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Isle of Man
Government

Reiltys Ellan Vannin

Council of Ministers

Public engagement and consultation principles

October 2017

To the Hon Stephen Rodan MLC, President of Tynwald and the Hon Council and Keys Assembled

Foreword by the Minister for Policy and Reform

Public engagement and consultation is an important part of the process of developing new policy and legislation.

These principles and a set of supporting guidance notes have been developed collaboratively with teams across government - taking account of public feedback and good practice - and their use will enhance the consultation process, just as use of the new online consultation hub at consult.gov.im has done.

I congratulate and thank all those involved, and commend these principles to this Honourable Court.

A handwritten signature in black ink, appearing to be 'C C Thomas', written in a cursive style.

**Hon C C Thomas MHK
Minister for Policy and Reform**

Isle of Man Government: Public engagement and consultation principles

1. Introduction

- 1.1. The Isle of Man Government is committed to carrying out effective consultation with Island residents, to inform decisions about policy, legislation and Government services.
- 1.2. Early, effective consultation can help ensure that we plan our services and policies based on the needs of the people affected by them. It supplements the democratic process by helping to identify priorities, and it can encourage greater public involvement and interest.
- 1.3. It is particularly important to directly engage with people who are affected by a policy or proposal, and ensure that their views are represented. Carrying out consultations allows Government to provide information and collect responses, views and opinions from individuals and groups who are interested in the topic and who have experience of it or influence over it.
- 1.4. Consultations will often identify a range of opinions, and elected Members' decisions will take these into account, recognising that it is not possible for all respondents to agree with the outcomes and decisions made.
- 1.5. This document sets out the principles for consultation by Government Departments, Boards and Offices and other public bodies.
- 1.6. A set of guidance notes have been developed to help officers plan, deliver and analyse consultations. These are available in Appendix 1, online with a range of supporting resources, and also through the Change and Reform Team in the Cabinet Office.
- 1.7. These principles replace the Code of Practice on Consultation issued in 2008. The document is published on our website to let Isle of Man residents know what to expect from us when we consult.
- 1.8. There are times when formal consultation is not needed, for example, when Government acts to respond to international obligations or for minor or technical amendments to regulation or existing policy frameworks. The principles and guidance emphasises the importance of understanding the effects of a proposal, and focusing on real engagement with key groups rather than following a set process. This approach offers flexibility, and encourages Departments to be creative when planning consultations.

2. Isle of Man Government consultation principles

The principles are designed to guide how we consult and engage with the public.

1. Consultations have a purpose and offer genuine opportunities to make a difference

- Be clear about the areas of policy which are up for consultation; this will increase the usefulness of the responses.
- Let people know what is open to change, and what decisions have already been taken.
- Ensure consultation responses have the opportunity to influence decisions.

- Recognise that consultation is only part of the whole process of engagement.

2. Consultations follow a clear and open process

- Offer genuine options, and ensure questions are objective and allow people to express their views.
- Let respondents know how their information and responses will be used.
- Only ask for personal details or other demographic data if it is needed for the purposes of the consultation
- Ask those who are responding on behalf of large groups how many people or organisations they are representing in their response.

3. Consultations are well planned and delivered in a reasonable timescale

- Consider the urgency of the proposals. Determine whether it is feasible to carry out an effective consultation in the time available.
- Judge the timing and length of consultation based on the nature and impact of the proposal. The amount of time needed may be up to 12 weeks for significant consultations.
- Where the proposed consultation is less than six weeks, Departments, Boards or Offices must seek sign off from the Department or Board.
- Where local authority views are sought, a period of eight to 10 weeks is recommended to enable their responses to be discussed at council/committee meetings.
- Give enough time for people to respond, ensuring that Island-wide consultations run for an appropriate period of time. When deciding on the timescale for a consultation the capacity of the groups being consulted to respond should be taken into consideration.
- Publicise the closure date for the consultation, avoiding public holidays.
- Avoid launching consultation exercises during election periods. If exceptional circumstances make a consultation absolutely essential (for example safeguarding public health) then Departments should seek advice from the Change and Reform Team in the Cabinet Office.

4. We encourage and enable everyone affected to get involved, if they wish to

- Tailor consultation methods according to the topic and audience.
- Use a range of communication methods to ensure people are aware of the consultation and how to respond, making attempts to reach the people most affected by a proposal.
- Address barriers and consider specific needs, such as language, literacy or disabilities and work with relevant partner organisations to reach target groups, particularly hard-to-reach groups.
- Ensure training, guidance and support is available to participants and staff.
- Help people to understand what to expect from taking part in a consultation and build skills, knowledge and confidence.

5. We provide jargon free and understandable information

- Give enough information about the key issues, context, and relevant evidence, in an easily understandable format, so that people can give informed responses.
- Use clear and concise language and avoid jargon, abbreviations or overly technical language.

6. Use suitable methods to deliver the consultation

- Make sure consultations have the right resources and support to be effective.
- Consider the types of stakeholder and how best to engage with them at an early stage as additional resources may be required.
- Use a mix of written consultation documents and face to face events.
- Use informal methods of consultation where appropriate - email, public meetings/ drop-ins, focus groups, and surveys. Avoid any disproportionate costs to the Government or stakeholders.

7. We learn and share lessons to improve future consultations

- Promote a culture of participation and ongoing public engagement.
- Evaluate the consultation and capture lessons learned
- View the resources available to staff – our intranet page and online training courses are in place to capture and share consultation experience.

8. We tell people the impact of their contribution

- Publish feedback and summaries of responses on the consultations webpage
- Use 'we asked, you said, we did' format for consultation summaries
- Explain how the responses have been used in making decisions and forming policies to encourage active participation
- Be clear about the weighting given to responses – for example, responses from organisations can sometimes represent the views of large groups of people.
- Publish consultation responses within 12 weeks of the consultation closing. If it will take longer than this, state your expected timescale for publication to ensure transparency.

3. Status of the principles

3.1 These principles do not have legal force and do not prevail over statutory or mandatory requirements. Some laws impose requirements for the Government to consult certain groups on certain issues. These principles and the associated guidance notes are subject to any such legal requirement.

3.2 Care must also be taken to comply with any other legal requirements which may affect a consultation exercise such as those that arise under the Human Rights Act 2001, the Data Protection Act 2002, Freedom of Information Act 2015 and the Equality Act 2017.

3.3 Although the principles do not have legal force, and do not take the place of statutory external requirements, they should generally be regarded as binding on Government departments, boards and offices and other public bodies for the development policy and legislation.

4. Application of the principles

4.1 This document sets out the principles for consultation by Government Departments, Boards and Offices and other public bodies. When the Government is consulting, it is important that Ministers, Members and officers read the accompanying set of guidance notes found at Appendix 1.

5. Departure from the principles

5.1 In some instances, depending on the type of proposal or external circumstances, consultation timescales may be shortened or the audience restricted, for example to respond to urgent health or security issues or to secure time-limited investment.

5.2 Timescales may be shortened or extended due to:

- timetables set out in statute
- international processes dictating the timeframe
- annual financial cycles including the Budget
- urgent requirements
- security or health and safety implications
- public holidays

5.3 When the scope of an exercise is narrow and the level of interest highly specialised, it can be more appropriate for Government to consult quickly, with a smaller group of specialist parties.

5.4 There are times when a formal, written, public consultation will not be the most effective or proportionate way of seeking input from interested parties. A Minister may conclude that circumstances require a departure from these principles and guidance, and on these occasions, Government will explain the reasons for this.

6. Feedback on the principles

6.1 We aim to consult in an open, effective and consistent way and welcome feedback on these principles from staff and the public.

6.2 If, as a member of the public, you think these principles have not been followed, we are interested in hearing your feedback.

6.3 Contact the responsible service manager or director for the consultation and state which principle you feel has not been followed. If you are not happy with the response, please follow our [complaints procedure](#).

Updated October 2017

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Appendix 1



Isle of Man
Government

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Council of Ministers

**Public engagement and consultation guidance for Ministers,
members and staff**

This guidance should be read in conjunction with the Government’s principles on consultation.

1. Introduction

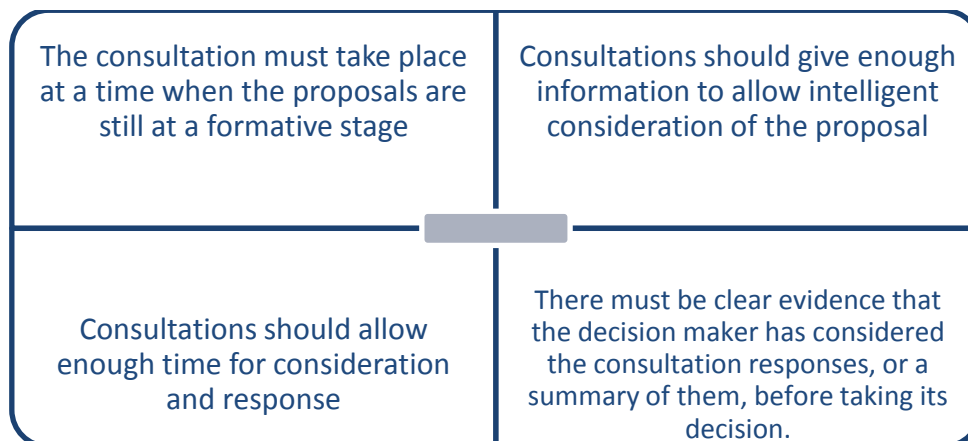
1.1 At the start of any consultation, it is important to be clear on why you are consulting, and whose views you are seeking. Ask:

Who are you consulting with?

What do you want their views on?

How can their views shape decisions?

1.2 Good consultation has four key elements:

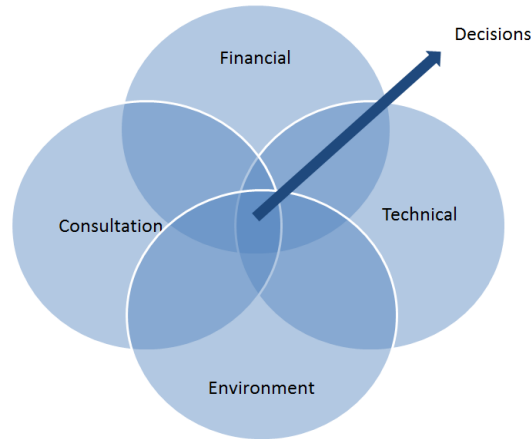


1.3 A consultation has a defined start and end date, and is the formal part of the overall process of stakeholder engagement.

- i. **Consultation** – the process of asking for and listening to the views of stakeholders
- ii. **Engagement** – an active and participative process by which people can influence and shape proposals, when designing, planning, commissioning, delivering and evaluating services

- 1.4 The views expressed through consultation are taken together with other factors, including costs and financial implications, environmental considerations and technical factors such as demographic data and the legal context, to reach decisions.

Factors informing sustainable decision making



2. Consultation planning

Pre-consultation

2.1 It is essential to consider the impact of any proposals on different sectors and groups, and to work with stakeholders. Engagement with key stakeholders should be carried out as early as possible, with informal initial discussions helping to shape the formal consultation exercise.

2.2 Holding small group discussions at an early stage can inform the development of consultation documents and questions, and help to target the information, ensuring it is easily understandable.

Internal consultation

2.3 Engaging with other parts of Government who may be part of developing or delivering proposals, or who are affected in another way by proposals, can help to shape your options and develop the consultation. Consider:

- Consultation with key advisory parts of Government such as the Attorney General's Chambers, the Treasury or the Office of Human Resources. This could include Human Rights compliance and fiscal or economic issues.
- Departments which have a specific policy or operational interest in the issue.
- Economic, equality and environmental impacts

Political members and committees

2.4 Ministers should seek the views of the Council of Ministers or the sub-committees, early in the policy making process, particularly for significant change or potentially controversial issues, or where there is overlap with other Ministers' interests.

2.5 Ministers and Departments should regularly advise the relevant committee of major issues under consideration in the Department. Early engagement with the committee ensures that it has the opportunity to contribute to policy formulation in advance of public consultation. The committees are:

- National Strategy Group
- Social Policy and Children's Committee
- Environment and Infrastructure Committee
- Cabinet Office Political Board

2.6 Consultation is not mandatory, but is expected to be part of the process of introducing any new policy or legislation that will affect residents, business, voluntary or public sector organisations. Where consultation is not to be undertaken, this must be agreed with the Minister of the Department or the Political Member responsible for the proposal.

3. Engaging and consulting online

3.1 Public consultations will be hosted online at <https://consult.gov.im>. Using this site, Government teams can upload consultations, documents, events, and surveys and share consultation results and analysis. The site contains tools to enable staff to analyse responses, and to allow the Cabinet Office to generate management reports about the overall numbers of consultations and responses.

3.2 The system can also be used for 'invite only' consultations to gather responses from specific groups of people. These consultations will not be seen on the public site, and can only be accessed by people who have the link.

3.3 This site provides an accessible, easy to use web interface for people responding to consultations. All consultations are available in one place which is easily searchable, and individuals and organisations can sign up for alerts when consultations are published on topics they are interested in. The website is triple 'A' rated for web accessibility.

3.4 When designing a consultation, think about how you will raise awareness of it with your key groups, including making good use of local press, Government websites and social media channels.

2.5 Departments each have nominated users for the online tool, which is managed by GTS. The online tool will be used by the Cabinet Office (GTS and Change & Reform Team) to monitor the number of consultations and responses, measure Government performance against the Programme for Government Key Performance Indicator (KPI) 'the number of consultations which have feedback published within 12 weeks of the end date'.

3.6 The intranet page contains comprehensive information about using the online tool, including a list of department representatives and the processes for user permissions to upload and analyse consultations.

4. Offline

4.1 The consultation website can generate a pdf copy of the consultation questionnaire which should be emailed to library@tynwald.org.im; this will notify the Tynwald Library that you are running a consultation and they will print off and hold one paper copy. Additional paper copies are not required as these are printed and charged for by Tynwald Library when customers request copies.

4.2 Offline responses can be added manually to the online consultation responses to make analysis easier. When completed, manual responses should be returned to the Department responsible for running the consultation and officers should ensure the correct address is given with any paper copies.

5. Impact assessments

5.1 Carrying out an impact assessment at an early stage helps to identify people or organisations who are affected by a proposed new policy or changes to legislation. Where relevant, impact assessments can be published alongside consultation information, and comments on this encouraged.

5.2 Guidance and templates for impact assessments are available on the staff intranet [Legislation page](#) (only accessible from the IoM Government network).

6. Legislation

6.1 If the policy under consideration will result in legislation, give careful thought to the timing of engagement and consultation, as legislation may be drafted or adopted long after the consultation has been carried out.

6.2 Refer to guidance or hold early discussions with the Attorney General's Chambers (AGC). In general, carrying out public consultation before drafting instructions are given is advised, but it may be more beneficial in some cases to consult on the draft legislation.

6.3 When progressing legislation, refer to the following guidance:

- [A Guide to Instructing the Drafter \(March 2013\)](#)
- [A Guide to Drafting Secondary Legislation \(April 2016\)](#)
- [Isle of Man Legislation Explained \(Sept 2008\)](#)

6.5 It should also be noted that best practice in public engagement and consultation continually evolves, so staff should refer to the intranet pages for any minor additions to this guidance and other supporting information.

7. Consultees list

7.1 Required consultees will vary across Government. This guidance does not replace any information produced by departments about who they are required to consult. As a guide, consider:

- Tynwald members
- Local Authorities
- Voluntary organisations / charities
- Professional bodies
- Unions
- Information Commissioner
- Chamber of Commerce
- Law Society
- Attorney General's Chambers

8. Training

8.1 Online training modules are available to Government staff with access to E-learn Vannin. These cover:

- Planning consultation
- Delivering consultation
- Evaluating consultation

8.2 Resources are also held on the Government intranet [Public Engagement and Consultation page](#) (rheynn-fys).