principles / code for public engagement/consultation with citizens, civil society and others by public bodies (Action 2.1 - Fostering citizen participation/more active citizenship);*

and the related action

- *Introduce a 'legislative footprint' in relation to current legislative initiatives, published on each Department's website including details of publication of general schemes, any consultation documents, publications of draft Bills, pre-legislative scrutiny by Oireachtas Committees, submissions received and meetings held with stakeholders, etc. (Action 3.2 - Rebuilding public trust in Government).*

These principles reflect international best practice and have been informed by consultation arrangements in the UK, Canada, Australia, and Netherlands, as well as guidelines and principles produced by the OECD, Council of Europe, and the European Commission. This document replaces and updates 'Guidelines on Consultation for Public Sector Bodies – Reaching Out (2005)'.

These consultation principles aim to improve the way government departments and other public bodies consult, with an emphasis on real, meaningful, and targeted engagement.

## Introduction

As part of the Open Government Partnership National Action Plan 2014-2016, Ireland has committed to improving consultation by public bodies with citizens, civil society and others. This involves undertaking a systematic process of meaningful engagement and knowledge sharing with those outside the policy-making process who have a clear interest in a particular policy area, in order to better inform that process. By enabling the public to participate in policy development and in the design of public services, they will gain a greater sense of political efficacy, and potentially increase their confidence and trust in the political system. Meaningful participation increases the legitimacy of decision-making, improves the public's knowledge and awareness of complex policy challenges, helps decision-makers to make better decisions and can lead to improvements in the quality of service provision.

The Action Plan further states that citizen participation requires accessible and timely information about policy and service development proposals, ways of engaging in dialogue with policy makers; it involves building the capacity of the public, policy makers and service providers to work together; it thrives on a culture of openness on the part of the public service, the time and means to engage in dialogue and a shift in the locus of decision-making. The aim of the first Open Government Partnership is to build on initiatives that are in place, and take new steps to embed citizen participation in a sustainable way in public policy making and service delivery, across the spectrum of national and local level work.

In addition, one of the aims of the Civil Service Renewal Plan is to 'promote a culture of innovation and openness by involving greater external participation and consultation in policy development'. This is to be achieved through implementing the actions set out in Ireland's Action Plan under the Open Government Partnership and learning from the range of innovative policy methodologies currently in international practice to develop and apply new approaches to policy design, evaluation, consultation and implementation.

In light of these commitments, this guidance document presents three principles that should inform Government departments and other public bodies when engaging with the public in developing policy, services and legislation. It also sets out the practical issues that need to be considered at each stage of the implementation of these principles (see table at section 1) as well as a summary of the main awareness raising and consultation methods used (Appendix 1). As consultation processes are rolled out and reviewed etc., it is intended that the outcomes will be made public on an ongoing basis. This will provide other public bodies with information on what worked well or needed to be improved etc. and will help inform the approaches they might consider applying.

This guidance document aims to help officials in deciding when, who and how to consult. This guidance recognises that consultation forms part of wider engagement, and decisions on whether and how to consult should in part depend on the wide scheme of engagement, which may be determined, either generally or in relation to specific policy areas, by agreements etc. entered into as a result of membership of international and other bodies, that are imposed by Statute, or are otherwise required by Government.

There may be instances where it may be necessary, for reasons such as confidentiality, revenue protection or anti-avoidance measures relating to the tax system, that limited or no consultations will be possible, and other instances where consultations will necessarily be truncated due to urgency. In such instances, the relevant Department or Agency should explain the rationale for the approach taken.

Consultations should be woven into all aspects of policy development, including the discussions as to which instrument (i.e. legislation, regulations, voluntary mechanisms, guidelines, or policy) would best meet the public policy objectives. Officials should be conscious of the action in the Civil Service Renewal Plan to develop more open approaches to policy-making. This is to be achieved by, inter alia, hosting regular open policy debates involving networks of practitioners, academics and experts in developing and debating policy options at an early stage, and learning from the range of innovative policy methodologies currently in international best practice to develop and apply new approaches to policy design, evaluation, consultation and implementation.

In any decision making process it is essential that the public sector body's role as decision maker is understood. Public bodies have a legislative role whereas typically the civil service reports to Government. The decisions of the public body should be informed by consultation, with a clear mechanism for considering the views, opinions and concerns of those with a clear interest in the policy in question, but final responsibility for the decision rests with the decision-making body in accordance with its remit.<sup>1</sup>

Public bodies should also be conscious of the commitment set out in the National Action Plan 2014-2016 under the Open Government Partnership to introduce a 'legislative footprint' in relation to current legislative initiatives. This footprint, to be published as part of the publication scheme on each Department's website, should set out the various stages during which consultation took place during the legislative process. This might include for example publication of the general scheme of the Bill

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<sup>1</sup> Under the representative democracy system in Ireland, public sector bodies are responsible primarily (either directly or indirectly) to the relevant Minister or the Oireachtas, in line with their remit. The Minister and the Government are accountable to the Oireachtas, which is in turn accountable to the electorate for its decisions.

for public comment, pre-legislative scrutiny by Oireachtas Committees, publication of the draft Bill for public comment, a list any consultation documents, meetings held with stakeholders, etc.

Effective consultation should allow Government to make informed decisions on matters of policy, to improve the delivery of public services, and to improve the accountability of public bodies. Officials should also be mindful of the need to consult with each other to avoid creating cumulative or overlapping regulatory burdens, as well as seeking to capture Civil Service learning to make informed decisions. In deciding to consult, officials should consider the following:

- the purpose and objective of consultation,
- the plan for conducting consultation,
- who should be consulted and who does not need to be consulted,
- a strategy for the most efficient and meaningful consultation,
- the major topics to be covered and
- the likely issues to be raised.

## Status of Guidance Document

This guidance updates and replaces the existing ‘Guidelines on Consultation for Public Sector Bodies: Reaching Out’ (2005). It is intended to assist Government Departments, public bodies and any other organisation that may wish to consult with stakeholders. It is also intended to improve the transparency, responsiveness and accessibility of consultations, and reduce the burden of engaging with Government on policy development and implementation. This guidance, which does not have legal force, does not prevail over statutory or mandatory requirements to consult certain groups on certain issues. In addition, when consulting, care should be taken to comply with any legal requirements which may affect a consultation exercise such as confidentiality and equality, and with the requirement to conduct Regulatory Impact Assessments (RIAs) in relation to proposals for primary legislation, significant statutory instruments and proposals for EU Directives and significant EU Regulations. Consultation conducted as part of the RIA process should reflect these principles.

## Three Consultation Principles

This document sets out three key principles of consultation. The first of these is that consultation with the public must be genuine, meaningful, timely, balanced and with the ultimate objective of leading to better outcomes and greater understanding by all involved of the benefits and consequences of proceeding with particular policy or legislation proposals. Consultation should aim to achieve real engagement and ‘real listening’ rather than being a pro-forma exercise for bureaucratic purposes. A genuine

consultation process ensures that the real-world impact of policy options is considered.

The second principle is that consultation should be targeted at and easily accessible to those with a clear interest in the policy in question. There is no 'one size fits all' approach to consultation. The size, type and scope of the consultative process depends on the proposed policy, the type and scale of the potential impacts of the proposal or decision being taken, the number of people or groups affected by them, and where relevant particular requirements of the child and young people and those who may be marginalised or vulnerable.

The third principle is that Government departments and agencies should make systematic efforts to ensure that interested and affected parties have the opportunity to take part in open consultations at all stages of the policy process on significant policy, services and legislative matters: development, implementation, evaluation, and review.

## Practical issues that arise in the course of implementation

1. Practical issues that need to be considered when implementing these three principles of good consultation relate to:

- The objectives of the consultation process
- Timescales
- Identifying stakeholders
- Forms of consultation
- When to consult
- Duration of the consultation
- Providing information
- Providing a Legislative Footprint
- Providing feedback
- Reviewing the consultation process

Over the various stages of the consultation process it will help to consider the practical issues set out in the table below.

<b>Stages</b>		<b>Practical Issues for consideration</b>
<b>Planning</b>	<b><i>Objectives of the consultation</i></b>	<ul style="list-style-type: none"> <li>• What is the purpose of the consultation?</li> <li>• What will it achieve?</li> <li>• What is the context for the consultation?</li> <li>• When and how will final decisions be made?</li> </ul>
	<b><i>Identification of timescales and questions for consultation</i></b>	<ul style="list-style-type: none"> <li>• Is it necessary to consult internally within the public body and with other policy makers to avoid creating cumulative or overlapping regulatory burdens?</li> <li>• Is it necessary to scan the external environment to identify the views of stakeholders, to establish how they might perceive the issue and determine if similar approaches have been taken by other public bodies or in other jurisdictions?</li> <li>• What information is being sought from consultees and what questions need to be answered?</li> <li>• How much time should be allocated to each element of the consultation process?</li> </ul>
	<b><i>Identification of stakeholders and methods</i></b>	<ul style="list-style-type: none"> <li>• Will the broadest range of stakeholders be consulted?</li> <li>• What form(s) of consultation is most appropriate to get the information needed from those with a clear interest in the issue?</li> <li>• Is it necessary to tailor the consultation to the needs and preferences of particular groups, such as older people, children and younger people or people with disabilities that may not respond to traditional consultation methods?</li> <li>• Is a full public consultation process required?</li> </ul>

<b>Consultation</b>	<i>Decision to proceed</i>	<ul style="list-style-type: none"> <li>• Is the chosen method proportionate to the objective?</li> <li>• Is a project plan necessary? If so, does it identify the project lead and the resources (budget, time, roles) required for implementation, feedback etc.?</li> <li>• Is a discussion/consultation paper required?</li> <li>• Have legal obligations been considered?</li> </ul>
	<i>Publication and distribution of material</i>	<ul style="list-style-type: none"> <li>• Will the chosen consultation method reach those with a clear interest in the issue?</li> <li>• Is the material usable, concise, easy to comprehend and accessible?</li> </ul>
<b>Analysis and Evaluation</b>	<i>Receiving and analysing views and providing feedback</i>	<ul style="list-style-type: none"> <li>• Do consultees have enough time to examine the issues and to respond?</li> <li>• What arrangements are required to record the views received and to respond to them?</li> <li>• Will submissions be published online?</li> <li>• Will help be required to conduct analysis?</li> <li>• How will the outcome of the consultation process be disseminated?</li> </ul>
	<i>Review of consultation process</i>	<ul style="list-style-type: none"> <li>• Were the objectives of the consultation met?</li> <li>• Will another consultation round be required?</li> <li>• Were the methods used appropriate to the objectives?</li> <li>• What lessons were learned and how will they inform future processes?</li> </ul>

### Objectives of the consultation process

2. Consultation involves undertaking a systematic process of meaningful engagement with those outside the policy-making process who have a clear interest in a particular policy area, in order to better inform that process. There may be a number of reasons to consult. These include to gather new ideas (brainstorming) or views on proposals, collect evidence and factual data, validate assumptions, clarify the possible impact of the proposal on the wider community, or understand possible unintended consequences. Identifying the objectives of consultation will help determine who should be consulted, how and when. Therefore objectives of the consultation should be clear, and be set out as well as the context for them. The objectives will depend on the type of issue and the stage in the policy-making process.
3. Depending on the objectives, consultation can be on different elements of the proposed policy, such as the nature of the perceived issues/challenges, the Government's objectives, the options to address the issues/challenges, a comparison of the impacts of the policy options, or on the entire proposal.
4. In setting the context, an explanation should be provided where possible on when and how the final policy/decision will be made. To avoid creating unrealistic

expectations, any aspects of the proposal that have already been finalised and will not be subject to change should be set out. For example, if a decision on policy has already been made, then views are sought on implementation and not on the merits of the policy. Being clear about the areas of policy on which views are sought will also increase the usefulness of responses. For example, explicitly stating any assumptions made about those likely to be affected by the proposed action or identifying particular areas where input would be valuable, will encourage respondents to address those issues. If some aspects of the proposal are not subject to change, this should be clearly communicated, so that participants can focus their efforts and provide meaningful input.

5. Disproportionate costs to the Government or to the stakeholders concerned should be avoided. Stakeholders should be informed of proposed consultations by the most appropriate means. A central website will be used as a central repository for all public consultations. It is expected that functionality will also be developed to automatically notify organisations and individuals of consultations in areas where they have registered an interest.

#### Forms of consultation

6. Consultation can take a variety of forms including using information and communication technology, written consultation, conducting research, hosting events, and establishing temporary or permanent forums. Details of the main forms are set out at Appendix 1 and several of these may be used in tandem. The appropriateness and choice of approach will largely depend on:
  - the issues under consideration;
  - who needs to be consulted;
  - the nature of the groups being consulted;
  - the available time and resources; and .
  - any wide schemes of engagement that may be:
    - required on foot of agreements etc. entered into as a result of membership of international and other bodies (such as the EU, Council of Europe, OECD and the United Nations etc.);
    - imposed by Statute; or
    - otherwise required by Government (for example through the Regulatory Impact Assessment process).

Officials should consider who needs to be consulted, and ensure that the consultation captures the full range of stakeholders affected. A clear and proportionate consultation approach should be adopted by officials bearing in mind the above factors and having regard to the public interest.

7. While written consultation is a common form, ICTs allow for quicker, more targeted engagement, increased scope for participation and provision of feedback and enhanced collaboration in policy making than more traditional methods. Use of ICTs can also improve the cost-effectiveness and timeliness of consultation and there are various ICTs tools available for low-cost and wide scale consultation. Online consultation may supplement traditional written consultation, or replace it as appropriate. Online consultation may be used as part of formal submissions or policy development processes, or integrated into business-as-usual activities as another way of gathering feedback and engaging with the public online.
8. However, the choice of communication tools is a matter for the individual consultation process with the ultimate objective of getting those who know most and care most about a particular issue to engage in dialogue. Officials should be clear on why they decided to consult in a particular way. The development of the Regulation of Lobbying Act 2015 provides a useful example in this regard, and was characterised by independent commentators as an example of best practice particularly in terms of the high level of transparency involved - the phases of public consultation engaged in during that process are set out in Appendix 3. As consultation processes are rolled out and reviewed etc., it is intended that the outcomes will be made public on an ongoing basis. This will provide other public bodies with information on what worked well or needed to be improved and will help inform the approaches they might consider applying.
9. Longer and more detailed consultations may be considered in situations where smaller organisations may be affected. A range of strategies should be considered to assist stakeholders who are likely to be significantly affected, but who do not have the resources or capability to participate in the consultation process. Officials should try to ensure that an appropriate balance of views is represented in the consultation process.
10. Targeted consultations may be considered where for example an expert advisory group or people with a substantial interest is required to assist in developing a policy matter. This approach could be in addition to publication of the proposal and seeking of views from the general public.
11. Organisations should consider establishing and maintaining methodologies, procedures and ICT supports that could be used and re-used for successive consultations by different parts of their organisation.

### When to consult

12. Officials should recognise that involving stakeholders from the earliest possible stage in the policy development process will promote transparent and comprehensive participation. There are several stages of policy development, and it may be appropriate to engage in different ways at different stages. The timing and extent of consultations should be determined on a case-by-case basis, but consultations should start as early as possible in order to maximise their impact on policy development, with advance notice given where possible. Consultation should also be seen as a recurring need in policy development and be carried out at various stages if appropriate, rather than be seen as a one-off event.

### Duration of consultation

13. The amount of time required for a consultation will depend on the specifics of the proposal, its objectives and complexity, its likely impact, and the diversity and number of interested parties. Consultation should not make unreasonable demands of people being consulted or assume that they have unlimited time to devote to the consultation process.
14. Consultations should take place over a reasonable period of time, so that participants have sufficient time to submit their views. Sufficient time should be allowed for all relevant stakeholders to become informed, examine the issues, debate/dialogue/consult within their organizations, and develop a response. Officials should be cognisant of the burden that the whole of government may be placing on stakeholder groups.
15. However, if it is necessary to consider a proposal promptly, some limitations on the timing and length of consultation may be unavoidable. Depending on the significance of the proposal, a consultation process would ordinarily be expected to vary from 2 to 12 weeks, however the length of a consultation should be decided on a case-by-case basis; there is no set formula for establishing the right length. For example, where stakeholders are being asked to consider the whole proposal and there has been little previous consultation, a longer consultation period is appropriate. Similarly, a longer period is appropriate where those with limited resources, such as individuals and small businesses, are being consulted. In addition, longer consultation periods may be necessary when the consultation process falls around holiday periods.

### Providing information

16. Information or papers should, wherever possible and appropriate, be made available to stakeholders to enable them to make informed comments on proposals. This information should be usable, easy to comprehend and accessible

to the stakeholders with a substantial interest in the subject matter. It should use plain language and clarify the key issues, particularly if the proposed policy addresses complex subject matter. Any research or statistical data used in formulating the consultation questions should be made available when the consultation is launched. This should be subject to the requirements of the Data Protection Acts and any other similar legislation. Officials should consider a range of strategies to assist stakeholders who are expected to be significantly affected, but who do not have the resources or capability to participate in the consultation process.

17. Ideally, relevant documentation, including details of the next steps after consultation, should be posted online to increase accessibility and opportunities for reuse. Where substantial reform is envisaged, it may be best to use a discussion/consultation paper.

#### Providing a Legislative Footprint

18. A legislative 'footprint' is intended to increase the transparency of the legislative process by providing more information to the public on the evolution and development of legislative proposals. Provision of such a footprint in relation to legislative proposals is a requirement under the Open Government Partnership National Action Plan. In specific terms it is proposed that at each of the main milestones during the preparation of legislation, (for example consultations on an initial policy paper, publication of the General Scheme, pre-legislative scrutiny and publication of the draft Bill), summary information would be published on such issues as meetings held with stakeholders/representative bodies, submissions received and identifying any substantive changes that may have been made in the policy approach. It is envisaged that publication of this summary information (perhaps in tabular form) would be alongside the policy paper or the scheme or draft Bill and would contain links to publications of submissions received where appropriate and/or any consultation reports developed during the process.

#### Publishing Submissions

19. In the interests of transparency, submissions should ideally be published online as they are submitted. Arrangements to facilitate this should be considered before the consultation process commences. Submissions might in any case be released under the Freedom of Information Act.
20. Any negative comment that could point to an individual or company should be redacted from submissions before they are published.

21. Personal identifying information contained in submissions should not be published, in accordance with the Data Protection Acts 1988 and 2003 and the Freedom of Information Act 2014.

### Lobbying

22. If submissions are not to be published, public bodies should make it known that those making submissions may be lobbying under the terms of the Regulation of Lobbying Act 2015. Consequently, they may be subject to criminal sanctions if they fail to register the activity. People making submissions can check if they are lobbying at <https://www.lobbying.ie/help-resources/information-for-lobbyists/ami-lobbying/>

### Personal Data

23. Any personal data within the meaning of the Data Protection Acts 1988 and 2003 submitted as part of the consultation process must be treated in line with the requirements of the Acts. The area of the consulting organisation in receipt of submissions must, if it anticipates receiving personal data or receives personal data ensure it puts procedures in place to protect that data.

### Legal matters to be brought to the attention of those making submissions

24. Requests for submissions should point out to potential respondents that:
- a. Their submission may be published
  - b. Their submission will be subject to the provisions of the Freedom of Information Acts
  - c. Comments involving allegations of any kind against a named or otherwise identifiable person or organisation may be viewed as defamatory by the subject of the comments. Those making submissions may be sued directly for any defamatory allegations in a submission and should avoid making such allegations
25. Should submissions not be published, those making the submissions may, if the submission has been made to a Designated Public Official, have obligations under the Regulation of Lobbying Act.

### Providing feedback

26. Feedback is an important part of consultation. To encourage active participation, officials should publish a consultation report which may, in the form of a summary table identify the number of submissions received, key points raised in the submissions, whether these were taken on board or not, and future plans (if any) for further engagement. Where stakeholder input could not be reflected in the proposed policy, officials should provide a brief explanation as to why not.

However, development of the consultation report should not impose an unreasonable burden on the public body concerned. For example if a large number of responses are received, it could not be expected that every submission would be addressed individually. In that case the key issues emerging and the main points taken on board as well as those that could not be taken on board for practical, legal or policy reasons should be documented. This is a matter which will need to be considered on a case by case basis for the individual public body concerned. The consultation report should be published as soon as practicable after the consultation period and published on the public body's website. Those who made submissions should be notified of its publication, where feasible. If the public is consulted more than once during the consultation period, a separate or an updated report should be published following each phase.

### Reviewing the consultation process

27. Review is an integral part of the overall consultation process. It allows an organisation to examine the effectiveness of the consultation process and provides a basis for refining the process for future use. A review should be conducted when the consultation process has been completed and included in the final consultation report. It should consider whether the objectives of the consultation have been met, including whether the methods used were appropriate to the objectives and the cost-effectiveness of the consultation process. It should also identify any lessons learned to inform future consultation processes.

### Consultation Portal

28. The Department of Public Expenditure and Reform will develop a website that will allow all consultation processes by public bodies to be accessed and searched from the one location. This will help ensure transparency and consistency of approach.

## Appendix 1- Awareness Raising and Consultation Methods

There are a wide variety of methods to raise awareness of consultation processes and of the issues being consulted upon. Awareness enhancing and consultation methods can take place locally or centrally and whatever method is utilised, it is important to ensure that a Plain English approach is adopted (see [www.nala.ie](http://www.nala.ie)). The main methods used are grouped below, under the following headings: Information and Communications Technology; Offline Written processes; conduct of research; hosting of events and establishing forums; and piloting of changes.

### Information and Communications Technology

Online consultations can cover a broad range of activities. In its simplest and least interactive form, an online consultation can take the form of a website offering a discussion paper and requesting public submissions through email, online forms or other means. Online consultations can also provide greater interactivity and engagement with the public by using social media tools, such as social networking sites, or web forums (such as blogs or wikis) etc. It is important to bear in mind however that the use of online tools can represent a narrowing of consultation in some cases, particularly if using surveys that do not incorporate space for additional comment.

### Written processes

- The seeking of views based on a published consultation document or request for submissions notice in the press
- Use of comment/suggestion schemes as an immediate channel for customer comments, complaints and suggestions regarding the service they have received.
- Publishing progress reports
- Providing input to newsletters/publications of others (such as networks of charity etc. organisations and other existing umbrella groups such as unions etc.);
- Circulation/posting of material using appropriate existing physical facilities such as libraries, citizen advice bureaus or post office networks etc.

### Conduct of research

- Face-to-face interviews – these allow in-depth exploration of individual views, attitudes, behaviour and motivation.
- Focus groups – these can be led by a trained facilitator in a one-off discussion focused on a particular topic.
- Customer surveys – Quantitative research which provides answers and statistics in response to set questions. Quantitative surveys can be face-to-face, postal, telephone, email or web based.

- Mystery shopping – used to test the services an organisation provides through an ‘agent’ of the organisation posing as a service user. The agent will test the quality of the service in pre-determined areas and report back to the organisation.

### **Hosting of events and establishment of forums**

- Open public meetings on a specific issue
- Open Days/Road Shows /Exhibitions
- Customer/User panels – these involve a small group of users who meet representatives from Departments/Offices, on a formal or informal basis, to express their opinions on the services they have received or to express user concerns
- Foresight / Market observatory - these bring together technical experts, policy makers, industry representatives and others to identify strategic issues affecting a particular policy area - including emerging opportunities, technologies and trends and recommendations for appropriate policy responses. A market observatory will generally be an ongoing mechanism for tracking developments such as trends in innovation in a particular industry. Market observatories are used to inform the development of policy in particularly complex areas and may or may not have ongoing interaction with the industry being observed.
- Inquiry by design - An intensive workshop bringing together public officials, stakeholders and members of the public to consider and suggest solutions for complex issues, such as planning. A given workshop will involve a structured, but fast-paced, interchange of ideas between participants so that results can be produced rapidly. A cost effective means of envisioning outcomes at an early stage and of assessing proposals at the final stage.
- Advisory committees - semi-permanent or permanent committees established to act as a source of expert advice on complex issues.
- Citizen panels - a relatively large (c. 500 – 2500) representative sample of population. Used to assess reaction to specific proposals, to assess local or sector-specific service delivery, and to develop views about future priorities, needs or goals.
- Citizen Juries – a structured method of obtaining detailed, considered views from members of the public on specific issues. Juries are comprised of a similar number of people to a court jury (12 –16) and are neither experts nor members of particular interest groups. Juries hear evidence from expert witnesses over several days and then draw conclusions.
- Public Participation Networks (PPN) - the main link through which the local authority connects with the community, voluntary and environmental sectors. The aim of the structures and processes is to facilitate and enable the public and the organisations to articulate a diverse range of views and interest within the local government system.
- National Economic Dialogue - hosted by the Departments of Finance and Public Expenditure and Reform to facilitate open and inclusive exchanges on competing

economic and social priorities in the run up to Budget 2016. The dialogue was structured around plenary sessions, chaired by an independent moderator and provided for smaller break-out sessions on specific themes. Arrangements were made to live stream the plenary sessions.

- Constitutional Convention - a decision-making forum of 100 people, made up of 66 citizens, randomly selected and broadly representative of Irish society; 33 parliamentarians, nominated by their respective political parties and including an elected representative from each of the political parties in the Northern Ireland Assembly

### **Piloting of changes**

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

## Appendix 2: Development of the Policy in relation to the Regulation of Lobbying - Consultation process (2011-2015)

- An internal desk-based review of international approaches, of academic research, and of previous Private Members' Bills on the regulation of lobbying was undertaken. Contact with academics was initiated and maintained throughout the process;
- Submissions were invited from interested parties on the key issues relating to options for the design, structure and implementation of an effective regulatory system for lobbying. This involved the placing of a newspaper advertisement, and separately contacting directly a number of organisations involved in lobbying. This six week consultation process was based on the agreed OECD Principles for Transparency and Integrity in Lobbying. The main issues in respect of which information and views were requested were identified and structured in a number of questions related to each of the OECD Principles. The submissions/letters/documents received were placed on [www.per.gov.ie](http://www.per.gov.ie) as well as the key issues emerging.
- A number of contributors were subsequently invited (some of which specifically requested a meeting) to meet with officials in the Department of Public Expenditure and Reform (the Department) to discuss specific issues contained in their submissions. A summary of the key points, including the list of contributions, was posted on [www.per.gov.ie](http://www.per.gov.ie)
- On the basis of further internal research, analysis, and contact with a number of international Lobbying Regulators, in particular in relation to the key issues highlighted in the submissions received as well as from subsequent meetings with some contributors, a [policy paper](#) was finalised and published online by the Department. Its objective was to communicate the main elements of the proposed policy approach to the development of legislation. It was also intended to allow stakeholders to provide their views on, for example, key implementation issues relating to the proposed policy approach;
- Following publication of the policy proposals, an open public seminar on the regulation of lobbying was hosted by the Department. This was intended to discuss these proposals and options, and to debate issues that emerged from the consultation process. The keynote speaker at this event was Ms. Lynn Morrison,

Integrity Commissioner & Lobbyists Registrar of Ontario. At this stage, contact was initiated with the Standards in Public Office Commission, the body responsible for the implementation of the legislation,

- Following the seminar, a summary of the issues raised was emailed to participants, and meetings were arranged with individual stakeholders that has specific issues in relation to the proposed policy. A further consultation phase on lobbying then took place focusing on the issues raised at the seminar. This included the Department accepting feedback from stakeholders and government departments on their assessment of issues highlighted in the consultation paper and from issues raised at the seminar. Submissions received were posted on [www.per.gov.ie](http://www.per.gov.ie) as well as a summary of the key issues.
- Following the publication of the General Scheme of the Regulation of Lobbying Bill, submissions were received from interested parties who has previously engaged with the process, and posted on [www.per.gov.ie](http://www.per.gov.ie)
- The General Scheme of the Regulation of Lobbying Bill was sent to the Joint Committee of Finance, Public Expenditure and Reform for pre-legislative scrutiny. The review included a video conference with Mr. Janos Bertok, Head of Public Sector Integrity Division, OECD; Paris which allowed members discuss with Mr. Bertok the Principles for Transparency and Integrity in Lobbying developed by OECD in the context of the issues that were identified in the summary prepared by the secretariat.
- Items raised in submissions received were considered in the drafting of the Heads of the Bill. The legislative process continued with the usual consultation across all Government Departments.
- In advance of the enactment of the legislation, a paper-based pilot of the proposed lobbying register was developed. Stakeholders (i.e. five groups in total including representative organisations) were invited to engage with this pilot, and highlight issues encountered.
- Since enactment of the Regulation of Lobbying Act 2015, officials have proactively, and on invitation, given presentations on the requirements of the legislation to many stakeholders. In addition, an Advisory Group has been establishment for the implementation of the legislation, and its membership includes Government

Departments/Offices, relevant stakeholders and representative organisations. Such involvement is assisting organisations in addressing their individual concerns about the registration of lobbying process, and informing them of the requirements of the process.

- Throughout the entire process, contact was maintained with interested parties, and meetings between officials and stakeholders were facilitated including on request.