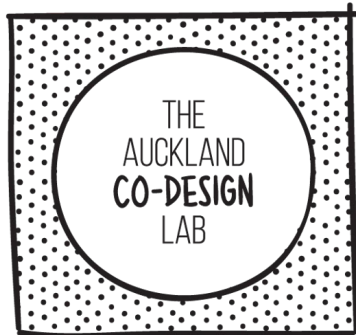


Public participation in policy making

Discovery workshops

9th and 10th July 2019



Context and purpose

As part of the Open Government Partnership the Policy Project leads a commitment to work with policy teams and civil society **to develop guidance that will support Ministers and officials** to better enable public participation in policymaking.

To support this work the Policy Project and the Auckland Co-design Lab co-organised two discovery workshops on 9 and 10 July 2019. The purpose of the workshops was to **map the current state of practice within agencies, including the barriers, constraints and enablers to public participation in policy making**. This conversation tracker summarises useful background, insights and key themes from those workshops.

Seminar Presenters

Lee Ryan

Auckland Co-Design Lab

Alastair Child

Director, Auckland Co-Design Lab

Diane Owenga

Programme Director, Policy Project

Anne Pattillo

Pattillo Limited

Rewi Henderson

Tia Warbrick

Te Arawhiti



Case Study Presenters

Ruth Wilkie and Jody Hamilton

Criminal Justice Reform Programme
Hāpaitia, Ministry of Justice

Rachel Clement and Sarah Palmer

Farming Systems Project, Ministry of
Primary Industries

Josh Hercus

Digital Identity Transition Team,
Department of Internal Affairs

The policy engagement workshops were attended by 32 policy practitioners from 17 government agencies

Open Government Partnership – a commitment to act

During 2017 and 2018 a conversation was held with New Zealanders online and at workshops in three centres to support development of the 2018-2020 National Action Plan, consistent with New Zealand's commitment to the Open Government Partnership. Participants were asked about their aspirations for interactions with government.

A key theme was public participation to deliver policy and services.

“Government needs to be better at listening to, understanding and responding to different perspectives”
Christchurch workshop participant



What the public said:

“Government needs to include the voice of Maori and Pasifika in decision-making more. Their views need to be reflected in policy development, working groups and decision-making more consistently”
Christchurch workshop participant

For the government to fully understand the needs of the community, the government needs to involve them “at the problem definition stage not at the end of the process”
Wellington workshop participant

“Youth voices are not being heard. Particularly in the regions there are not enough opportunities for the youth view to be included in the conversation”
Dunedin schools workshop participant

Commitment 5: Public participation in policy development

The State Services Commission worked with agencies and an Expert Advisory Panel to develop its third National Action Plan for 2018-2020 (NAP3). The Department of the Prime Minister and Cabinet (DPMC) leads **Commitment 5: Public participation in policy development.**

Commitment 5
“Develop a deeper and more consistent understanding within the New Zealand Public Service of what good engagement with the public means (right across the IAP2’s Public Participation Spectrum)”

IAP2'S PUBLIC PARTICIPATION SPECTRUM



The IAP2 Federation has developed the Spectrum to help groups define the public's role in any public participation process. The IAP2 Spectrum is quickly becoming an international standard.


		INCREASING IMPACT ON THE DECISION				
		INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL		To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
	PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

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Milestone to develop guidance + decision tool

To support **Commitment 5: Public Participation in policy development** the first milestone requires DPMC to extend the existing public participation guidance on its website within the Policy Method's Toolbox. The guidance will include a decision tool that will assist agencies and Ministers to choose appropriate engagement approaches.

Milestone 1

The guidance and tool will assist agencies and Ministers to:

- **Choose the appropriate engagement approach** on the IAP2 public participation spectrum when they tackle a specific (policy or service design) issue
- Understand the **characteristics and enablers** of effective public participation at whichever point on the spectrum they choose
- Ensure that the engagement approaches selected appropriately **include and reflect the diversity** of those interested and affected by policies

Workshop outline

The Policy Project and the Auckland Co-design Lab invited officials from a wide variety of agencies, many with an interest or with recent involvement in engagement. The **two workshops covered the following topics:**

- 1. Background to the Open Government Partnership and commitment to develop guidance**
- 2. Anne Pattillo and the International Association of Public Participation Spectrum (IAP2)** – An overview of the IAP2 spectrum to help get decision-makers and policy engagement off to a good start
- 3. Presentation from Te Arawhiti – Office for Māori Crown Relations** – Reflections on the current engagement landscape and how Te Arawhiti can support agencies with practical advice on engaging with Māori
- 4. Three case studies – what could different look like?** – Three case studies from policy teams committed to more innovative engagement with citizens and stakeholders, to demonstrate the challenges they face and what enabled different approaches
- 5. What agencies need from guidance to address key barriers to good engagement** – What are the key barriers to engagement? What types of guidance do agencies require to address the challenges identified? What needs to be included to be useful? What relevant resources, guidance or examples should be referenced? What actions outside the scope of guidance are needed to effect change?

Anne Pattillo, Engagement Specialist, Pattillo Limited

‘Community engagement’ has become a more common term for public participation.

“You need to think about who are the others whose actions you need to have in place to achieve change.”



Community engagement is an **intentional process** with the specific purpose of working across **organisations, stakeholders and communities** to **shape decisions or actions** of the members of the community, stakeholders or organisations in relation to a **problem, opportunity or outcome**



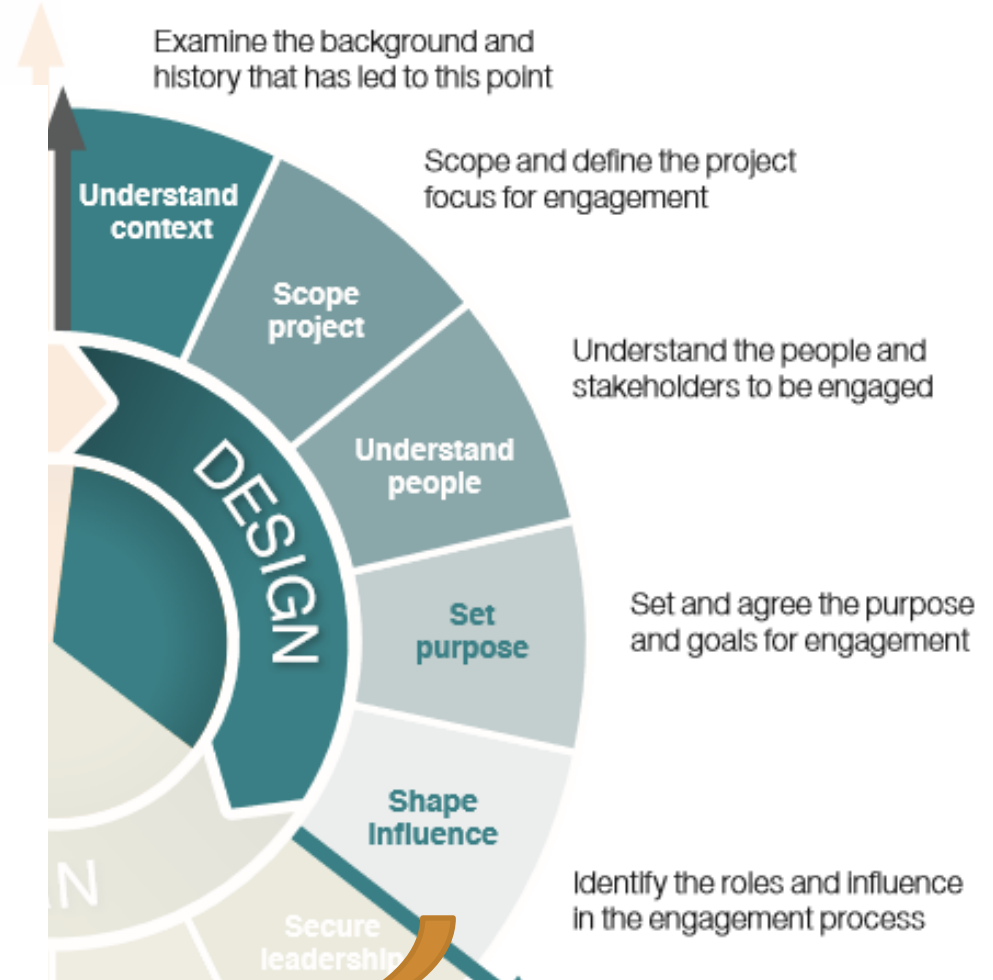
Designing your engagement

Design Platform



STARTING POINT

Examine the background and history that has led to this point



The design stage in this model culminates in making decisions about what **level of engagement** along the IAP2 spectrum to adopt

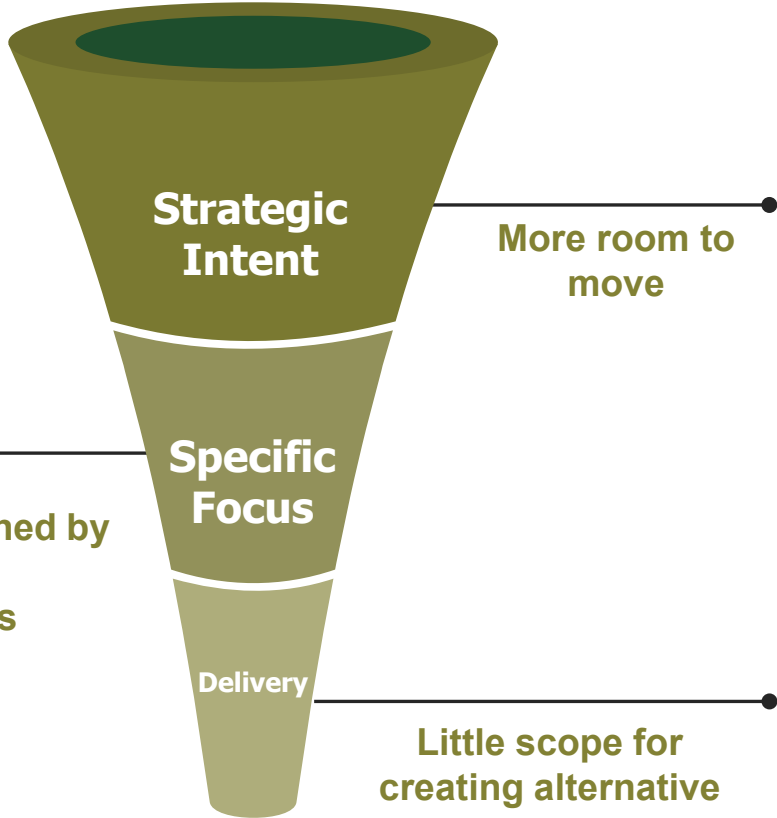
Scoping the project – be clear on nature of engagement



Question

Anne asked participants to think about where the engagement projects they are planning fitted in the funnel.

“Work with decision-makers to get authorisation for good process and having effective control of that process to achieve good outcomes.”



More room to move

“Engaging on strategic intent can provide opportunities to engage in a creative and collaborative way”
Identify *with* stakeholders what the problem is. What space do you have for change and how? Understand the tolerance for risk.

“Define the edges”
Once you have defined the *specific focus* for the project then clarify scope, boundaries and roles with stakeholders.

Scope constrained by previous decisions

“Poor engagement outcomes are more likely if your engagement habit is to start at the lower end of the funnel”
People are used to engaging in the lower end. If you are not clear when the engagement approach is only *inform* with no intention of changing that position, you lose trust.

Little scope for creating alternative action or solutions

Understand people – orbits of participation



The challenge to reach into the outer orbits
Those who regularly review and advise government who are 'connected to issues' will bring their knowledge, interpretations and understandings.
We need to challenge ourselves to engage with the broader communities
in the outer orbits that don't interact with government regularly.

Communities of problem solvers

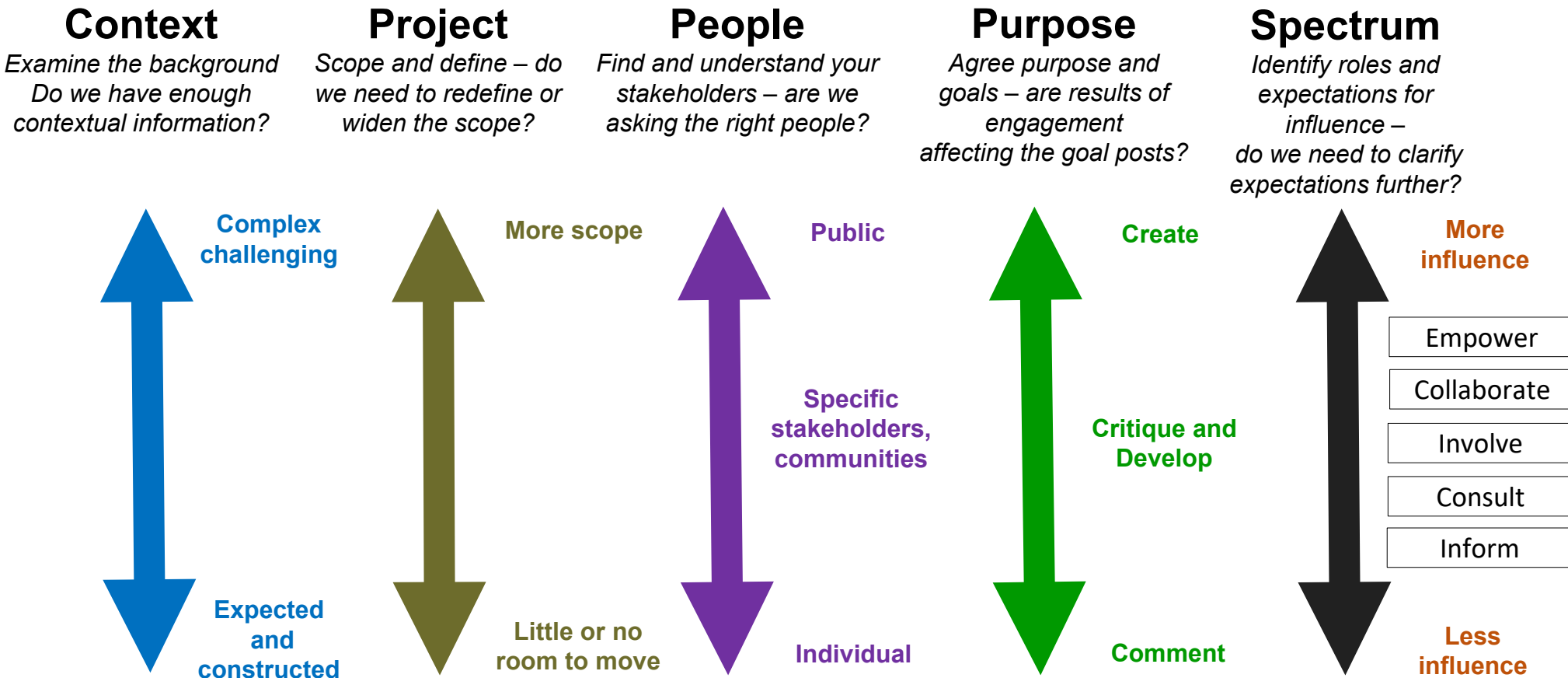
Wider communities are filled with good problem-solvers, but they won't participate if they think you already have a solution. They need to feel listened to and respected and have a clear understanding of their stake in participation to feel they are genuinely involved.

We need to go where the people are and continue to revise our understandings of the **relationships and balance of engagement.**



Right engagement balance – five questions to answer

To determine where to operate on the **spectrum of engagement** you need to answer questions of: **context**, **project**, **people** and **purpose**.




It is possible to apply the whole spectrum of approaches across the life of a policy project. **One size does not fit all.** It may be appropriate to 'inform' stakeholders at one point and 'collaborate' at a different stage.

The opportunities and value of more effective engagement

- By engaging communities and organisations early “**from the get go**”, as part of the policy-making process:
 - we can form and test the commissioning and engagement approach adopted to ensure it is appropriate
 - we can test the nature of issues and early ideas for tackling them, and collaborate to design ultimate solutions.
- The challenge is to **listen and engage mostly on the problem** first, rather than proposing solutions. Use the engagement to do the work rather than offering it as an opportunity to critique the work already done by officials. This will ensure the right focus for engagement, buy-in to the outcomes and higher likelihood of successful implementation.
- Good engagement is enabled by officials interacting with decision makers to confirm their promise of influence to stakeholders. This enables the clear discussion of roles and scope with stakeholders and helps build trust and relationship capital.

Good engagement can improve policy outcomes

- By bringing people – their motivations, perceptions, choices and rich lived experiences – to the foreground of policy thinking and the policy process, we can create outcomes that address the problems and needs of communities.
- Insights from more diverse groups will lead to more robust and applicable policy.



“Current policy practitioners need to recognise that they should use engagement to help ‘do the work’ of policy development...”

Anne Pattillo, Engagement Specialist

Te Arawhiti – improving agencies' engagement with Māori

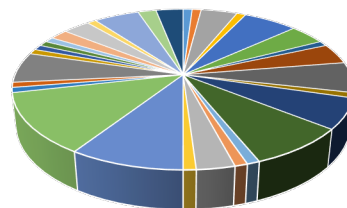


THE OFFICE FOR MĀORI CROWN RELATIONS

Why was Te Arawhiti established?

Engagement by the Crown with Māori was frequently raised by stakeholders as an issue with Ministers, along with the importance of getting engagement right. Ideas for improving engagement included empowering Māori to meaningfully participate, ensuring the Crown engages with the right people depending on the kaupapa of the particular issue, the development of frameworks, incorporation of Māori ways of doing things, and committing to ongoing relationships.

Since 2018, Te Arawhiti has advised on 100 engagement processes spanning 28 agencies and organisations. Sectors with high levels of engagement are the natural resource, social wellbeing and justice sectors.



Willingness within agencies is high but capacity is limited. The main weaknesses in the Crown's ability to engage with Māori are:

- lack of time allocated for engagement
- lack of opportunities for Māori to participate meaningfully
- limited understanding of Māori priorities or expectations
- lack of coordination with intersecting kaupapa or policies.

Framework for strengthening engagement with Māori



THE OFFICE FOR MĀORI CROWN RELATIONS

Strengthening engagement and developing partnerships requires changes in organisational behaviour and approaches.

Te Arawhiti has developed an engagement framework based on the IAP2 model to help agencies ensure that their engagement with Māori and the Māori Crown relationship itself is guided by values of:

- **Partnership**
- **Participation**
- **Protection**
- **Recognition of cultural values**
- **Mana enhancing processes**

Minor ▶

Māori interests are limited or not affected in any special way.

Moderate ▶

Māori interests exist or are affected but wider interests take priority.

Specific Māori interests are affected.

Significant ▶

Māori interests are significantly affected.

Māori interests are overwhelming and compelling.

Māori interests are central and other interests limited.

Inform

The Crown will keep Māori informed about what is happening. Māori will be provided with balanced and objective information to assist them to understand the problem, alternatives, opportunities and/or solutions.

Consult

The Crown will seek Māori feedback on drafts and proposals. The Crown will ultimately decide. The Crown will keep Māori informed, listen and acknowledge concerns and aspirations, and provide feedback on how their input influenced the decision.

Collaborate

The Crown and Māori will work together to determine the issues/problems and develop solutions together that are reflected in proposals. The Crown will involve Māori in the decision-making process but the Crown will ultimately decide.

Partner/Co-design

The Crown and Māori will partner to determine the issue/problem, to design the process and develop solutions. The Crown and Māori will make joint decisions.

Empower

Māori will decide. The Crown will implement the decision made by Māori.

Te Arawhiti's Crown Engagement with Maori engagement framework

<https://tearawhiti.govt.nz/assets/Maori-Crown-Relations-Roopu/451100e49c/Engagement-Framework-1-Oct-18.pdf>

Community engagement case study – Hāpaitia – Criminal Justice Reform

Led by

the Hāpaitia team based in the Ministry of Justice with the justice sector

Experts, communities, Māori with lived experience within the system, victims and their families, criminal justice providers, general public

Stakeholders

What they did: Collaborating on establishing a safe and effective justice system.

They engaged with stakeholders and the public to set a new purpose and focus for the justice system, to ensure it remains safe and effective.

Learnings from engagement activities

- Travel around New Zealand for onsite engagement: it's important to "go where the people are"
- Identify key influencers to help reach a broader base
- A stakeholder database, digital engagement platforms and tools are vital
- Focus on particular stakeholders as well as broad engagement:
 - Hui and workshops with key stakeholder groups
 - Pasifika fono and Māori hui
 - Victims' workshop hosted by the Chief Victims' Advisor
- It's important to close the feedback loop with submitters
- Monitor community conversations about justice system in the media to see changes to allow focus on issues
- It's good to have a purpose specific website to communicate with community about engagement and project journey



By June 2019, over 4000 people had participated in 220 regional engagements.

Led by Department of Internal Affairs, Digital identity team

Private sector, citizens and other agencies

Stakeholders

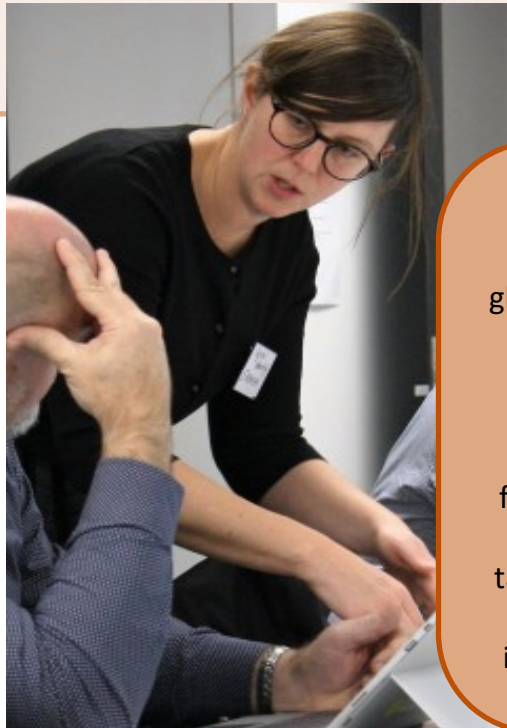
What they did: Collaborating on policy options for managing the digital identity of people in New Zealand.

They worked with individuals and organisations across New Zealand to design experiments to test the feasibility of new solutions to known digital identity problems, and to explore the role of government as a steward – including how it can stimulate a richer ecosystem for trusted digital identity services.

Policy development

Collaboratively developing a regulatory regime for sharing of information with the public and private sector.

Testing concepts
They worked with key stakeholders to test concepts in action through ‘use cases’, to inform the policy development. For example, two projects with GovTech accelerator on consent and whakapapa as an attribute.



Xero were keen to be involved at an early stage:

“At Xero we’re seeing work going on globally around digital identity. It’s a hot topic for our local and international clients — and those with a cross-regional transient workforce. For a commercial organisation it’s more feasible to build functionality when we have consistency. Systems should be talking to each other, there needs to be a commitment to store and share information, that’s why we want to be involved at the outset.”

Collaborative policy development through engagement and concept testing

DIA took steps through engagement with stakeholders to help better understand the challenges and opportunities we face when accessing or providing services based on digital identity.

DIA and stakeholders shared information in a trusted way through collaboration, experiments and ‘use cases’ – everyone has a different perspective.

This collaborative process modelled policy development that engages with users on matters most important to them.

Community engagement case study – Farming Systems Change Project

Led by Ministry of Primary Industries

Farming families, rural communities, other agencies

Stakeholders

What they did: Engaging with farming communities to understand their lived experience of issues and how best to collaborate with them to use those insights to best effect for and with those communities.

They engaged with farmers and rural communities, businesses and other government agencies that support rural communities. Using the outputs of engagement (e.g. case studies) to share with others to improve outcomes for farming communities, by encouraging behavioural change and better understanding farming systems.

Process of engagement

We “started by just listening to farmers” by sitting down with them in their homes and holding hui within their communities – learned from their lived experience what were the issues for them.

Farmers can learn

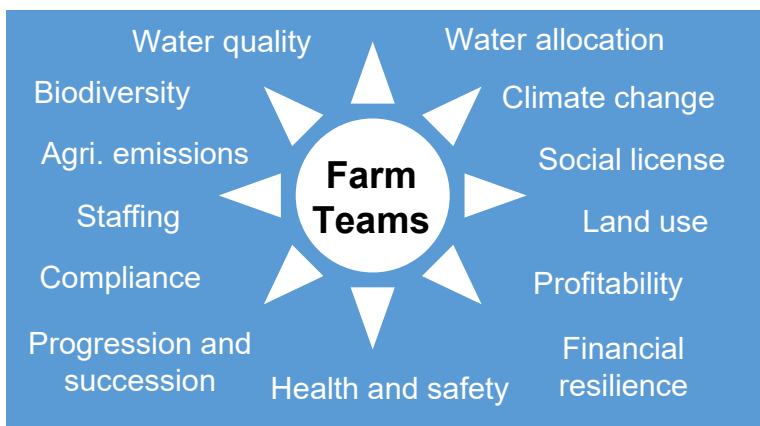
from shared best practice. Agencies can learn what they can do to best help farming families, and the rural communities that support them.

Value of engagement + outcomes for stakeholders

Purpose of engagement

It’s about improving our understanding of the system so insights can be fed into the government’s approaches to how it supports farming communities.

Transformational change is required in the Primary Sector. Farm teams have a **large number of complex challenges** to address, including (but not limited to):



One outcome of engagement

MPI produced case studies to share best practices of high performing farms. Engagement revealed the perspective they are first and foremost “farming families” rather than farmers as a profession. MPI has gained a better understanding of the range and complexity of challenges facing farmers and rural communities, and shared this back with them in hui to affirm our findings.

Workshop key themes

We need more opportunities to test assumptions with the public before solutions are developed

We may not engage with the public to test our key assumptions about the problem, before developing policy options to respond to it

We need systems and resources to overcome structural barriers to collaboration

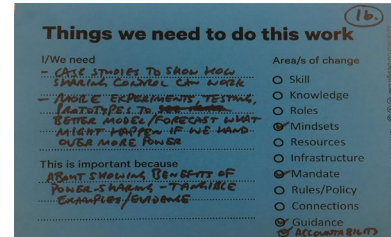
Current structures often don't support the cross-government and cross-sectoral collaboration required for understanding and responding to complex problems

We need a willingness to share power

Organisations and individuals may be unwilling or unable to share control of policy problem framing, objectives, the development process and decision-making – there is a fear that engagement will surface problems that agencies are not ready to deliver on

We need to improve our communication tools, the nature of our materials, our skills and techniques for tailoring engagement and making it accessible

Our engagement materials can be overly dense and technical, making it difficult for citizens to meaningfully participate and add value to the discussion



We need the right skills and mindsets

Policymakers can sometimes lack the skill, motivation or mandate to work in safe, enabling, participatory or culturally grounded ways with diverse groups of people

We need to engage with the right people

The people we most need to hear from may be least able or willing to participate in the kinds of engagements we typically design

We need a mandate and 'buy-in' for early engagement, where appropriate

It's hard to gain approval to engage at the start of the policy process, if there is a perception that the problem (and potentially its solution) is already well understood

We need to incorporate other cultural principles and values into our engagement processes

Engagement approaches may reinforce mono-cultural and Eurocentric values that can be embedded within them

Guidance – what would help?

Opportunities to test assumptions

- Leaders who have knowledge of the value of early consultation
- An authorising environment that supports requests to listen to stakeholders first, check options and approaches for engagement and allows opportunities to get agreement to engage from leaders and decision-makers
- A requirement for early engagement to test assumptions/problem definition in a light touch way as a guide to ensure assumptions/problem are relevant

Engagement with the right people

Design engagement differently (from typical engagements) by:

- using shared examples of ‘what good looks like’
- designing consultation and materials for the audiences and the consulting organisation
- using a clear process and rationale to deviate from the status quo
- sourcing expertise for multi-channel engagement
- recruiting and increasing skills and capability (e.g. in ethnographic techniques)
- better identify groups and individuals we need to hear from and who might be able to advise on how to access and work with those people.

Incorporating other cultural principles and values into our engagement processes

- Develop policies and partner with Māori and other ethnic groups
- While doing so, incorporate Māori principles and values into the engagement process

Mandates and ‘buy-in’ for early engagement, where appropriate

- Management approval from the get go
- Innovation such as supporting secondments to mitigate resource constraints
- Changing the understanding of what good looks like
- The confidence to work with other people
- Mandate from decision-makers and senior leaders to change the way we engage (timeframes, changes in power sharing)

A willingness to share power

- Case studies showing the benefits of using engagement to help frame objectives and early proposals, which will help demonstrate to decision-makers the return on investment and encourage a willingness to share power with stakeholders

Systems and resources to overcome structural barriers

- Governance structures, systems and resources that support joint approaches to collaborating with stakeholders

The right skills and mindsets

Better contextual information, co-ordination – more meaningful engagement and therefore inclusive policy development and better policy outcomes. This includes:

- Training and on the job learning
- Organisational mandate alongside skill valued and recognised (reward, incentive)
- Experience and exposure to skills (e.g. secondments)
- Permission to learn and possibly make mistakes
- Shared engagement systems (who is engaging with whom), better contextual information and co-ordination.

What other system support is needed – “Guidance as a verb”

“We need to start by listening”

We need a culture change so we are encouraged to get out and engage early

“We need training to lift our engagement skills”
We need links to learning and development opportunities to build skills in engagement practice

“We need engagement to be part of the policy process, not a separate step”
We need a shift in mindset about how we think about engagement and our policy processes

“We need to make changes so the system supports renewed practice” – we need a community of practice, and a real-time whole of government consultation register



Next steps for the guidance?

The Policy Project has been continuing its work on Commitment 5 and is now in the design phase of the engagement guidance project.

This work involves development of draft guidance alongside policy practitioners, civil society representatives and engagement specialists.

The draft guidance will be tested with policy practitioners and diverse groups later this year. The draft will also be widely circulated online before being finalised for dissemination in the New Year.



Acknowledgements

We would like to thank and acknowledge all the agencies and individuals who gave their time and shared their learning, making these workshops possible.

The Policy Project is about building a high performing policy system that supports and enables good government decision making. The Policy Project offers policy frameworks, a toolbox and conversation trackers (like this one) on our website.

www.dpmc.govt.nz/policyproject

Auckland Co-design Lab makes available the tools used for the workshop. These tools and many other valuable resources are available on their website under a creative commons licence.

www.aucklandco-lab.nz

