Institutionalizing Public Consultations: Developing Codes of Practice

April 2013

As part of a knowledge exchange series around public consultation, a second video conference was organized by the World Bank Institute and the World Bank Middle East and North Africa Vice-Presidency on April 30, 2013, bringing together government officials and civil society practitioners from Morocco, Jordan and Tunisia to discuss how to develop codes of practice for public consultations, while learning from good practices and country experiences.

Offline in-country conversations

Prior to the video conference session, each country group held an offline conversation that contributed to identify issues and raise questions based on the materials previously shared by the international experts. The country groups also shared key messages from the first video conference with other participants who were not able to join.

In Jordan, participants emphasized learning mechanisms and tools that facilitate public consultations and civil society integration in the process. Participants found the materials and information circulated before and during the video conference valuable and are looking forward to continue with this knowledge exchange series.

In Morocco and Tunisia, participants reiterated their interest and involvement of their respective organizations to scale the quality of the upcoming public consultations incorporating international good practices.
Developing a code of practice

Saad Filali Meknassi, WBI consultant, opened the session highlighting the importance of this dialogue to build the capacity of stakeholders around public consultations, particularly as there are several consultations that are currently being undertaken in these countries.

Edward Andersson from Involve (UK), provided participants with an overview of various approaches for institutionalizing public consultations based on the experience of the United Kingdom.

While previous consultations focused on methods of implementation, it has now shifted to culture change with three types of interventions: codes of practice, training and centers of excellence.

1. **A code of practice** provides guidance covering topics for a consultation, who should be consulted, how long a consultation should be, the format, including feedback mechanisms and when consulting is not appropriate. In the case of the United Kingdom, the first Code of Practice from 2000 provides a regulatory framework which does not have legal force but is still binding for all UK departments and agencies, and it aims at improving good practice on public consultations. It also addresses the timing of consultation, the need to implement monitoring and evaluation tools, and a standard timeframe for a consultation of 12 weeks. Amendments to the Code of Practice has been undertaken about every four years.

In 2004, the Code was revised as stakeholders noted that there was still a need for greater coordination between and within government departments, and a prior notice for future consultations. It was also pointed out that it was necessary to give feedback after the responses received during the consultation process. During the period of 2004-2008, the feedback on the Code highlighted the increasing number of consultations in the UK with almost 600 consultations per year but with still a need for greater transparency, responsiveness and monitoring. In 2008, the Code of Practice was revised again, taking into account the feedback it addresses the need for clarity of scope and impact expected from a consultation process, consult where there is scope to influence the policy outcome, reduce the burden of consultation and build the capacity of officials to run effective consultation exercises.

“While consultations have been in place for a long time, what has changed is the systematization and the number of people being consulted.” - Edward Andersson

“Conducting public consultations requires new skills. You cannot have public consultations as an add-on to business as usual.” - Edward Andersson
Finally in 2012, the Code was revised and transformed into a short guidance note of 4 pages, that adds flexibility to the 12-week framework, to a range of timescales for those cases where there have been prior extensive engagement. It has also made consultations digital by default but using other forms as needed, and respecting the principles of the compact between government and the voluntary or community sector.

2. The second approach for institutionalization is training, and in the case of the UK, a number of public bodies have supported large scale training for staff. But other options also included are peer learning and Communities of Practice.

3. The third approach involved the set up of centers of excellence such as Sciencewise\(^1\) which is funded by the government and made up of a private consortium to provide training in helping policymakers to engage with the public around science and technology policy. Its success is also due to strong political support. Another example is the Participatory Budgeting Unit which is delivered by a non-profit organization, which used to be funded by the government for training and advice to local government on participatory budgeting. The PB Unit will continue in a new networked form despite the cuts. In some cases when a center is run by a public authority its neutrality could be put into question. This was the case for the International Centre of Excellence in Local e-Democracy.

Lastly, it is also valuable to encourage regional and independent structures as Participation Cymru\(^2\), a Welsh network that supports training and guidance.

To finalize his presentation, Mr. Andersson highlighted actions that can contribute to effective consultation process. These actions include the empowerment of the staff, training them to be flexible in the process rather than on specific tools, working closely with middle management, using appropriate language that goes

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\(^1\) [http://www.sciencewise-erc.org.uk/](http://www.sciencewise-erc.org.uk/)

\(^2\) [http://www.participationcymru.org.uk/](http://www.participationcymru.org.uk/)

“[Through Public Consultations] ...we are asking a lot from citizens, so it is important that feedback is provided as well [so that] citizens have a good experience.”

- Edward Andersson

Key factors overlooked:
- Quality and timing of feedback.
- Impact on Decisions.
- Participant skills and confidence.
- Impact on relationships.
with the culture of the organization, and reviewing the incentives structure that will encourage the staff to conduct consultations. It is also important that when there are various ongoing consultations taking place, an online portal should be set up to host the process and facilitate access for the citizens. Furthermore, when monitoring and evaluating a consultation process, it is important to bear in mind the type of evaluation that is intended. A formative evaluation allows learning during the process and the evaluator is engaged from the beginning, whereas a summative evaluation is more of an academic exercise.

“A Consultation is part of a wider engagement and whether and how to consult will depend on the wider scheme of engagement.”
- Edward Andersson

A Q&A session followed the presentation of Mr. Andersson. Participants were interested in evaluation criteria and the qualifications needed for those running a consultation. Regarding the format of consultation, there is a wide range that includes online, deliberative, crowd-sourcing, devolved and informal. Mr. Andersson underlined the importance of asking the questions in a fun and engaging way. For evaluation, he said to keep two issues in mind; the process itself - such as right time, venue and right questions about the right issue -, and the need to communicate with decisionmakers to understand if the information from a consultation process is actually useful. He also stressed the need for third party support, such as independent bodies like the centers of excellence to help build the skills and abilities of those responsible for a consultation process.

**Implementation of Public Consultations: Brazil’s “Government Asks” initiative**

Tiago Peixoto, governance specialist from the World Bank Institute, continued the session with a presentation showcasing the example of Brazil, where the State of Rio Grande do Sul conducted a wide public consultation on health priorities. Among the challenges faced in the consultation process was the lack of information by the participants. Since health is a complex issue, participants need to be informed about choices and trade-offs for an effective consultation. Also, when an electronic consultation requires voting, sometimes better organized groups with extensive mailing lists could dominate the process which could translate into organized minorities overcoming disorganized majorities, resulting in a problem of elite capture. Furthermore, it also runs the risk of having the most voted option on the top bracket, which could mislead participants to the most popular options rather than the most important ones.

The consultation process had several components including face-to-face meetings with almost 20,000 participants which allowed outreach to minorities and participation from high-ranking officials demonstrated strong political commitment.
During these meetings, participants were equipped with information that allowed them to come up with proposals that would benefit the region rather than focusing just on their communities. The proposals were uploaded to a website for vote. In order to reach those without any Internet access, facilities such as schools and buses which were equipped with computers, were used to facilitate the voting process.

The results of the health policy consultation were framed in a way similar to the structure of the health ministry to facilitate the flow of the input into the work of the agency thus associating citizen input into policy-making. Two of the most important components of the consultation process were the use of ICT enabled mechanisms and the inclusion of a feedback mechanism where volunteers or public officials running the consultation collected emails and phone numbers to report back. An element worth noting when conducting a public consultation, particularly if using ICT, is the need to use traditional media to spark the process.

During the Q&A session that followed, Mr. Peixoto also highlighted that specialists should be greatly involved — the more complex the issue is, there should be a sequence that feeds into the process of debates, roundtables and other mechanisms which help inform the participants and correct information asymmetries. Marcos Mendiburu, Senior Social Development Specialist from WBI, stressed the importance of leveling the field for different stakeholders to engage in effective consultations and noted that polling and consultation are different tools.

Next Steps

At the end of the session, participants agreed on the importance of continuing these exchanges to deepen the knowledge on public consultations.

“It is not only important to invite people to participate but also to build their capacity for engagement.”
- Tiago Peixoto