A MANUAL FOR STAKEHOLDER CONSULTATION: JORDAN




A MANUAL FOR STAKEHOLDER CONSULTATION: JORDAN

***[This manual is accompanied by a Manual for Regulatory Impact Assessment (RIA),* published separately]**

USAID JORDAN ECONOMIC DEVELOPMENT PROGRAM

CONTRACT NUMBER: 278-C-00-06-00332-00

DELOITTE CONSULTING LLP

USAID/ECONOMIC GROWTH OFFICE (EG)

APRIL 20, 2010

AUTHOR: SCOTT JACOBS & CESAR CORDOUA / JACOBS AND ASSOCIATES

TASK NO: 3.03.01

DISCLAIMER:

The author’s views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.

Contents

Executive Summary

This Stakeholders consultation manual sets the standards for public structured engagement with stakeholders that involves seeking, receiving, analyzing and responding to feedback from stakeholders.

The main purpose of any consultation is to soloist views and comments form the stakeholders at large and other interested parties on the need to revise issues whereas it is important to assess the costs and benefits of any possible change to existing regulatory regimes or policies before applying the changes.

This manual assists policy units, working groups, drafting committees and others developing new policies in Jordan to design and carry out an effective stakeholder consultation, coordinated with the regulatory impact assessment (RIA) process.

The Checklist included in this Manuel will insure a Better Consultation which will help ensure that the important aspects of organizing a consultation have been covered.

For more information on the Consultation concepts and manual, please contact USAID Economic Development Program / Enhanced Business Environment Component.

Checklist for good consultation

1. ***Plan the consultation in advance.*** **Consult widely throughout the process of developing a new policy or revising an existing policy. Provide early and meaningful opportunities for consultation on both the draft proposal and the draft impact assessment. Never consult after final decisions are taken.**

2. ***Identify stakeholders:*** **Identify all of the stakeholder groups and individuals that should be consulted.**

3. ***Prepare the consultation document:*** **Write the consultation materials for non-technical readers, using the draft RIA. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses. Use the impact assessment to clarify key questions.**

4. ***Choose and implement the consulting method:*** **Publish the consultation materials on the consultation web portal and allow a minimum of 30 working days for written consultation at least once during the development of the policy. Ensure that your consultation is accessible and that you reach the groups with major impacts. Choose consultation methods that match the capacities of the major stakeholders. When more information is needed or when stakeholders do not or cannot respond to Internet publication, supplement Internet publication with pro-active consultation such as seminars, focus groups, and surveys.**

5. ***Analyze responses and integrate responses into the Impact Assessment.*** **Organize the evidence in the comments by the goals of the policy initiative, the key questions that were asked in the consultation, and the options proposed in the impact assessment. Integrate the evidence into the final RIA, and the recommendations.**

6. ***Provide feedback to stakeholders.*** **Give feedback regarding the responses received and how the consultation process influenced the policy.**

Section 1: Purpose of this manual and summary of consultation approach

1.1. Purpose of this manual

1. Consultation means a structured public engagement that involves seeking, receiving, analyzing and responding to feedback from stakeholders.[1] Stakeholders are:

- those whose interests are affected by the issue or those whose activities strongly affect the issue, including organized interests, individuals, and interested parties in third countries,
- those who possess information, resources and expertise needed for the impact assessment, strategy formulation, and implementation, and
- those who control relevant implementation instruments.[2]

2. This manual assists policy units, working groups, drafting committees and others developing new policies in Jordan to design and carry out an effective stakeholder consultation, coordinated with the regulatory impact assessment (RIA) process. The Checklist for Better Consultation will help you to ensure that the important aspects of organizing a consultation have been covered. This manual has the same purpose as the consultation manual adopted by the European Commission in 2002:

   To build a framework for consultation that is coherent, yet flexible enough to take account of the specific requirements of all the diverse interests, and of the need to design appropriate consultation strategies for each policy proposal.[3]

3. This manual aims at achieving a new quality of consultation at all levels of government. Jordanian public institutions have a long history in consulting through committees, but substantial changes in the design and implementation of consultation are occurring throughout the world as consultation serves new goals and responds to more demanding citizenries. Consultation is becoming more open to all groups in society and is increasingly used to generate objective data to support RIA.[4]

4. Stakeholder consultation and impact assessment are typically integrated because they are mutually supportive. The quality of consultation is improved by the clarity of the impact assessment, and the impact assessment is improved by the information and data collected through consultation. In fact, open discussion of the RIA content is so important that, in those countries that have used RIA the longest, the RIA is considered to have little value without public consultation on its content. In most cases, you will consult at the same

> **In most cases, you will consult at the same time on both a draft policy and a draft regulatory impact assessment (RIA). Advance planning will be needed to coordinate the two procedures without losing valuable time and slowing policy development.**

---

[1] Ireland Department of the Taoiseach (2005) *Reaching Out: Guidelines on Consultation for Public Sector Bodies*, p. 5.

[2] United Nations (2000) Urban Management Programme (UMP) Tools to Support Participatory Urban Decision Making, at http://www.unhabitat.org/pmss/getPage.asp?page=bookView&book=1122

3 European Commission, (2002) 'Towards a reinforced culture of consultation and dialogue – General principles and minimum standards for consultation of interested parties by the Commission', p. 4. COM (2002) 704 at http://europa.eu.int/comm/secretariat-general/index_en.htm

4 OECD (2002) Regulatory Policies in OECD Countries: FROM INTERVENTIONISM TO REGULATORY GOVERNANCE, Paris, p. 11.

time on both a draft policy and a draft impact assessment. Advance planning will be needed to coordinate the two procedures without losing valuable time and slowing policy development.

5. This manual is organized around six recommended steps for consultation that lay out in detail when to consult, who to consult, and how to consult:

1. Planning the consultation in advance
2. Identifying stakeholders
3. Preparing the consultation document
4. Choosing and implementing the consulting method
5. Analyzing responses and integrating responses into the Impact Assessment
6. Providing feedback to stakeholders

1.2 Why consult?

6. Policy transparency is based on sound economic, governance, and democratic reasons.

7. Consultation creates greater transparency in public policy, an important principle of good governance. It helps to ensure that the operations of government and bodies throughout the public sector are conducted with greater clarity and openness. Public policies can produce better outcomes at lower cost through the active involvement and contribution of stakeholders. By ensuring that interested parties can express their views about a particular proposal, the decision-making process becomes better informed, more rigorous and more accountable. For the business sector, consultation reduces policy risks and unnecessary costs that make it harder for them to start up, grow, and create new jobs.

8. Consultation helps the government to design and implement policies that better protect public social and environmental interests consistent with a competitive and low-cost policy environment. Consultation is part of the evidence-based approach to policy that is intended to boost the results and cost-effectiveness of public policy. Consultation and RIA, together, are meant to provide you and everyone involved in policy development and evaluation with a better understanding of the problem, the options, the risks, and the benefits and costs of options, in order to arrive at the best solution.

Consultation helps the government to design and implement policies that better protect public social and environmental interests consistent with a competitive and low-cost policy environment.

9. For these reasons, many governments have invested considerably in recent years in making more information available to the public, listening to a wider range of interests, and being more responsive to what is heard. A greater variety and number of interest groups are becoming involved in making public policy. Forms of consultation that were vulnerable to capture and bias are being replaced with more open, accessible, and flexible consultations, such as the on-line consultations planned in Jordan.

1.3 When to consult?

10. You may consult on a wide range of documents. In most cases, you will consult on a draft proposal and the draft RIA justifying why that proposal is recommended among

other options. But you might wish to consult earlier in the policy process, such as with discussion papers (e.g. “white” or “green papers”), options papers, or even general requests for information on a specific issue to be developed in future. Consultation is a tool you can use at any point in a policy process (until a final decision is made) to collect more information, validate your recommendations, and ensure that all legitimate views are fairly considered.

11. The draft policy proposal and RIA are published on the web portal during the development phase, when you believe the time is best, but ALWAYS before the Minister or other political official makes a final decision. In addition, you can choose to consult on other policy documents, such as options papers, policy discussion papers, or requests for information for future policies. Consultation is a tool that you should use whenever the information and views of Jordanian citizens will add value.

12. You should consult with stakeholders during the development of all new and revised policies and legal norms with effects outside the government, that is, on citizens, businesses, or civil society. Consultation is not required for policies that affect only public bodies, such as management decisions.

> **You should consult during the development of all new and revised policies and legal norms with effects outside the government, that is, on**

13. Consultation is not a luxury that you can choose to skip. It should always be done before a policy is adopted. It will take time, but if you plan the policy development in advance, consultation should not unacceptably slow down the policy process. If you do not plan in advance, you will be under pressure to “cut corners” by reducing the consultation. A continuing challenge is to ensure that you integrate both consultation and RIA into decision-making even where time pressures are greatest to reduce the risks of costly policy errors, failures, and mistakes.

14. There will be a few situations where consultation is neither practical nor desirable, for example, where security or confidentiality issues, or the need for emergency regulation, arises. In only the most extreme situations, such as an impending serious health problem, should the Minister approve a request to skip the consultation process entirely. In almost all cases, you should plan to consult.

1.4 Who to consult?

15. You should consult with all stakeholders who could be substantially or significantly affected by the new or revised policy, those with information you need for the impact assessment, and those who will be involved in implementation. A good consultation process brings in the views of all stakeholders with significant interests. In conducting consultations, officials should recognize and understand the multiplicity of stakeholders with their different levels of interest, points of view, and expectations concerning the nature and content of a proposed policy.

> **A good consultation process brings in the views of all stakeholders with significant interests, those with information you need for the impact assessment, and those who will be involved in implementation.**

16. As discussed in Step 4 below, you cannot reach all stakeholders simply by publishing a request for consultation on a website. In many cases, you must be more proactive and take additional consultation steps, such as organizing seminars or focus groups, to accommodate the constraints

and limitations of stakeholders. Generally, more policy-oriented tools such as strategic plans, laws, white papers, and major regulations require the earliest and widest consultation, while more technical and local decisions, such as the content of an Environmental Impact Assessment, require more targeted and intensive forms of consultation.

17. This does not mean that the Ministry must agree with stakeholders. Consultation is mandatory in many countries, but stakeholders do not determine which policy is chosen. Policy officials are required to listen to stakeholders and to respond to their views, but the ministry maintains full accountability for its final decisions. This is important because government regulators represent society as a whole, while stakeholders usually have a narrower view of how the policy will affect them.

1.5 How to consult?

18. The minimum consultation in all cases is publication of clear consultation materials (usually the draft RIA and a policy proposal or legal text) on the ministry's or government's central web portal for at least 30 working days at least once before the policy is adopted. Responses to online consultation can be received online, by email, or by mail.

19. The Standard or Full RIA should be completed in draft before consultation begins, and should be published with the policy document for comment. The RIA summary forms include a specific section to help you consult. In Section 7 of the Standard RIA, you will respond to either one of two questions, depending on the phase of consultation:

- If the RIA is prepared <u>before</u> consultation, summarize (in Section 7) the key questions for consultation, the major stakeholders, the time period of consultation, and the means for response. List stakeholders that have been invited to respond or list specific stakeholders that the Government would particularly like to hear from. You should be clear that the consultation is not limited to these groups and that anyone is free to respond and their views will be taken seriously.
- If the RIA is prepared <u>after</u> consultation, summarize who responded, the key comments and the government's responses to comments.

20. Completing Section 7 of the RIA Form, and including the RIA in the published consultation materials, is sufficient to satisfy the minimum consultation requirements. You might want to add additional materials, such as a letter to stakeholders from the Minister for important national issues, to improve response. Also, do not forget that consultation exercises can receive a lot of attention from the media and you might need to plan how to respond to media requests during the consultation.

The minimum consultation in all cases is publication of the RIA and draft proposal on the ministry's or government's central web portal for at least 30 working days. In many cases, this should be supplemented by other, pro-active consultation efforts to reach important stakeholders.

21. In many cases, publication on the web portal should be supplemented by additional consultation efforts. This is particularly the case when important stakeholders cannot be reached through Internet communication, or when more detailed dialogue and

discussion is necessary to identify the consequences of government action and to develop policy options. This manual outlines different methods of consultation and provides references to further useful information. Different methods of consultation suit different situations. If consultation is done through other means, it is important to summarize the consultation and the results to ensure that everyone knows who has been consulted and how.

22. In all cases, consultation is not completed until you provide public feedback to the stakeholders. You are not required to agree with any comments that are provided, but you must summarize the comments that were received, and explain your responses, including why you accepted or rejected the comments. The RIA Summary Forms include a specific section in which you will summarize the results of consultation and your response, and this is the easiest means of providing the required feedback.

1.6 How long to consult?

23. How long will it take to consult adequately? The time needed to consult will depend on the complexity and sensitivity of the policy proposal. You will need at least 30 working days (6 weeks), the minimum period for effective online consultation, to several months for national consultations on complex issues. You should allow more time if possible, since 30 working days is less than the minimum considered to be good practice in Europe. The United Kingdom recommends a minimum of 12 weeks, and the European Commission uses 8 weeks as the minimum.

24. If organizations ask for an extension of a few days, you should consider allowing an extension. Even if you are under pressure to start the analysis, you will have other responses that you can start working on. If several key stakeholders have expressed concern about being able to respond in the given timeframe, you should consider extending the deadline for everyone. You could post a notice of extension on the consultation website.[5]

Section 2: Good practices in 6 steps of consultation

25. In this section, each of the six recommended steps of the consultation process is discussed, and examples are given of good practice. An extensive list of reference materials that you can use for more information is included in Annex 2. The six recommended steps for consultation are:

1. ***Plan the consultation in advance***
2. ***Identify stakeholders***
3. ***Prepare the consultation document***
4. ***Choose and implement the consulting method***
5. ***Analyze responses and integrate responses into the Impact Assessment***
6. ***Provide feedback to stakeholders***

Step 1: Plan the consultation in advance

26. Like all quality controls, consultation takes time. Advance planning will reduce the costs and time needed, while ensuring that consultation is early and meaningful. The

[5] UK Guidelines for drafting a consultation document.

timing of the consultation is very important to its value. If it is done too late, such as after the Minister has reached a decision, the consultation becomes merely a façade, in which the views of stakeholders do not really matter to the final decision. If this occurs, stakeholders will rapidly discredit the consultation activities of your institution, and even legitimate consultations will not be trusted. Early consultations, at a time when there is flexibility about whether to act and how to act, generate the best results in the value of the consultation and the good will of stakeholders.

27. Good practice for advance planning means that you should develop, either formally or informally, a consultation plan that includes the following elements:

- ***The consultation effort should be proportionate to the importance of the issue***. As you do for the RIA, you should begin to describe the importance of the issue in terms of the number of people affected, the significance of the social, environmental, and economic impacts, the political importance, the risks and complexities, and other relevant issues. This will help you determine the scope and type of consultation needed, as well as to determine if a Standard or Full RIA will be needed. At minimum, for important issues, you will need to provide more than 30 days of Internet publication. You cannot provide sufficient opportunity for consultation if you do not plan well in advance.

- ***Set clear objectives for the consultation***. What do you want to achieve? The consultation can be used to ensure that opposing interests (such as agricultural and environmental) are balanced, to collect information not available to the public sector (such as compliance costs or innovative technologies that businesses can use to comply), or to create consensus around controversial issues (by creating fora where different views can be discussed). You should know well in advance what you would consider to be a successful consultation, and what would be a failed consultation.

- ***Manage the timing and the timeliness.*** Advance plans should developed with as much detail as possible, including the schedule for the policy development process that identifies the phases and schedule of consultation. Of course, the schedule might change due to unexpected events, but the consultation should be explicitly scheduled from the very beginning so that it is not forgotten or downsized when time gets short.

- ***Budget the consultation process.*** Internet publication is very cheap, but other forms of consultation will require additional financial resources. Surveys, seminars, flyers, and other opportunities for feedback should be budgeted well in advance so that the financial constraints are understood and do not slow down policymaking. It is important not to underestimate the amount of resources – people, money and time - that a consultation could consume. This holds for both the public body running the consultation and for those consulted. Each phase takes time and effort: planning and running a consultation, hiring consultancy expertise if required, analysing submissions received, publication and dissemination of results and evaluating the consultation.[6]

- ***Adapt and mix consultation mechanisms according to the RIA process.*** As discussed below in How to Consult, you will integrate the consultation into the RIA process by choosing consultation methods that are most likely to produce the kind of information you need to complete the RIA. At the very early planning stage, you're unlikely to understand in much detail the kind of information you will need to complete the RIA, but you should be able to begin mapping out whether you will need specific

---

[6] Ireland Department of the Taoiseach (2005) Reaching Out: Guidelines on Consultation for Public Sector Bodies, p. 5.

sectoral information, demographic information, health and safety statistics, or benchmarks and experiences from other countries. The earlier you begin to understand the data needs in the RIA, the earlier you can choose affective consultation methods.

- ***Adapt and mix consultation mechanisms according to the capacities of stakeholders.*** As discussed below in Step 4, you will integrate the consultation into the RIA process by choosing consultation methods that are suited to the capacities of the important stakeholders. Even at an early stage, you should be able to to determine if the policy will affect significant numbers of small businesses, or rural interests, or consumer costs or choice. Each of these groups typically has a difficult time responding to online consultation, and hence a more fully developed consultation plan that includes other opportunities for input might be needed. Without sufficient advance planning, you will be unable to respond adequately to the needs of such stakeholders.

28. For the most important issues, some countries recommend that the consultation itself be planned through consultation. In other words, you might want to meet with key stakeholders at this very early stage to advise them that you plan to consult, and to ask for their views on the most useful forms and timing of consultation. This approach is quite useful in generating advance interest in preparation in the consultation, and in improving the quality and constructiveness of stakeholder responses when the consultation actually takes place.

Step 2: Identify stakeholders

29. It is good practice to identify, early in the consultation process, the main stakeholders who should be involved. Section 7 in the Standard RIA asks that you identify these groups before consultation begins. This should be broad rather than narrow. As noted in the introduction, a good consultation process brings in the views of all stakeholders with significant interests, with relevant information, and with a role in implementation. A poor consultation process allows access to only dominant, powerful, or well-connected stakeholders. The closer a consultation exercise approaches lobbying, the worse results it will achieve in supporting selection of a cost-effective solution to the problem.

It is good practice to identify, early in the consultation process, the main stakeholders who should be involved.

30. Broadly defined, stakeholders are:

    - Individuals, groups, or organizations whose interests are affected by the issue or those whose activities strongly affect the issue. Stakeholders might include other levels of government and those from third countries;
    - those who possess information, resources and expertise needed for the impact assessment, strategy formulation, and implementation, and
    - those who control relevant implementation instruments.

31. The consultation should never exclude anyone with valid interests. The European Commission has stressed that it maintains an inclusive approach in line with the principle of open governance: "Every individual citizen, enterprise or association will continue to be able to provide the Commission with input."[7]

32. In conducting consultations, officials should recognize and understand the multiplicity of stakeholders with different interests, points of view, and expectations concerning the nature and content of a proposed policy. Common stakeholders include:

- Regulated entities
- Businesses (local, foreigners, large & small)
- Workers
- Consumers
- Stakeholders
- NGOs
- Academics, think tanks
- Other users
- Public administration (regional and municipal)

33. The European Commission[8] advises that, when identifying target groups, you should consider:

- the wider impact of the policy on other policy areas, e.g. environmental interests or consumer policy
- the need for specific experience, expertise or technical knowledge
- the need to involve non-organised interests
- the track record of participants in previous consultations
- the need for a proper balance between the representatives of:
    - social and economic bodies
    - large and small organisations or companies
    - wider constituencies (e.g. churches and religious communities) and
    - specific target groups (e.g. women, the elderly, the unemployed, or ethnic minorities).

34. A key issue is the representativeness of stakeholders. Do consulted parties represent all important interests or do they represent a narrow set of interests? If you consult too narrowly, you risk being captured through consultation. The information you use will represent, not the interests of Jordan as a whole, but the interest of specific groups who will win or lose from your decisions. One reason for diversifying the stakeholders who are consulted is to reduce the risk of capture and bias in public policy decisions. One way to help ensure that groups are representative is to consult with umbrella organizations that are already organized, for example, national trade associations or consumer groups.

Do consulted parties represent all important interests or do they represent a narrow set of interests? If you consult too narrowly, you risk being captured

---

[7] European Commission, (2002) 'Towards a reinforced culture of consultation and dialogue – General principles and minimum standards for consultation of interested parties by the Commission', p. 4. COM (2002) 704 http://europa.eu.int/comm/secretariat-general/index_en.htm

[8] European Commission (2002)

Step 3: Prepare the consultation documents

35. Clarity is the most important quality of consultation documents. In all cases, if stakeholders are to respond effectively, you must be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses. People should be able to work out quickly whether a consultation is relevant to them.

36. In most cases, your consultation documents will consist of the draft RIA and the policy proposal, which might be in the form of draft legal text. A good practice, although not mandatory, is to also prepare an Executive Summary to the written consultation document to set the context, to set out the scope of the consultation exercise and to make the main points of the document. This should be no longer than two pages. An accessible summary will help stakeholders decide if the consultation is relevant to them.[9] A letter from the Minister will increase responses for the most important consultations.

Be clear! Legal text by itself is a poor consultation document, because people have a difficult time understanding the consequences and options behind legal text. Most countries that have adopted RIA use the RIA itself as the main consultation document.

37. On the substance, communication with non-technical readers is the main goal. Draft legal text by itself is a very poor consultation document, because people have a difficult time understanding the consequences and options behind legal text. That is why most countries that have adopted RIA use the RIA itself as the main consultation document. The standard forms for the RIA are already designed (Section 7 in the Standard RIA) to clarify key questions.

38. Documents used in consultation should be:[10]

1. Clear about who you would like to hear from;
2. clear in terms of the language used, avoiding jargon, abbreviations and acronyms where possible (where they are unavoidable include a glossary of terms);
3. clear in terms of the scope of the consultation exercise, i.e. what has already been decided upon and therefore cannot be influenced and what you are seeking views on (this should be presented in Section 7 of the Standard RIA);
4. clear in terms of the impacts of the options under consideration (estimated impacts of options should be presented in the RIA);
5. clear on the start and end date of the consultation;
6. clear regarding how to respond, and the name(s), phone number(s) and email address(es) for enquiries about the content or scope of the consultation, requests for hard copies, and information about consultation events;
7. clear regarding how to get involved in any other activities related to the consultation; and

---

[9] UK Guidelines for drafting a consultation document.

[10] This paragraph is adapted from the UK Guidelines for drafting a consultation document.

8. clear as to what you will do with the responses and how you will follow up the consultation exercise.

39. Asking specific questions to elicit more specific information is a good technique. Stating key questions is intended to focus stakeholders in filling information gaps, but not to restrict their ability to comment on any issue that they wish. The consultation process provides an excellent opportunity for the RIA analysts to collect information held by non-government sources, and at low cost. The more specific are the questions, the more likely that specific information will be submitted. In general, you should ask stakeholders for feedback and information to validate and strengthen the analysis of the following issues:

- Problem definition: What is the issue or problem that may require action? What are the underlying drivers of the problem? Is the baseline option reasonably projected into the future?
- Performance goals: Are the performance goals appropriate for Jordan?
- Who is affected, in what ways, and to what extent?
- Options: What are the possible solutions to the problem? How have other countries handled the problem? What are their results? Identifying possible solutions to the problem is one of the most important steps of the consultation and RIA, and should be a key question in almost every consultation. Here, the policy team might consult with experts and with groups with different perspectives, or conduct a good search on solutions used in other countries, in order to identify the widest possible range of options. The comparison of options in the RIA or other consultation document should summarize and synthesize all of the analysis prepared, and present the information in a readable, accessible, and understandable format.
- Costs and benefits: Does the RIA identify all important costs and benefits of the options? What other costs and benefits should be considered? Can data be submitted to be more precise about the magnitude of the costs and benefits, and the comparisons of the options? What are the costs of this policy to businesses? Consumers? What are the monetary costs of new administrative burdens?
- Should other impacts, such as distributional impacts, be added to the analysis?

The consultation process provides an excellent opportunity for the RIA analysts to collect information held by non-government sources, and at low cost. The more specific are the questions, the more likely that specific information will be submitted.

- How can the costs be reduced or benefits increased? What regulatory designs will increase cost-effectiveness?

40. You should ask commenters to provide basic identifying information such as a name. Since comments will be public documents, do not ask for private or confidential information such as email addresses. In general, you should not accept written comments that are anonymous, since these have no accountability. To standardize identifying information, you should consider including a detachable or printable response form with the consultation document. This allows those responding to state who they are and who they represent. If the form asks them to evaluate the

consultation itself, it also allows them to provide feedback on the documentation and the overall process.[11]

41. As is done in Ireland, it may be a good practice to assign one person to act as a coordinator or liaison officer to deal with any questions and to record and acknowledge submissions as they are received. You should consider including the contact details of this person in all documentation.

Publication for 30 days on the web portal is a minimum standard. But you should carry out more pro-active consultation when:

- **The issues are more important. The more significant the impacts are likely to be, the broader the consultation should be.**
- **You cannot rely on the Internet to reach important stakeholders.**
- **You need more focused, intensive, or dialogue-based interactions to generate more detailed information.**

Step 4: Choose and implement the consulting methods

42. The new minimum standard in Jordan is publication of consultation materials on the ministry's consultation web portal for a minimum of 30 working days. All policy initiatives -- whether new or revisions to existing policy – should be published for at least 30 working days. When possible, you should provide more time for response, such as the 60-90 days recommended by the European Commission.

43. But, in many cases, you should consult more than is required by the minimum standard. Some stakeholders, for example small businesses, consumers and minority communities, may be difficult to reach by Internet. It is important to engage proactively with individuals, organizations and trade associations. Other methods of consultation may reach a wider set of groups, collect different kinds of information, or get better response. These methods include:

- stakeholder meetings;
- public meetings;
- web forums;
- public surveys;
- focus groups or test panels;
- Regional events.

44. How do you know when to carry out more consultation, in addition to publication on the Web portal? You should do more consultation when:

- The issues are more important (similar to the decision to do more analysis in the RIA). The more significant the impacts are likely to be, the broader the consultation should be. For example, policies with impacts on important services and goods, such as access to utilities, housing, health care, transport, and energy, or that reduce market competition or opportunities in Jordan, merit more consultation than do policies that affect less important goods or services or that only slightly change business costs.

[11] Ireland Department of the Taoiseach (2005) Reaching Out: Guidelines on Consultation for Public Sector Bodies, p. 27.

- You cannot rely on the Internet to reach important stakeholders; and
- You need more focused, intensive, or dialogue-based interactions to generate more detailed information.

45. Generally, you will use a mix of consultation methods. Different methods of consultation can be combined to achieve different objectives. More accessible methods, such as Internet publication, will be combined with less accessible, but dialogue-based methods such as focus groups. Information quality is an important consideration. Public consultation must be carefully structured and the information collected must be reviewed and tested critically to ensure that it is of the quality needed for the RIA. Table 1 compares methods based on their ability to bring in different kinds of information.

46. More open and accessible procedures are more legitimate, less vulnerable to capture, and more likely to bring in high quality information that improves analysis of policy options. The European Commission has underlined its intention to *"reduce the risk of the policy-makers just listening to one side of the argument or of particular groups getting privileged access."*[12] A key concern is the possibility of the selective provision of data by stakeholders seeking to promote their own sectional interests. Open forums with media present tend to be more credible than small closed groups, although small groups will provide more intense discussion and better detailed understanding. More open consultation mechanisms can be one means of guarding against biased information, both by increasing the likely number of data sources and by subjecting material submitted by one interested party to scrutiny and comment from other groups. By publishing all comments on the Internet, you can generate evaluations of comments by the stakeholders themselves.

47. Another important means of ensuring better data quality is to seek out expert groups that do not have strong sectional interests in the issue as part of the consultation process. These can include academic and other research bodies, for example. Discretion in deciding who and when to consult should be minimized to avoid giving special access to "insider" interests and systematically excluding "outsider" interests such as weaker, less organized, and new interests.

You can reduce the risk of the selective provision of data by stakeholders seeking to promote their own sectional interests by:

- **Using more open consultation methods so stakeholders can see each other's comments;**
- **Diversifying data sources;**
- **Involving expert groups without strong sectional interests;**
- **Empowering less organized groups through methods that allow them to participate.**

48. You can use several criteria to choose the right mix of consultation methods(Table 1 compares methods using different criteria):

- Empower less organized groups by giving them greater access to the information needed to be able to contribute effectively to a consultation process. More pro-active methods, such as regional seminars, might enable local groups to participate more fully than simply publishing documents on the central Web portal.

[12] White Paper on European Governance

- Fit the consultation into the timing available in the policy development process. Electronic publication is faster, while organizing test panels takes more time. Advance planning reduces the time needed for any of the methods.
- Fit the consultation to the financial budget that is available;
- Choose the mix of methods most likely to give you the detail and accuracy of information needed to complete the RIA. Some methods will yield better quantitative information and hard data, while others are better at collecting qualitative information, such as perceptions and opinions.

49. In some situations, outside expertise may be justified for planning, running or evaluating a consultation. Consultations can involve market research, stakeholder identification, facilitation, or may involve seeking feedback on existing services provided by the consulting body. In such circumstances, it might be a good idea to use specialist third parties, who may be better equipped to conduct detailed research. If the consultation consists of a series of public meetings, a significant amount of organization will be necessary – especially if there is a need for a regional approach. Where internal resources or expertise are limited, consideration might be given to the hiring of a company with experience.[13]

50. The strengths and weaknesses of several common consultation methods are discussed below, and are compared in Table 1. The more experience that you have, the better you will be at selecting the right method. For example, opinion surveys can identify major issues, while direct interviews can provide more detail, while focus groups can provide a wider range of data.

51. The methods are divided into two categories:

- ***Passive consultation methods***: Methods in which the public institution asks for information or comments, and stakeholders choose who will respond and what information to provide. Passive consultation typically is structured as a question-and-answer format, in which the public sector asks the public at large, members of the public respond as they wish, and then the consultation is completed. Passive consultation allows broad access, but does not permit deeper discussion and might be dominated by more organized interests.

- ***Pro-active consultation methods***: Methods in which the public institution targets specific groups and participates in a forum for discussion and dialogue. Pro-active consultation is structured to target specific groups or issues, and to elicit dialogue, discussion, and give-and-take in order to develop a deeper understanding of the issues. These methods collect more detailed information, but are smaller and do not permit wider access, so might leave out important interests.

[13] Ireland Department of the Taoiseach (2005) Reaching Out: Guidelines on Consultation for Public Sector Bodies, p. 20.

Passive consultation methods

1. Internet publishing, such as the ministry's Web portal

52. Publication for 30 working days on the ministry's Web portal is a minimum consultation requirement. This is the minimum method used by many European countries and the European Commission which uses the 'Your-Voice-in-Europe' webportal.[14]

Strengths:

- Fast – the only preparation needed in advance is preparation of the consultation materials.
- Cheap for the government.
- Very open and accessible. Opens access for the entire country.
- Can be combined with efficient means of communication. For example, the ability to submit comments electronically reduces costs and delays and allows organized groups to operate more effectively in formulating their views and transmitting them to government. Electronic mailboxes, for example, can give stakeholders the opportunity to send feedback to consulting bodies either by email or using a web page response form.
- Good for communicating detailed or technical information
- Email distribution lists – can be used to circulate consultation information to pre-identified groups of people. Accessing contact information can be difficult but if a consulting body has an ongoing relationship with a group(s) of people, then there is likely to be ready access to contact lists.
- Good way to get views on complex issues from interested parties
- Can be adapted to online media
- Online commentaries or submissions possible
- Can be accompanied by contextual questions
- Allows time for considered responses to be prepared.[15]

> **Consultation based on internet publication:**
>
> - **Is fast and cheap, and reaches many people**
>
> **BUT**
>
> - **May exclude some groups and does not create dialogue.**

Weaknesses:

- Lack of universal access if Internet access is not universal, and if some groups are not organized enough to monitor the Government sites, and to react quickly enough to gather information and prepare written comments.
- Does not permit dialogue. Once the stakeholders submit comments, the consultation is completed.
- Can lead to excessive formality or use of jargon since all discussion is in formal written form.
- Some groups may lack the resources for full analysis and response, and so responses may not be representative.
- Preparation of responses can be time consuming. Can be costly to interest groups by requiring more preparation of responses in written form.

---

[14] http://ec.europa.eu/yourvoice/index_en.htm

[15] Ireland Department of the Taoiseach (2005), p. 29.

- Information needs to be designed and presented differently online, which requires more care for clarity and readability. The tendency to post long and technical documents on Internet sites reduces the quality of consultation.
- IT not a solution to all aspects of consultation – submissions still need to be analysed offline. Because it is easy for the government, publication of the Internet might incorrectly lead to expectations of faster analysis of submissions, feedback and decisions arising from consultation process

2. *Opinion surveys*

53. Opinion surveys or attitude surveys are questionnaires conducted through paper, telephones, and online or direct interviews of the views and opinions of target groups. Such surveys attempt to measure the views of citizens on relevant issues. Such instruments can be useful in collecting certain kinds of information relevant to policymaking, such as the acceptance of government actions and the affect on compliance, but the consultation exercise is not a vote about whether government action is justified, since that depends on the empirical evidence and the decision of policy authorities.

Strengths:

- Can collect information about the acceptability or reaction of people to certain options. The European Commission states that information from opinion surveys is used to write "qualitative studies that provide an in-depth study of the motivations, the feelings and the reactions of selected social groups towards a given subject or concept…"[16]
- Can collect information from large groups, so can allow distinction between interests.
- Longitudinal studies are possible since questions can be repeated at a future date in order to make comparisons over time.
- Can support conclusions about the risks of various options in terms of business or consumer reaction.

Weaknesses:

- Opinion polls measure 'top of the head' public views, rather than collecting empirical evidence. Subjective opinions can be useful for elements of the impact assessment, such as the willingness to comply and in mapping consumer preferences, but do not collect the kind of evidence needed to assess impacts in the RIA.
- Since they are subjective, opinion polls are difficult to interpret and open to inconsistent readings.
- Opinion polls are inherently limited in their value as predictors because they only represent a 'snap-shot' of public opinion at the time the survey is carried out, and opinions can change quickly.
- Opinion polls are heavily influenced by how questions are asked, and hence subject to manipulation.
- Sample populations must be carefully chosen, since opinions can vary across gender, socioeconomic status, and other factors.
- Costly and requires extensive preparation.

---

[16] http://ec.europa.eu/public_opinion/index_en.htm

3. Business surveys and questionnaire-based surveys

54. Surveys are a method of quantitative research that provides answers and statistics in response to fixed questions. Most public administrations have extensive experience in carrying out various kinds of surveys. Much detailed consultation and data collection in the RIA process depends on various kinds of business surveys. The key to a successful survey is that the sample is representative, and that everyone answers the same questions so that the results can be compiled into a data base (that is how a survey differs from an interview, in which the content is more fluid). Quantitative surveys can be carried out face-to-face, postal, telephone, email or web-based.

Consultation based on business surveys:

- **Is fast and cheap, if the sample size is small**
- **Provides standardized answers that can be easily used for quantitative analysis in the IA**

BUT

- **Must be carefully designed or response rates will be low;**
- **Cannot collect more detailed information outside of the questions.**

Strengths:

- Provides standardized answers to focused questions that can be easily compiled into a database
- Can be carried out quickly and fairly cheaply if the sample size is small, and is relatively low-cost way to contact large number of people
- Better if very short and focussed, but good also for longer and more complex questions if target audience is prepared to invest
- Can be directed towards a targeted and representative audience that allows distinctions between different classes categories and groups
- Allows a considered response to sensitive subjects
- Useful where a high level of interest is anticipated

Weaknesses:

- Questionnaires need careful design to ensure that the respondent understand clearly the question and is able to provide the information requested
- Cannot support dialogue
- With fixed questions, respondents cannot elaborate or develop their answers in depth or show variations. This means that the results may not be wholly valid in that they do not give a true picture of the respondent's point of view.
- Little control over who completes it, since response is voluntary
- Choice of sample is critical to the representativeness of the results
- Response rates can be very low and hence surveys can waste time and money (but are much better for telephone-based surveys than for mail based surveys)
- Does not suit subjective or opinion-based questions

Pro-active consultation methods

4. Direct interviews with stakeholders, such as businesses

55. Interviews are direct contacts between an interviewer and a respondent, mostly in a face-to-face format, but increasingly by electronic means. Such interviews can be done

quickly if advance planning is carried out, so that a list of businesses willing to be interviewed is already available.

Strengths:

- If the respondents identified in advance, can be fast and cheap.
- Provides good qualitative information in a relatively short time. Can be used to fill in data gaps in the RIA.
- Longer interviews allow in-depth exploration of individual views, attitudes, behaviour and motivation.
- Can be structured or open-ended as appropriate
- Sample selection can be controlled
- Interviewer needs to have necessary skills to properly explore issues

Weaknesses:

- Time required to identify interviewees and arrange interviews
- Qualitative data can be difficult to analyse
- Can be expensive and time-consuming to analyse the results
- Interviewee may not be as open as interviewer would wish
- Risk of implicit bias/halo effect

5. *Focus groups*

56. A focus group is a small number of people led by a trained facilitator in a one-off discussion focused on a particular topic. Issues can be explored in considerable depth. Deliberative public engagement through focus groups provides policy and decision-makers with much richer data on public attitudes and values, offers opportunities to more fully explore why people feel the way they do, and allows the time to develop ideas, options and priorities with the public. For the civil servants, the experience provides opportunities to share and develop their views with each other and directly with experts and decision-makers.[17] Focus groups are a useful way of finding out what specific groups of people think about proposals.

Strengths:

- Allows for a well-defined objective and structured discussion
- Targeted recruitment can include groups otherwise excluded
- Can be outsourced fairly cheaply
- Can promote ownership of issues through participation
- Anonymity possible if third party facilitators used
- Can be combined with other methods such as business test panels to deepen understanding of the issue
- Can be used to assess complex regulations which are difficult to measure through a test or focus panel.

Consultation based on focus groups:

- **allows for well-defined and structured discussions that can collect a lot of information quickly**

BUT

- **Quality of information can be poor**
- **Is time-consuming to prepare and follow-up.**

1.1 [17] See UK National Consumer Council (2008) Deliberative Public Engagement - Nine Principles at http://www.involve.org.uk/nine_principles/

Weaknesses:

- Membership of group requires careful selection to ensure representativeness
- Untrained moderators might not accurately capture feedback
- Unclear or confused objectives can lead to poor quality outcomes
- Risk of biased conclusions or conflicting messages if group has been allowed to digress or be influenced by individual members
- Time-consuming to assess and write reports
- Can collect views or complaints with no clear recommendations on what could be done to solve the problems.

6. Business test panels

57. A test panel is a group of businesses who participate in very focused surveys, questionnaires or group meetings to provide precise information to public institutions quickly and cheaply.

58. The European Business Test Panel[18] is a well known on-line version of this method (see box below). Denmark adopted an innovative strategy to improve the flow of information to ministries on the likely impacts of regulation. In its Business Test Panels, a cross-section of businesses is asked directly about the expected administrative burdens of proposed legislation. The Danish Test Panel program assembled, each year, a list of hundreds of businesses willing to be interviewed by ministries. This list greatly sped up the interviews, because the businesses were already identified and had already agreed to participate. However, experience has shown the precision of test panel data to be low, and the system is largely seen as an “early warning system” for unanticipated major impacts.

59. Guidelines for Business Test Panels are contained in Annex 1, based on the Danish experience.

Strengths:

- Can provide very focused and detailed information on impacts on specific businesses.
- Consultation can be carried out quickly if test panels are prepared in advance.
- Information can be collected from a carefully selected group, such as the number of businesses by sector and size required to ensure that the panel is statistically representative of businesses, including SMEs.
- The infrastructure needed to conduct businesses panels is easy to set up, and the costs are low. Panels are a cost-effective way to consult with businesses.
- Business panels can be run by individual ministries or by a central unit. The latter is preferable, if one wants to ensure methodological consistency in data collection, while the former can be beneficial, if the aim is to ensure ownership within the ministry.
- Complements other forms of consultation

Weaknesses:

- Advance preparation is required so that consultation can move quickly when needed.

---

[18] http://ec.europa.eu/yourvoice/ebtp/faqs/index_en.htm

- Quality of data might be low, since similar businesses might have very different assessments of impacts. Uncertainty can become so significant that the results are difficult to use in the political process -- because too much time is spend discussing whether the results are a true reflection of the actual costs of the regulation (Denmark).
- Consultation “fatigue” is possible if the same businesses are used over and over.

European Commission views on the European Business Test Panel

- **The European Business Test Panel (EBTP) is a unique tool allowing the European Commission to obtain direct feedback from businesses on Commission legislative proposals or initiatives likely to have an impact on businesses.**
- **The EBTP is composed of around 3.600 companies of different sizes and sectors located in all EU Member States. Companies selected as EBTP members reply to online questionnaires sent to them by the European Commission on a regular basis.**
- **Compared to other forms of consultation, the EBTP aims at being fully representative and focuses on consulting businesses throughout Europe.**
- **The EBTP is entirely Internet based, using the on-line consultation tools developed under the Interactive Policy Making (IPM) initiative. This survey mechanism allows the consultation process to be fast and efficient, and the results of consultations can be made available to both participants and policy makers more quickly.**

Source: http://ec.europa.eu/yourvoice/ebtp/faqs/index_en.htm

7. Advisory committees

60. Advisory committees are semi-permanent or permanent committees established to act as a source of expert advice on complex issues. While normally associated with ongoing consultation, such forums can also be used for once-off consultation processes. They may be composed of social partners, representative organizations and/or experts in the particular field. If ongoing, the membership of such committees should be reviewed on a regular basis to ensure balance of representation.

61. The most common consultation process currently used by Jordan’s ministries is based on setting up an ad hoc public-private advisory commission of selected civil servants and private representatives who discuss specific issues under their mandate. The advisory commission approach can be effective in bringing stakeholder views into the policy process at an early stage, and in generating a dialogue around options and policy design. Yet risks of the advisory commission approach should be managed. For example, the OECD has noted that advisory bodies are vulnerable to capture and bias, since their members are pre-selected and might not represent all important views. Many governments are replacing advisory commissions with more open and flexible methods of consultations to include a greater variety and number of interest groups.[19]

[19] OECD (2002) Regulatory Policies in OECD Countries: From Interventionism to Regulatory Governance, Paris.

62. Advisory commissions also tend to be *ad hoc* and high cost, requiring extensive preparation and participation. Therefore their use is limited only to the most important issues, and cannot become a routine part of how the ministry operates from day to day. A more standardized consultation approach across the ministry would lower costs and improve the effectiveness of the ministry.

Strengths:

- Good source of advice on complex social or technical issues
- Recognised expertise of committees helps to inform decision-making processes
- Can help produce more appropriate policy, especially when dealing with complex or controversial policy issues.

Weaknesses:

- Selecting membership to ensure representativeness can be difficult.
- Ensuring smooth internal dynamics within a group can be difficult
- A clear mandate and timeframe is necessary
- Standing advisory committees need time and resource commitments to ensure effective functioning.
- Management may not set clear boundaries between the group's advisory role and management's responsibility for decision-making.

8. Public meetings/National forums

63. These are meetings that are arranged for members of the public to find out about and express their views on a specific issue. Meetings are held in public and attendance is usually open to anyone. They can be preceded by pre-consultation meetings to maximize effective participation of groups who would normally be excluded.

Strengths:

- Excellent method of capturing opinions
- Allows anyone to contribute their views
- Transparent process and facilitates media interest in the issue
- Can be repeated in multiple locations as often as necessary

Weaknesses:

- Attendance can be unpredictable
- Possibility of domination or disruption by specific interests
- Can be intimidating for people to put across their views
- Quality of meeting depends on quality of facilitation
- Can lack focus
- Report preparation can be time-consuming

9. Other Internet tools

64. The Internet offers the potential for deeper engagement, through online forums or chat sessions. Online chat events allow participants to exchange views instantly, thus taking on the form of a discussion, (rather than time-lagged posting with forums). Chat events are useful to promote a consultation through the presence of, for example, the sponsoring Minister in the discussion. Participation in the discussion might be limited to pre-selected individuals, either to structure the conversation or to allow for a more intensive discussion among specific experts. This format could still allow others to view the discussion.

Consultation based on other Internet tools:

- **Is fast and cheap, and very flexible**
- **Can supplement other forms of consultation**

BUT

- **Cannot be used to collect complex and technical information**
- **Restricts participation**

Strengths:

- Are very fast and cheap to organize.
- Provides an opportunity for dialogue to exchange views and engage in deeper discussion
- Can supplement other forms of consultation by encouraging participation or by following up to provide feedback or ask additional questions

Weaknesses:

- Very subjective discussion. Cannot collect precise or empirical information
- Are limited in the complexity and technical issues that can be discussed
- Participation is highly restricted and may be biased by dominant interests. Some interests may not have access to Internet services.

10. Open Days/Road Shows/Exhibitions

65. These are events that provide an opportunity for users or clients to meet an organization and its staff, ask questions and provide comments or written feedback about proposals. More formal events can be structured with presentations and discussion panels. On a less formal basis, organizations can place information stands at major public events.

Strengths:

- Highly accessible since information is onsite where the businesses and citizens are.
- Can clarify and easily communicate information information to stakeholders
- Provides some opportunity for dialogue and response to questions and comments

Weaknesses:

- Very unsystematic and subjective discussions
- Unable to collect precise or empirical information
- Can be costly in staff time to organize.
- Difficult to assess the quality of responses

11. Model enterprises

66. An enterprise model is a simplified model of an average business, that is, a structured representation of a business organization, of its internal structure and its relationships with its environment. Using that model, the analyst can estimate the amount of space needed or inputs such as training, and assess the impacts on the performance of the average business. The model enterprise method is intended to produce more statistically robust data. It is used extensively in the calculation of administrative burdens, which selects a number of "model" enterprises that are statistically representative of their particular industry segment and uses existing statistical databases to compute total administrative burdens from extensive interviews with a limited number of model enterprises.

Strengths:

- Fast and cheap way to collect data on cost impacts of government policies.
- Allows exploration of many options and their impacts on businesses. Facilitates the discovery of options that reduce business costs.

Weaknesses:

- Simplistic and vulnerable to errors in assumptions. Must be widely consulted to validate the model.
- Unable to account for wide variation in business models.

Table 1: Comparative chart of consultation methods
Method good for: * Reasonable ** Good * Very good **** Excellent**

Method	Speed	Promoting dialogue	Providing relevant Information	Representative views (openness)	Quantitative views	Qualitative views	Hearing unorganized interests
Publication on central Web portal	****		****	**	**	***	**
Opinion surveys	*	*	**	***	****		*
Business surveys and questionnaire-based surveys	****	*	*****	****	*****	*	**
Advisory Committees	***	****	***	***	*	***	*
Face-to-face interviews	*	**	***	*	*	****	***
Focus Groups/ Citizens' Panels	**	****	***	***	**	***	***
Test panels	**	****	***	**	*	***	***
National Fora	*	**	**	***	**	****	**
Open Days / Road Shows/Exhibitions	*	**	****	*	*	*	*
Model Enterprises	**	***	****	*	*	***	***

Source: Adapted and expanded from Ireland Department of the Taoiseach (2005) Reaching Out: Guidelines on Consultation for Public Sector Bodies, p. 45, which is adapted from the UK Cabinet Office publication, How to consult your users, 1998.

Step 5: Analyze responses and integrate analysis into the RIA

> **You should organize your approach to analyzing submissions received. You should: 1) organize responses, 2) assess their quality, 3) assess representativeness, and 4) report the results.**

67. When the deadline for comments has expired, you will close the consultation and take the next steps in the administrative process (e.g. prepare for the decision by your institution). To get the most value from the comments received, to ensure that you understand issues such as quality and representation, and to integrate the information into the Impact Assessment, you should organize your approach to analyzing submissions received. To help with analyzing more technical matters, you might consider engaging third party expertise to help analyze submissions.

68. Your analysis will consist of 1) organizing responses, 2) assessing their quality, 3) assessing representativeness, and 4) reporting the results.

Organizing responses

69. The first step is to organize the responses and document the consultation. The following steps are adapted from the Irish consultation guidelines:

- Keep complete and accurate records of all information, requests, documents issued, submissions received.
- Acknowledge receipt of submissions.
- Organize responses by various stakeholders
- List the responses under the key stakeholders that you identified earlier in the process so that you can get a sense of who participated and who did not.

70. You should have kept records of all stakeholder engagement undertaken throughout the consultation process. This means making a note of all meetings and recording the names and views of all representatives present, as well as actions to be taken. The notes of such meetings should be analyzed along with written responses.

Assessing the quality of responses

71. Analyzing responses is one of the most important parts of the consultation process. All thought and work that has previously gone into planning your consultation, facilitating informal consultation, and producing a written document will be wasted if you do not implement an effective mechanism for analyzing the responses you receive.[20]

72. All responses (both written responses and those fed in through other channels such as discussion forums and public meetings) should be analyzed carefully to determine their value in designing the most efficient and effective policy. The focus should be on the evidence given by stakeholders to back up their arguments, rather than on simply

[20] Ireland Department of the Taoiseach (2005).

counting the number of opinions that are for or against particular options. In summary, you should:

- Decide on a method for analysing submissions for key issues.
- Sort submissions by issue (cutting and pasting as needed to separate comments into issues) to build a profile of evidence received. This helps paint a picture of both common issues and differences of opinion.
- Examine major issues raised for policy implications. Consistent positions or recurring points arising in submissions might have implications for a proposal. Will further analysis or consultation be necessary? Is it possible to distinguish practical solutions from less realistic ones?
- Decide whether a further round of consultation is necessary.

73. You will typically find a range of problems with comments, some of which may be due to poor preparation of the consultation materials, or failure to choose the right consultation method, and others which are due to factors outside your control, such as the willingness of civil society to engage with the public sector. Table 2 identifies common problems and some possible responses that you should consider.

All responses should be analyzed carefully to determine their value in designing the most efficient and effective policy.

Table 2: Common problems with responses to consultations

Problem	***Possible response***
Low response rate, perhaps due to lack of interest, commitment, trust	This is more often a problem with passive forms of consultation. If you have time, choose a more pro-active and dialogue-based consultation method, and keep consulting.
Lack of understanding of the key questions	This could be a problem with how you have prepared the consultation materials. Perhaps they are too technical. If you have time, simplify and clarify, and publish again on the Web Portal. A direct meeting with key groups might also help clarify what you need.
Responses irrelevant to the issue	Put them aside and explain in the summary of the consultation why.
Low quality of responses, such as lack of detail, lack of evidence, subjective opinions rather than evidence	If you have time, schedule another round of consultation, explaining what is needed more clearly. If not, supplement the consultation with data gathering efforts such as surveys.

Problem	*Possible response*
Too large or too narrow range of opinions	This might indicate a lack of experience in the consultations by stakeholders, or a range of impacts that you did not expect. A follow-up exchange with stakeholders to clarify would be useful. If the range is too narrow, you will have to ensure that the IA covers all major impacts, even on stakeholders who did not respond.
Requests for fundamental changes to government policy, outside of the scope of the issue under discussion.	Put them aside and explain in the summary of the consultation why.

74. Planning ahead will speed up this process.[21] Start to think about how you will analyze responses when you plan the consultation process. For consultations that are particularly high profile or contentious or when large numbers of responses are expected, an independent element to the analysis can help maintain transparency and credibility. A neutral analysis of what was said during the consultation exercise is then usefully distinguishable from the policy decisions taken by Government in the light of the consultation exercise.

Analyzing the responses and producing a summary report can be organized around the original objectives, key questions, and options.

75. If you have set clear objectives at the beginning of the consultation process, and have produced clear key questions and options in the impact assessment, analyzing the responses and producing a summary report can be organized around those objectives, key questions, and options. Being clear about your objectives for the whole consultation process will enable you to sift the responses you receive more effectively.

76. Written consultation responses should be carefully documented. It can be useful to set up a 'Response Analysis Grid', entering the names of respondents and the contact details so that they can be kept informed later on; the organization represented; and a summary of their comments for each of the questions asked in the consultation document. You may also find it useful to sort respondents into different types of stakeholder groups.

77. When analyzing responses, remember that consultation is not a public vote, it is a qualitative exercise to seek evidence to help deliver the most effective and efficient policy within the constraints set. It is particularly important to keep this in mind if you receive a petition or a large number of responses as part of a campaign. If this

[21] Much of the following section is based on Ireland Department of the Taoiseach (2005).

happens, you should clearly state in your summary of responses the number of responses received in this way and how you have analyzed them.

78. Once you have identified the range of views and ideas, you should explore the potential positive and negative implications of each option and update your Impact Assessment with the new evidence. The summary table suggested below, in which evidence is summarized according to the social, environmental, and economic benefits and costs of each option, will assist you in integrating the consultation results into the impact assessment itself, and therefore into the final recommendation.

Assessing representativeness

79. You should consider the representativeness of organizations that comment. An association might claim to represent business interests, for example, when actually it represents only large businesses. In order to ensure that responses are analyzed correctly, it is important to understand who different bodies represent, and how the response has been pulled together, such as whether the views of members of a representative body were sought prior to drafting the response, or if they are the views of only a single expert.

80. When organizations comment, according to the European Commission, they should explain:

- which interests they represent
- how inclusive is their representation (who is not included?).

81. Under European Commission guidelines, if this information is not provided, submissions should be considered as individual contributions and not representative of a larger group.[22]

Reporting the results

82. The results should be reported in a format consistent with that used in the impact assessment so that the results of the consultation can be easily integrated into the analysis. The RIA manual suggests that a summary table should compare, either qualitatively or quantitatively, the costs and benefits of each option. A model summary table used to summarize the results of the consultation would look like Table 3. When writing the final RIA, you should be particularly specific and precise in explaining the options that enjoy significant support among stakeholders, particularly if that option has been rejected.

Table 3: Summary table for the RIA to be used in summarizing comments received from stakeholders

Options	Economic benefits	Economic costs	Social benefits	Social costs	Environmental benefits	Environmental costs
Option 1: No policy change	Summary of comments	etc	Etc			

[22] European Commission, (2002)

Options	Economic benefits	Economic costs	Social benefits	Social costs	Environmental benefits	Environmental costs
Option 2:	Etc	etc				
Option 3						
…..etc						

Step 6: Providing feedback

83. After the final policy decision is made, it is critical that you provide feedback to the public on what comments were received and how you responded to them. If the RIA is being finalized after consultation, section 7 of the Standard RIA will include the following:

- Indicate which groups of stakeholders have been consulted, at what stage in the RIA process and how (public or targeted consultations, and if targeted, why?)
- Summarize the main results and comments received, and how this input has been taken into account or why it has not been taken into account.
- Indicate if the minimum standards of consultation in Jordan (such as 30 days for comment following Internet publication) have been met, and, if not, why not?
- You should also include a list of all commenters in an Annex.
- You should also make the full texts of comments received accessible on the Internet so that the comments are available to all other stakeholders.

In your feedback to stakeholders, you should:

- **Indicate which groups of stakeholders have been consulted, at what stage in the IA process and how (public or targeted consultations, and if targeted, why?)**
- **Summarize the main results and comments received, and how this input has been taken into account or why it has not been taken into account.**

84. Consideration should be given to publishing the individual responses received to consultation. Some governments regularly publish the individual responses received to consultation exercises and many consider this to be best practice given the transparency that this brings; enabling people to see the other points of view and to compare the Government's summary of responses with the actual responses received. Alongside the advantages there are, however, some disadvantages and also legal requirements (see below) to consider. A disadvantage of routinely publishing all the responses can be that certain stakeholders might become less frank in their responses or less likely to include useful but sensitive data that they do not want to go into the public domain. It is worth exploring this issue with your stakeholders.

85. Producing a summary of responses is a vital part of the consultation process – providing a summary of the responses submitted and stating how the responses received will affect policy development is key to the integrity of the whole exercise. A good summary of responses enables respondents to track the progress of the proposal and allow them to see how they have influenced the policy-making process. Keeping respondents informed in this way demonstrates openness and transparency and increases stakeholder trust in the policy-making process.

86. Your feedback will should provide a summary of who responded to the consultation and a summary of the views expressed to each key question. A summary of any other significant comments should also be provided (views expressed through other

channels such as meetings and online discussion forums). This feedback should normally set out what decisions have been taken in light of what was learnt from the consultation exercise. This information should normally be published before or alongside any further action, e.g. laying legislation before the Parliament. Those who have participated in a consultation exercise should normally be alerted to the publication of this information.

87. Where possible, those who submitted responses to the consultation exercise or who participated in the consultation exercise in another way should be informed as to the publication of the summary document.

88. Organizations regularly running consultation exercises may wish to consider providing a standard format/template for summaries of responses. An example layout could be the following, following the Irish approach:

1. **Introduction** – a summary of what the consultation exercise was about/its purpose
2. **Conducting the consultation exercise** – a brief description of what the consulting body did during the consultation period (any events, online discussion forums, promotional activity, etc.), and a summary of the responses received (how many, breakdown by sector, etc.).
3. **Key findings and future actions** – a summary of the key themes from the consultation exercise and a Government response to these (from why they cannot be taken on board, through to them being considered or adopted)
4. **Summary of responses and Government responses to these** – a summary of the range of responses received to each question and a Government response to these main points saying how the main points made will or will not be taken on board in taking the policy forward
5. **Annexes** – e.g. a list of those people/organisations who submitted written responses, a list of the meetings held, updated Impact Assessments, etc.

Annexes

Annex 1: Guidelines for Business Test Panels

Guidelines for Business Test Panels

(Source: Kirkegaard and Cordova, at http://regulatoryreform.com/pdfs/CaseStudyonDanishBusinessPanels14March2007.pdf)

KEY CONSIDERATIONS ON BUSINESS PANELS

1. Pros and cons of business panels

Business panels have a number of benefits. The infrastructure needed to conduct businesses panels is quite easy to set up, and the running costs are comparatively low. The panels are a very cost effective way of achieving direct stakeholder involvement in the legislative process.

Moreover, business panels can be run by individual ministries or by a central unit. The latter is preferable, if one wants to ensure methodological consistency in data collection, while the former can be beneficial, if the aim is to ensure ownership within the individual ministry towards a policy of reducing the administrative burdens for businesses.

Nevertheless, it can be difficult to measure the regulatory burdens of a draft regulation that businesses have yet to experience in practice. Furthermore similar businesses might have very different assessments of the potential administrative burden. Though this problem exists for any methodology used to measure the future impacts of new regulation, it is particularly important to be aware that a survey-based approach can translate variations in the responses given by businesses into statistical uncertainty when data is extrapolated. This uncertainty can sometimes become so significant that the results are difficult to use in the political process -- because too much time is spend discussing whether the results are a true reflection of the actual costs of the regulation.

2. Key decisions when undertaking measurements

Deciding whether to set up business test panels and how to use a survey to measure a regulation's potential impact requires decisions on a number of key parameters. *What is the main purpose of setting up business panels?*

Before establishing business panels, you will need to have a clear idea about how their results will be used. There is little point in using resources to set up panels -- bothering a large number of businesses in the process -- if their input is not going to be taken seriously. Results from the business panels should be fed into the legislative process, and unless they have some sort of impact on this process, the panels have little value.

What do ministries, politicians and other stakeholders expect from business panels?

It is important that all interested parties are aware of the kinds of output that can be expected from the business panels. To that end, key stakeholders should broadly agree on the methodological design, the organizational setup etc. Such agreement could, for instance, be achieved through a hearing procedure, where relevant parties have the opportunity to comment on the methodological design, and the way in which the work is organized and results are used in the subsequent legislative process.

Who should be in charge of conducting the measurements?

The surveys can be carried out by individual ministries or by a central unit. Having ministries conduct the data collection themselves gives them a high degree of autonomy. As a way of ensuring ownership towards the survey results, this can be a good option. However, there are risks associated with the many different ministries each using their own analytical approach. Such variations would make the entire concept of business panels vulnerable to methodological criticism. Having a central unit conduct the surveys is probably the preferred option, as this will allow for consistency across measurements. Moreover, it will also be the cheaper option, since there are economics of scale in using a specialist staff and any consultants.

What kind of role should a central unit have?

If this process is centralized, the government needs to decide how much power to give the central unit: should it have the power to force ministries to change the regulation so as to reduce administrative burdens, or should it only have an advisory function? Both options (and the options in-between) have advantages and disadvantages. Furthermore, what works in one country may not work in another. Therefore, deciding which option to choose requires a thorough analysis of the legislative process and the political support for better business regulation in a given country. However, it is probably always good to start out with an advisory function and then as time progresses seek to establish a stronger mandate for the unit.

Should assistance from consultants be sought?

Carrying out the surveys without external help ensures that knowledge about individual measurements and the methodology are kept in-house. However, this option requires in-house statistical and methodological capabilities. If these capabilities are not available, hiring external advisors can be worthwhile, at least during the start-up procedure when the business panels are being established.

It should be noted that ministries often give short notice on when they want to consult a business panel. This makes it difficult to plan and allocate staff for the individual surveys. Therefore, it is necessary to have an in-house core team (2-3 people at least), who can work systematically – but not necessarily exclusively – on overseeing the day-to-day running of the panels. In-house staff can be scaled up if need be, or external consultants can be hires to carry out the actual measurement (with the provision that they have to be able to take up assignments with very short notice).

Should all regulation be measured or only major ones?

In order to justify spending time and resources on carrying out a business panel survey, it is useful to screen out regulations with only minor administrative consequences for business -- leaving only the burden of major regulations to be measured. In Denmark, a rule-of-thumb threshold was applied, whereby only regulations which were assumed to have more than 2,000 hours of administrative work (either in terms of burden increases or decreases) for all affected businesses was eligible to be measured using business panels. The screening procedure was quite simple: the size of the target group was assessed and the estimated additional administrative burden was calculated. These two figures were multiplied, and if the sum was close to or in excess of 2,000 hour per year, the regulation had to be tested. For example, if target group only consisted of 100 businesses, their administrative burdens would have to be in excess of 20 hours per year for the regulation to be tested. The relevant question then was whether or not such a scenario was plausible -- which was usually quite easy to answer.

What is the acceptable level of statistical uncertainty in measurements?
The larger the number of business surveyed, the greater the statistical reliability of the survey results. However, the larger the sample is, the more expensive the survey. Hence, a balance needs to be obtained between implementation costs and acceptable levels of uncertainty in the resulting measurements.

How do you ensure that the results will be representative of reality?

Proper survey design requires reliable statistical information on the composition (by line of business and size) of the national business sector. Although such statistical information is often readily available, it can be still be difficult to create representative samples. A central business register will be the preferred tool in deciding which businesses to survey, but if this is not available, help can be sought with business organizations, which might be willing to provide members of their organization for the panels. However, involving business organizations runs the risk of survey bias -- wherein businesses with certain types of views, or only well-established businesses are over represented on the panel. Such an approach can lead to results which are biased against less organized businesses and start-ups.

While test panels only need to be set up once, and refreshed every two to three years, focus panels are ad hoc panels that need to be set up periodically. Designing representative samples for the focus panels therefore requires having access to either a central business register, ministerial information on registered businesses, or information from specific business organizations.

How should results be reported?

Data from business panels can be compiled into a number of interesting specifics. Such results will interest certain parts of the ministry, as well as certain stakeholders, who are interested analyzing the results in-depth. However, key decision makers in ministries and in the political system will only be interested in the main overall findings. It may therefore be worthwhile to produce two types of reports for each panel survey: an in-depth report documenting all measurements, and an abbreviated version intended for decision makers.

How will results be published?

Lawmaking should ideally be an open and transparent process, where everybody can see what is going on, and what information has shaped the final legislation. Similarly, it is important that all results from panel surveys be published openly, so that everybody has a chance to question them. Occasionally criticisms will arise regarding the methodological soundness of the survey, its statistical significance or the interpretation of the survey results. Sometimes this criticism will be politically motivated, and should be dealt with as such. Other

times, the criticism is genuinely sound and should therefore be taken into consideration in the ongoing work on improving the methodology.

How can respondents be motivated?

Getting Danish businesses to take part in panel surveys was seldom a problem, even though they received no payments or other forms of direct rewards. This high response rate was largely due to the survey panels being sponsored by government rather than a private consultancy firm. Hence, rather than participating in a survey aimed at improving the market knowledge of another business, businesses took part in a survey where they were given the opportunity to comment on a regulation which would eventually affect their daily life – a rare opportunity to make their voice heard directly in the legislative process.

These benefits need to be conveyed clearly to businesses who are invited to participate in surveys, since it can make their responses more accurate and meaningful both to the government and to themselves in the long run.

Annex 2: Sources of additional information

Below are links that may help you in planning and implementing a formal consultation:

Consultation portals and websites

- European Commission **'Your-Voice-in-Europe' webportal** at http://ec.europa.eu/yourvoice/index_en.htm [I could not find a Jordan version of this site]

- United Kingdom Consultation page: **http://www.berr.gov.uk/whatwedo/bre/consultation-guidance/page44457.html**

- United States e-Consultation: www.regulations.gov. In September 2005, the US Government launched the Federal Docket Management System (FDMS) at, greatly expanding public access to information and improving Agency management of the rulemaking process. From Regulations.gov, the public can find, view, and comment on regulatory and non-rulemaking documents, including scientific, economic, legal, and technical analyses, as well as public comments made by other stakeholders. Regulations.gov serves as a trusted source of Federal information and provides citizens easy one-stop access at a single Web site.

Consultation manuals and general documents

Canada

- Government of Canada, Public Consultation Guidelines website. http://leadership.gc.ca/categories.asp?Sub_id=250&lang=e

European Commission

- European Commission (2002), 'Towards a reinforced culture of consultation and dialogue – General principles and minimum standards for consultation of interested parties by the Commission.' COM (2002) at 704 http://europa.eu.int/comm/secretariat-general/index_en.htm

Ireland

- Cabinet Office, 'Viewfinder: A Policy Maker's Guide to Public Involvement' http://www.cabinetoffice.gov.uk

- Commission for Communications Regulation, (2003), 'ComReg Consultation Procedures' http://www.comreg.ie

United Kingdom

- **Better Regulation Executive Code of Practice on Consultation** - sets out the basic minimum principles for conducting effective Government consultations. It aims to standardise consultation practice across Government and to set a benchmark for best practice, so that all respondents would know what to expect from a national, public Government consultation. It is at http://www.berr.gov.uk/files/file47158.pdf.

- **Involve/National Consumer Council: Deliberative public engagement, nine principles -** The aim of this jointly authored publication is to encourage and support good quality deliberative public engagement activities. At http://www.involve.org.uk/nine_principles/

- **National Framework for Greater Citizen Engagement** – This is a discussion paper published in July 2008 setting out the Government's commitment to explore new methods of involving the public in debates and decision-making on national issues. http://www.justice.gov.uk/publications/docs/citizen_engagement.pdf

- **UK. Peopleandparticipation.net.** The site provides practical information for those working to involve people. At http://peopleandparticipation.net/display/Involve/Home

- **Consultation Institute** - The Consultation Institute seeks to promote public, stakeholder and employee consultation by initiating research, publications and specialist events in order to disseminate best practice and improve subsequent decision making.

- **International Association for Public Participation** - IAP2 is an association of members who seek to promote and improve the practice of public participation in relation to individuals, governments, institutions, and other entities that affect the public interest in nations throughout the world.

Consultation with specific interests

United Kingdom

- Small first impact test and small firms consultation database - This website gives the contact details for the Enterprise Directorate in BERR, explains the tools you should use to assess the impact of your policy on SMEs and can help you to consult SMEs. http://www.berr.gov.uk/whatwedo/enterprise/enterprisesmes/regulation-and-tax/consultation/page38032.html
- Better together: improving consultation with the third sector: This document is divided into two parts: a research report and a practical handbook. Its intention is to help public servants understand the third sector and guide them towards a successful and mutually beneficial way of engaging with the third sector in policymaking. www.cabinetoffice.gov.uk/media/99612/better%20together.pdf
- Compact Code of Practice: Consultation and Policy Appraisal - This Code was published in May 2000 and it promotes effective discussion, encouraging the Government and the voluntary and community sector to communicate and work together more effectively.
- Help the Aged: Consulting and engaging with older people - This quick-reference guide compiled directly from the comments, views and experiences sent in to Help the Aged by older people, provides a tool to those seeking to engage the participation of older citizens.
- Participation Works - Participation Works is a collaboration of agencies committed to children and young people's participation in decision making.
- Sciencewise - The Sciencewise Expert Resource Centre for Public Dialogue In Science and Innovation aims to help policy makers commission and use public dialogue to inform policy decisions in emerging areas of science and technology.

Business Test Panels

- The Danish Business Panels: Case Study by Peter Bay Kirkegaard and Cesar Cordova, Jacobs and Associates, at http://regulatoryreform.com/pdfs/CaseStudyonDanishBusinessPanels14March2007.p

df

- "The European Business Test Panel" by Werner Stengg, European Commission at http://www.enterprise-europe-network.ec.europa.eu/files/European%20Business%20Test%20Panel.pdf

Online consultation

Europe

- Winkler, R, Kozeluh, U., 2005, Europeans have a Say: Online Debates and Consultations in the EU. Final report of a study carried out in the framework of the NODE programme of the Austrian Federal Ministry of Education, Science and Culture. Institute of Technology Assessment and Centre for Social Innovation, Vienna, in February, 126pp at http://epub.oeaw.ac.at/ita/ita-projektberichte/e2-2a34.pdf

United Kingdom

- Digital Dialogues (UK) - Digital Dialogues is an independent review of ways in which central Government can use information and communication technology to enable and enhance public engagement. It is commissioned by the Ministry of Justice and is carried out by the Hansard Society. www.digitaldialogues.org.uk/

USAID Jordan Economic Development Program
Deloitte Consulting LLP
Salem Center, Sequleyah Street, Al-Rabiyeh
Amman, 11194 Jordan
Phone: + 962-6 550-3050
Web address: http://www.SABEQ-Jordan.org