"Support to Legislation by application of Information Technology"

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Summary of assignment

Location(s)	EU and China
Dialogue partners & target groups	State Council Legal Affairs Office SCLAO EU External Action Service EEAS
Brief description of assignment	The expert team was asked to prepare an overview and analysis of good practice in public information platforms, public consultation platforms, procedures for managing information, procedures for handling feedback acquired through consultation platform and training of public sector staff. The report covers the public sectors initial considerations as to which policy and legal areas should be subjected to public comments, how the information about new initiatives is disseminated to reach the relevant citizen stakeholders, how the process of collecting citizens' and citizen groups' comments is managed and how the citizen feedback is integrated into the public decision-making process.

Contents

Introduction and Background

Background to the PDSF II activity

Effective from 1 May 2008, the Open Government Information (OGI) Regulation became China's latest effort in promoting government transparency. Through this, China joined a group of almost one hundred nations around the world (including most EU member states) that guarantee their citizens specific access rights to information held by the public sector. The OGI regulation mandates local and central government agencies to proactively disclose information, and provides citizens and organizations with the right to request public documents. As with any access to information law or regulation, there are a number of exceptions for some categories of documents that can be released.

The regulation's implementation is an essential part in China's efforts to curb excessive government spending and prevent corruption. China's Premier Li Keqiang reaffirmed the principle of OGI upon taking office in March 2013, stressing the need for greater transparency in China to "allow the masses to effectively supervise the government."

From 2005-2009, the EU-China Information Society Project supported the State Council Legislative Affairs Office (SCLAO) in the improvement of China's transparency and information access provisions by introducing international good practice and supporting further Chinese research in the matter.

The China-EU 2020 Strategic Agenda for Cooperation[1] was agreed on in November 2013. It stresses the importance of cultural diversity and the emerging information society. The activity on ICT support to legislation can also be seen as a stepping stone towards the aim of a future "China-EU Public Policy Dialogue Mechanism", which the Cooperation Agreement formulates as "an important and long-term platform for dialogues, exchanges and cooperation in the public policy field", as well as more dialogue and cooperation on legal and administrative affairs. It also links to the common interest of the EU and China in better understanding their respective legal systems, largely because of their important role for exchanges in sector such as trade, technology, health etc. In this sense the current activity also links to the establishing of a new exchange mechanism on the rule of law, which would further enhance EU-China cooperation in a broad range of issues. Setting up such a Rule of Law Dialogue would fulfil the objectives of reinforcing EU-China cooperation; assisting China with the reforms necessary to ensure its sustainable development.

Based on the successes previously accomplished and these considerations on future cooperation areas, it was suggested to start a dialogue on key topics with respect to further promoting transparency of government activities and participation by citizens in public decision-making.

Goals of the activity

The use of technology to facilitate the interaction between citizens and the public sector has been recognised for many years, and all over the world, this has resulted in activities to establish and promote services under the headline of "e-government". While "e-government" is mostly used generically for all forms of electronic support to government functions, with respect to the participation of citizens in governmental decision-making, new technologies warrant a separate look. Citizen participation in the form of commenting on draft legislation, providing suggestions for new policy initiatives, or providing feedback on government or legislative performance is nothing new. Information technology has, however, added a multitude of communication channels and design options to create a more immediate connection between the public and the private sector.

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[1] http://www.china.org.cn/chinese/2013-11/26/content_30711055.htm

Both in public and private sector, tools and methods have been developed for many years on how to create online participation systems that cater to the needs and preferences of both government and citizens, that are easy to use and the results of which are convenient to manage and process. The tools available today range from simple feedback forms or email addresses allowing comments on draft legislation, to sophisticated multi-step platforms that seek to generate a consolidated glance at the status of public opinion. Some of these approaches are intended to improve the knowledge of the governmental decision-makers on complex matters with many stakeholder groups, others (such as citizen budgets) hand over part of that decision-making process to the citizens directly.

The introduction of technology to improve information dissemination among citizens requires specific planning and implementation skills. Know-how is necessary to create the necessary legal framework (access to government information regulation, administrative code, dedicated public consultation provisions), the organization of information within the administration, the technological channels through which to disseminate the information, and the establishment of procedures to collect the comments and feedback provided by the citizens and other stakeholders.

While China has some basic provisions in place, there is a deficiency in reliable and convenient information management and online publication tools that would allow both the distribution of information and the collection and processing of feedback. On the other hand, while many EU public sector institutions have for a longer time established such systems and procedures, there is no single best practice, but the constant search for solutions that are easy and efficient to implement and to use.

Through a dialogue and information exchange, both EU and Chinese partners could considerably improve their knowledge about existing good practice, and through exchange on existing challenges and perceived legal or technological impediments, could engage in a process of improving the existing public consultation platforms and systems and foster the participation of the public in the decision-making processes.

The overview presented in this report as part of the PDSF II activity on "*Support to Legislation by application of Information Technology*" is intended to present approaches on how information technology can support the policy and law making process in the EU and China today, and what possible steps are available to improve those systems to better support the respective policy goals. While the EU level, the member states and China have often very different policy issues at hand, many good practice approaches can be found that provide examples for an improvement of the respective systems.

Overview: Alternatives Approaches to Consultation and Online Consultation

Public consultation, or simply consultation, is a dialogue process by which the public's input on matters affecting them is sought. Its main goals are in improving the efficiency, transparency and openness of public involvement in large-scale projects or laws and policies. It usually involves notification (to publicise the matter to be consulted on), consultation (a two-way flow of information and opinion exchange) as well as participation (involving interest groups in the drafting of policy or legislation), before decisions are confirmed or amended.

There is no one best practice model for consultation in general, or for the use of ICT to facilitate it. Every government level, every individual government or legislative body, will feel the need to carefully assess its needs and possibilities, and will come up with a different solution that is just right for this topic at this point in time.

However, not only is there an abundance of international practice in citizen consultation procedures supported by ICT, there are also many efforts to generalise from these experiences, to suggest best practice procedures and approaches for getting from the first considerations about public consultation to an implemented system of integrated offline and online support to public sector decision making.

One standard model that has been frequently used as reference internationally over the last years, the **United Nations e-Government Survey** can serve as a starting point. It uses a three-level model of e-participation that moves from more "passive" to "active" engagement with people. The model includes:

1) **e-information** that enables participation by providing citizens with public information and access to information upon demand,

2) **e-consultation** by engaging people in deeper contributions to and deliberation on public policies and services and

3) **e-decision-making** by empowering people through co-design of policy options and co-production of service components and delivery modalities.

This model of e-participation is based on the assumption that a shift from more "passive" to "active" engagement brings about true people empowerment, a necessary condition for sustainable development."[2]

The UNPAN model is used in the periodical assessment of country's eParticipation systems that is part of the UNPAN E-Government Survey.

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[2] See UNPAN E-Government Survey 2014,
http://unpan3.un.org/egovkb/en-us/Reports/UN-E-Government-Survey-2014

The questionnaire that is used in this assessment is a useful tool for governmental decision-makers to improve their insight into their own status quo, before in a next step defining the desired degree or depth of online consultation:

Table 3.1.   Summary of features assessed related to e-participation

- Existence of archived information (policies, budget, legal documents etc.) related to education, health, finance, social welfare, labour information and environment
- Existence of datasets on education, health, finance such as government spending, social welfare, labour information and environment
- Access to government website in more than one official national language
- Availability of social networking features
- Presence of e-consultation mechanisms for the six sectors: education, health, finance, social welfare, labour information and environment
- Availability of tools in order to obtain raw (non-deliberative) public opinion for public policy deliberation such as online forums, media tools, polls, voting tolls and petition tools
- Presence of e-decision-making tools for the six sectors: education, health, finance, social welfare, labour information and environment

Source: UNPAN 2014

A more detailed concept of the various degrees of citizen participation is represented by the model developed by the **International Association of Public Participation (IAPP).** It defines the spectrum of five levels of engagement according to the diagram below.

Increasing level of public influence ──────────────────────────────────►				
Inform	**Consult**	**Involve**	**Collaborate**	**Empower**
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 or 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.

While there are government examples of public influence spanning these five quadrants, public appetite for participation often means that there is a trade-off between strong leadership and direct democracy which results in an emphasis on possibilities within the first three quadrants.

With this in mind, The Consultation Institute (TCI) has developed the 'public engagement opportunity spectrum' which identifies the various opportunities for public input into *the policymaking cycle* on an increasing scale of influence for the first three quadrants of the IAPP model.

It is worth noting that traditional, formal consultation is typically held once a set of options have already been developed yet there are many other forms of engagement (such as public dialogue) which can inform policymaking and policymakers and which straddle the policymaking process.

It follows that the current process of commenting on legislative texts first discretely into the formal consultation stage yet has interfaces with all other steps in the model.

Public engagement opportunity spectrum
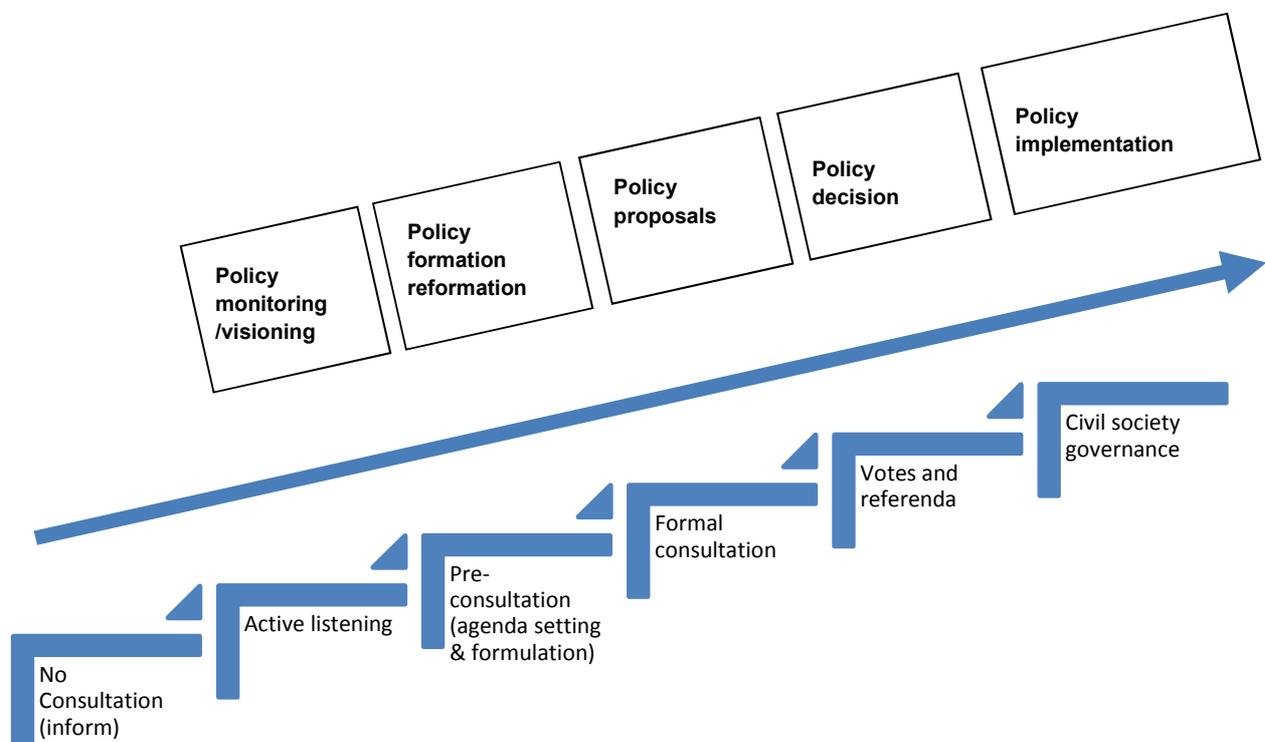
All stages of the process (preparation, drafting, adoption, implementation, evaluation) should be subject to public participation to ensure better laws. This is also highlighted by the EC Principles and Minimum Standards:

"The quality of EU policy depends on ensuring wide participation throughout the policy chain - from conception to implementation".

Examples of are given in the table below:-

Active listening	Pre-consultation	Formal consultation	Votes and referenda	Civil society governance
What do the public think about current legislation? Who are the key influencers and where do they congregate?	Do we need new legislation for a given issue? What is current sentiment about an issue?	What does the public think about the policy options? Are there any policy ideas?	Should we pass a new law? What proportion of resources should we allocate?	What are the public concerns? Is the accountable?

Step 1 (Access to Information)
Participation without the right to information is meaningless and subsequently this is the first step in enabling effective participation. In the context of participation this will involve:

- Informing the public about forthcoming plans
- A right to access relevant documents during a consolation

Step 2 (Active Listening)
Active listening involves identification of interested stakeholders and processing of opinion through observation. This is a proactive method in that it allow for:

- Timely notification of emerging issues
- Understanding sentiment (e.g. content or discontent)
- Making the case for involvement of the public or timetable for a consultation

There are a number of techniques to active listening. For example, social media monitoring or news monitoring.

Step 3 (Pre-consultation)

The purpose of pre-consultation is in support of a later formal consultation and is used to inform Consultors. This is a proactive method and can help:-

- Identify public known and unknowns
- Make the case for formal consultation
- Help shape a future formal consultation
- Inform policymakers about the need for new policies or legislation
- Compliment expert opinions via public dialogue
- Crowd-source policy ideas
- Narrow down options

Pre-consultation is seen as a more deliberative stage with no formal influence on the decision making process.

Step 4 (Formal consultation)

The purpose of formal consultation is to gather evidence and opinion as well as options as guidance on a pending decision. It is a reactive way of participation – the public becomes involved because the government requests this. Formal consultation is not limited to comments on draft documents, for example it may be used to determine budget priorities.

The output should influence the decision made and the conditions for meaningful consultation should be set-out and bound by a number of core values:

- Integrity
  - Consultors must be willing to listen and be prepared to be influenced
- Accessibility
  - Consultees must have reasonable access to the consultation using appropriate methods for the intended audience
- Visibility
  - All who have a right to participate should be made reasonably aware of the consultation
- Transparency
  - Consultation submissions will be publicised unless specific exemptions apply
- Disclosure
  - Consultors must disclose all material information – that which makes a difference.
- Fair interpretation
  - There is objective assessment of the evidence
- Publicity
  - Participants have a right to receive feedback of the consultation output & outcome of the process

In the United Kingdom there are some 'acid tests' for consultations which are challenged by the judiciary:

1. Consultations must take place when the proposal is still at a formative stage (i.e. the decision has not been taken).
2. Sufficient reasons must be put forward for the proposal to allow for intelligent consideration and response (i.e. full disclosure of facts)
3. Adequate time must be given for consideration and response (i.e. the consultation must have a sufficient open phase and decision makers must be given adequate time to consider the fruits of the consultation).
4. The product of the consultation must be conscientiously taken into account (i.e. Summaries are accurate and decision makers have taken all evidence into account).

Step 5 ("Advisory Referenda"):

- stronger focus on policy implementation, but also pre-implementation policy design
- consultation procedures in each drafting / development stage, government / legislator making specific commitments to how public feedback is handled, subjecting a policy-making and implementation process to frequent public discussions through various channels
- reporting and consultation activities such as public meetings as well as the mechanics.

Step 6 ("Active Listening / Discovery):

- trying to get new policy insights from digital channels.
- "active listening" / "foresight" for new policy ideas such as digital stakeholder mapping

Expectations in public participation

Participants in public participation exercises tend to have a very simple basic expectation – to be heard and taken seriously. However, the right to a response and right to be considered are requisites for anysort of meaningful consultation. Unfortunately deep scepticism of consultation, coupled with consultation fatigue has resulted in a scarcity of active citizen participation in Western Europe.

"Technology may have changed institutions' ability to respond to citizen demands but its mere presence has not fundamentally changed actual government responsiveness. Compounding this is that increased access to information and communication channels heightens citizens' expectations that their input will be considered and that public officials will respond. A common refrain from research participants was that failure to manage or meet these expectations can have a deleterious effect on citizen trust in government institutions, and ultimately democratic development."[3]

Participation rates vary depending on a number of internal and external factors, as depicted in the table below.

Factor	Tests
Efficacy	Does the consultation have honest intention? *This is a matter of public perception on the integrity of the Consultors – their ability to listen and be influenced.*
Accessibility	How easy was it for Consultees to participate? *Consultees must have reasonable access to the consultation. Surveys must use plain English etc.*
Visibility	What attempt at outreach has been made? *All who have a right to participation should be made reasonably aware.*
Duration	How long has the consultation been open and during which period? *Consultees should be given adequate opportunity to participate although there is a non-linear relationship between the amount of time open, response rates and responsiveness.*
Salience	What is the relative importance of the issue? *The nature or topic of the issue under consideration will have bearing on the response.*
Audience	Is there an existing culture or participation or cohesive community? *The demographic, ethnicity, gender balance etc. of Consultees will have a bearing on their likely participation in relation to a given issue as will the likelihood of campaign groups' ability to self-organise. Participation rates will also be higher if the audience is known versus unknown.*

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[3] "CITIZEN PARTICIPATION AND TECHNOLOGY", by NDI, summary and link see http://www.i-policy.org/2014/07/citizen-participation-and-technology-an-ndi-study.html

Factor	Tests
Capacity	Do Consultees have sufficient educational level and technological skill to respond? *For online scenarios this could eliminate as much as 50% of the population.*
Influences	Do Consultees have genuine motives? *Participation motives may be influenced by external influences (such as celebrity endorsement) and participation may arise for political purposes or as a result of general discontent.*
Communications	How were Consultees communicated with? Consultees that are personally invited to participate are more likely to do so compared to mass outreach.
Identification	Does the issue affect Consultees directly, indirectly or not at all? *The proximity and consciousness of the Consultee to issue under consideration will have bearing on the response*
Benefits	What the Consultee benefit from participating? *Consultees that are incentivised, such as with rewards or information, are more likely to participate.*
History	What are the existing emotions and experiences? *Consultees may experience disengagement from past experiences, such as failed attempts to influence.*

The approach channel is also a factor of any given response rate (number of completed responses divided by the number of participants invited to respond). The table below indicates typical response rates as a factor of communication method.

Method	Very Good	Good	Average
Mail	70%	60%	50%
Phone			20%
Email	60%	50%	40%
Online		30%	15%
Face to face		80%	

In the United Kingdom and almost certainly in Western Europe, people are more enthusiastic about being involved in local democracy and we anticipate this is a global phenomenon unless there are weak ties between local and national decisions. That said, when it comes to the question of personally getting involved in local decision-making, less than half the public actually want to get involved in decisions affecting their local area.

Public consultation response rates

The Consultation Institute has observed overall participation rates (combined, online and offline) typically no higher than 1-3% of a local population on a consultation concerning a salient issue (such as public service cuts) within a typical UK local authority region. Statistics from completed consultations of this type are illustrated in the table below.

Local Authority	Response rate to consultation on library service closures based on proportion of local population	% who responded who were also service users
Warwickshire	1%	Unknown
Gloucestershire	Approx. 1% (although 0.6% the second time around!)	Approx. 40% - however, this was based on the inclusion of random sampling
Somerset	2%	81%

Moreover, research from IPSOS Mori[4] suggests that the proportion of UK adults who would like to be actively involved in decisions on cuts to public services is 11% and 29% of people would like a 'say in decisions'. Furthermore, 36% of the public would like information only and 24% would not be interested in participation in favour of expert involvement.

There are many examples of behavioural participation statistics. The 2006 Forrester devices and access online survey[5] has its own breakdown of behaviour for US consumers. It provides a set of user profiles and their engagement rates by behaviour: Inactive (52%), spectators (33%), joiners (19%), collectors (15%), *critics (19%) and* creators (13%).

Clearly the *culture of participation* varies from country to country and it needs to be understood in order to determine if participation rates are good or bad.

Participation variances by method

In terms of pure online survey response rates, a leading software supplier[6] suggests that internal surveys (where there is a known audience) will generally receive a 30-40% response rate compared to an average 10-15% response rate for external surveys. At the other end of the spectrum, an online opinion poll should elicit more responses as it is easier to complete.

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[4] 1,000GB adults, 18+, June 2010 : http://www.ipsos-mori.com/_emails/sri/latestthinking/aug2010/content/1_big-society-what-do-we-know.pdf

[5] http://www.forrester.com/NACTAS+Q1+2006+Devices+Access+Online+Survey/-/E-SUS471

[6] http://www.surveygizmo.com/survey-blog/survey-response-rates/

Of the various factors to consider in terms of improving response rates to survey alone, industry research[7] suggests that survey invitations sent at the beginning of a work-day receive more and faster responses. The same report suggests that half of survey responses arriving within one day, and nearly all (96.5%) arrive within two weeks and that personalised invitations to respond can help increase responsiveness.

Crowdsourcing opinions using ICT

Attempts to crowd-source the Icelandic constitution back in 2011 used social networks to elicit feedback. The result was that around 3,600 comments were made which resulted in around 360 suggestions. The response rate can therefore be calculated as approximately 1% of the population and the adoption rate of this 1% was around 10%.

The UK government launched a crowdsourcing experiment in 2011 to tackle the stock of unnecessary and over-complicated regulation (dubbed the 'red tape challenge').   In the period between 2011 and 2012, 227,000 visitors to the website produced 28,800 comments and over 950 private submissions were made.   Bear in mind the average number of comments per visitor was two then the response rate is approximately 5% of visitors.

Both of these examples highlight that there is seldom a formula for predicting participation rates but that participation remains low in terms of its potential.

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[7] http://www.supersurvey.com/papers/supersurvey_white_paper_response_rates.pdf

Comments on legislative drafts using ICT

The following table contains data from various public consultation activities on draft legislation.

Case	Estimated potential reach	Duration open (days)	Published comments	Visitors to website	Individual Contributors	Suggestions carried forward
UK. Children and Families Bill	63,000,000 citizens	14	1099			
UK. Protection of Freedoms Bill	63,000,000 citizens	22	568	6600	256	
UK. Small Charities and donations Bill	63,000,000 citizens		85		23	

The graphs below represent our current interpretation of online engagement in the consultation process based on observation of the European figures.
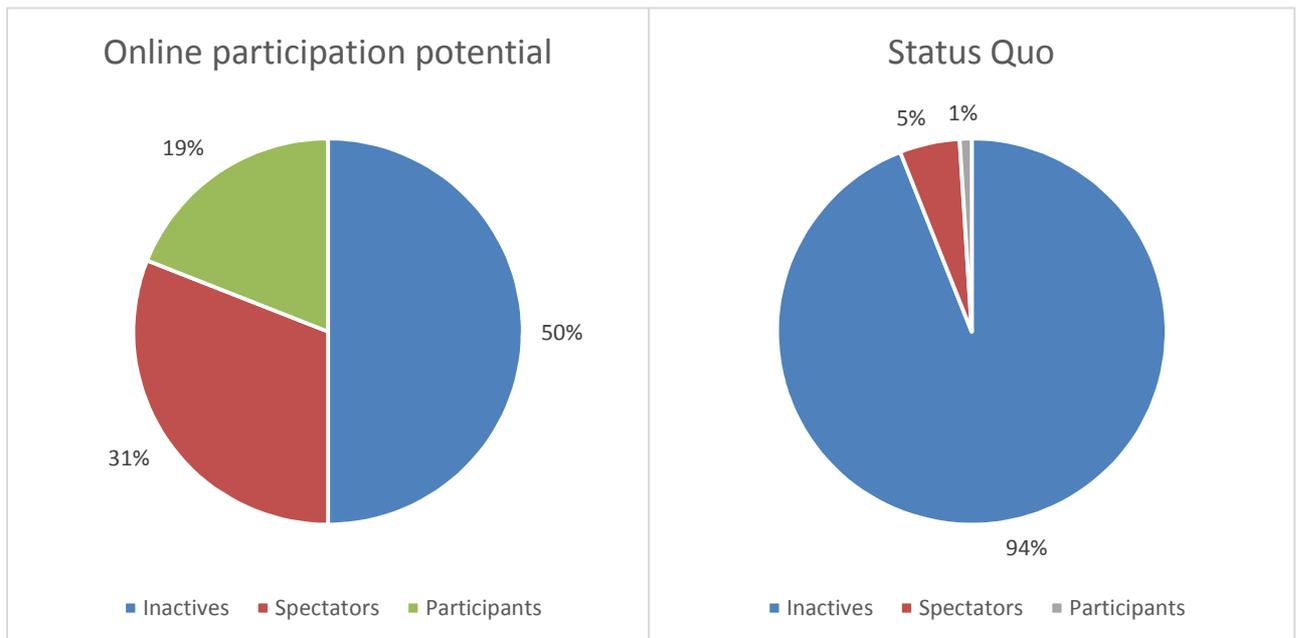
The conclusion is that, in order of priority:-

- Much more must be done to raise the visibility (and subsequently number of visitors) to online consultations
- Effort must be maintained into non-digital alternatives
- We have the potential to almost treble the amount of contributions by improving the 'call to action' of spectators.

Improving consultation potential

Further to the supporting text, TCI have identified five priority areas of improvement:-

1. Improved trust between Consultee and Consultors
2. Improved visibility
3. Smarter processes for co-ordinating consultations
4. Better stimulus
5. More public dialogue to inform policy development between formal consultations

1. Improve trust

To improve trust, consultations must have integrity –that is to say they must have honest intention. The Consultation Institute advocates the use of a 'Consultation Mandate' which sets out clearly what can and cannot be influenced. TCI believe that in *framing* consultations more adequately and by agreeing to a consultation 'charter', Consultors will have both more integrity and focus.

Trust is also enhanced when there is a quality feedback mechanism. For example, ensuring that Consultees receive personal notification of the consultation output (what happened) and outcome (the final decision). To this extent, Consultors can be more proactive in demonstrating that they have listened and changed as a result of consultation. For example, by adopting the "you said, we did" mantra.

Finally, regulations and a mechanism for public redress are comfort blankets for the public and serve to enforce good consultation by public bodies.

2. Improved visibility

Exposing stakeholders to the consultation in the digital domain is a difficult task. One approach is to run the consultation in existing spaces – that is, conduct digital stakeholder mapping and engage in established non-governmental fora. Alternatively, Consulters can conduct social listening whereby they choose to include voices from social media or monitored conversations and enlist the help of digital influencers in raising the profile of a consultation.

3. Smarter processes

To overcome consultation fatigue, the process of scheduling and synchronising consultations as well as tracking stakeholder preferences is essential. The Consultation Institute endorses the idea of a

consultation database (containing a public list of current and expired consultations along with their relevant Meta data) and stakeholder database (an audit trail of stakeholder interactions).

4. Better Stimulus

Online consultations are still heavily reliant on the text form yet the internet will support audio or even video feedback. Attempts to improve the user experience, including the use of interactive input types and rich media is necessary to attract mass participation and compete against high visibility market research in a web dominated by the private sector.

5. More public dialogue to inform policy development between formal consultations

One of the problems with traditional stakeholder consultation is that the process is still inherently 'top down' in terms of government doing the agenda setting, such as setting the consultation timing, questions or options. More public dialogue is needed, on an ongoing basis, in a way which keeps participants warm while causing the least friction.

Experiences with digital versus traditional consultation

In its 2009 European eParticipation summary report,[8] the EU Commission categorised the opportunities and challenges of eParticipation with respect to the functions eParticipation has. From the analysis at the time of the report, the clear insight stemmed (unsurprisingly) that introduction of ICT can make a positive contribution to every single aspect of a public consultation process:

Whether it is a boost in awareness on the topics under discussion or the improved level of transparency that can be achieved through online databases and search functions – at the end of the day, eConsultation understood as an improvement on traditional consultation (rather than a substitute) does not have disadvantages.

There are, however, perils in relying exclusively on electronic means of consultation and information dissemination. Depending on social and economic setting, eConsultation is prone to excluding certain social groups, and the designer of the consultation systems needs to be diligent in ensuring that there is a sensible online / offline balance in reaching out to the citizens.

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[8] http://ec.europa.eu/information_society/newsroom/cf/dae/document.cfm?doc_id=1499

Issues	Opportunities and challenges
Decision and policy making initiated by government	ICT can exploit the vast reserves of data the public sector has available to develop, model, visualise and simulate decisions and policies. Also by involving constituents through political representatives or directly through processes of information, consultation, active participation and elections.
Empowerment from the bottom	ICT can help to leverage the voices and expertise of huge numbers of individuals and groups, setting their own agendas and developing their own policies in new forms of 'crowdsourcing', mass collaboration and mass creativity.[3] This can also result in short term single issue politics, and sometimes in instant street politics and forms of mob-rule, but can potentially also build to more permanent countervailing power bases possibly at odds with governments.
Empowering communities and localities	ICT can support the extension of participation beyond formal politics and the ballot box, by promoting subsidiarity at local and neighbourhood level. This leverages local resources, know-how and skills for developing new forms of advocacy, support and social capital, which can both strengthen diverse cultures and interests as well as bridge between them.
Transparency and openness	Can be supported by ICT through freedom of information and consultation, to reveal the purposes, processes and outcomes of government, also through real-time tracking and tracing. This will help place responsibility, reduce corruption and make decisions more responsive, although legitimate privacy and the space for risk taking should be safeguarded.
Accountability, rights and responsibilities	ICT contributes to these becoming blurred as decision and policy-making are opened up and government shares the stage with other actors. Important questions are raised about whose voices are heard and who do they represent, with the ever present danger of trivialisation and short-termism unless the right to participate in policy making is balanced with some responsibility for policy impacts.

Source: EU Commission, European eParticipation Summary Report, Nov. 2009

While the theoretical benefits of eConsultation are clear, this does not mean that it is straightforward to create a consultation setting in which ICT solutions would actually make a positive contribution to the overall result. While eConsultation can be used in almost every consultative scenario, it only makes sense as part of a considered approach that helps the citizens get access to the information they want and need (as opposed to being exposed to a vast and overwhelming stream of information), to help citizens form a qualified opinion about the subject matter at hand, and by facilitating the citizens' ability to voice this opinion so that relevant stakeholders inside the public sector (government and legislative bodies in particular) can hear it.

The benefits of eConsultation have resulted in it becoming a mainstream method, even a preferred method. For example, electronic distribution of consultation documents saves on expensive printing, stuffing and postage costs and encouraging Consultees to complete surveys online saves on back-office processing.

Online consultation should ideally form part of a mixture of dialogue methods designed to produce the best possible quality of data that can help decision-makers or policy-makers. The role played by digital methods will depend upon its suitability for the identified target stakeholders and the range of alternative ways you can offer them to contribute.

It is seldom appropriate to use online consultation when it appears to be the only method available or affordable. The key principle should be that it should be used when it offers significant added value to the process of dialogue – either by reaching more *Consultees* or in eliciting more, more frequent or better responses from them.

At its best, online consultation provides an impressive range of benefits:

- It widens the appeal and strengthens the reach of public dialogues.
- It is a fast, and cheap way to obtain high volumes of contributions
- For many people, it is the easiest and most convenient way to respond
- It is an efficient way to disseminate information and explain the consultation narrative
- It can link into a range of social media activities – well beyond consultation
- It can create spill-over engagement with non-digital channels

But it can also create difficulties:

- It de-personalises the consultation, losing the benefits of face-to-face interactions
- It limits the opportunity for true two-way dialogue; Consultees may fear it is a less serious form of consultation!
- Not everyone has easy access to online services; not everyone is comfortable using the Internet
- Much of the data gathered can be especially problematic to analyse and interpret

Perhaps the best way to view eConsultation in terms of organisational advantages is that modern technologies afford organisations the potential to develop a highly sophisticated communications strategy.

Consider the broad range of tasks that ICT can improve:-

- Information transfer,
- Dialogue support,
- Problem exploration and solving,
- Measurement of needs and preferences,
- Joint working.

Benefits of eConsultation:
With this in mind, the principle benefits of eConsultation can be divided into six groups:-

1. Opportunity of access.
2. Efficiency and effectiveness.
3. Making more informed decisions.
4. Immediacy.
5. Improved feedback and analysis.
6. Stickiness – the ladder of escalating participation.

Opportunity of access

- Reaching out to new or seldom heard audiences such as young people, time poor citizens, people in remote areas of a region and people with disabilities.
- Capture of opinion from citizens who live abroad, perhaps useful in the case of expatriates.
- Convenience – participation can occur at any time of the day.
- The use of rich media such as video and other interactive elements such as simulations to help people make more informed decisions.

Efficiency and effectiveness

- Reducing consultation fatigue by joining-up consultations and their results across an organisation and its partners. In other words, avoiding duplication.
- The ability to target consultations to Consultees who either have expressed an interest in participating, who are affected by the possible outcome or whose demographic can be determined through the use of the supporting technology.
- The opportunity to generate feedback to respondents automatically or alert them to changes.
- A reduction in costs such as postage and printing and avoidance of laborious data input.
- Flexibility: with eConsultation tools it is possible to have a multi-stranded eConsultation strategy and one which offers greater control over the consultation exercise.

Making more informed decisions

- The opportunity for more informed consultation, by providing access to further information through links to online resources such as webcasts, minutes and agendas or email contacts.
- eConsultation can enable a partnership approach to decision making, such as using a convergence technique such as Online Delphi.

Immediacy

- Proving a timely method of response · hold more consultation more frequently for less cost than print and face-to-face consultations.
- Get a broad brushstroke perspective on views quickly and cheaply.

Stickiness and the ladder of escalating participation

- The opportunity to provide participants with email alerts when future, similar consultations are launched.
- The opportunity to engage participants in other democratic activities such as signing an ePetition or engaging in online transactional services.

Improved feedback and analysis

- The opportunity to filter and analyse responses automatically as they are received.
- The ability to create reports or query data in different ways.
- The ability to see what others are saying.

In a broader context, eConsultation makes it possible to:

- Reach more people, more of the time.
- Get the views of individuals as well as community group representatives.
- Conduct sustained discussion over time, allowing for ideas to grow and develop (not always possible in a one-off, face-to-face consultation).
- Grow horizontal relationships between Consultees.
- Provide an environment for persons to comment who may not feel comfortable speaking at a public meeting.

Disbenefits

While this list of benefits is impressive, there are a number of eConsultation disbenefits:-

- **Safeguards:** A paper survey can only be filled-in once, whereas an online survey can be filled-in many times. This presents a risk that a determined group or individual could bombard the consultation with multiple responses to skew the results in their interests. Good online eConsultation will as a minimum place a flag on the users to computer to prevent them from multiple submissions. Ideally it will allow system administrators to record and monitor the unique respondent internet addresses, highlight clusters of responses within a short period of time. With these capabilities, administrators can spot invalid responses.

- **Equal Access:** Internet coverage is not yet universal. Digital provision is subject to technical failure and it can be difficult to predict bandwidth requirements to ensure that service levels are maintained.

- **Digital Literacy:** The competence of Consultees is varied.

- **Language:** Few online consultation products cater for multi-lingual needs.

- **Restraints:** It is difficult to restrict access to an online consultation web service to a select area or population. While it is possible to ask Consultees for postcode data, this is easily fabricated.

- **History:** Conversations which are held in a public space are readily archived (scraped) and participants are potentially exposed to future profiling.

- **Convergence:** Few online consultation tools integrate well with the paper process.

- **Identity:** Without digital signatures or solid authentication, it's not easy to identify participants.

- **Disruption:** It is important to safeguard participant data (including responses). This includes vulnerability in digital databases or tampering of official content.

- **Content:** Comments may need moderation and attention must be paid to external links.

- **Trojan horse:** Effort is required in ensuring Consultees participate in an official or authentic digital space.

Impact of eConsultation

The positive aspects of eConsultation have been observed by TCI in a number of cases. Namely:

1. Increased participation rate.
2. Increased reach to younger people (<25 years old)
3. Spill-over effect → offline participation also increases.
4. Cost effectiveness
5. Cross communications. Additional horizontal dialogues and sharing of views among Consultees.

eConsultation tools

Good eConsultation tools tend to have a combination of the facets listed in the diagram below. Existing platforms tend to be weak at managing the process (e.g. project management) and analysing results other than simple reporting.

Managing the Consultee experience	Managing the process	Managing the dialogue	Managing the results
Consultation Finder	Create materials	Monitoring	Analysis module
Consultation Alerts	Project Management	Safeguards	Reporting
Collect Views	Interfaces and connectors	Stakeholder Management	Feedback
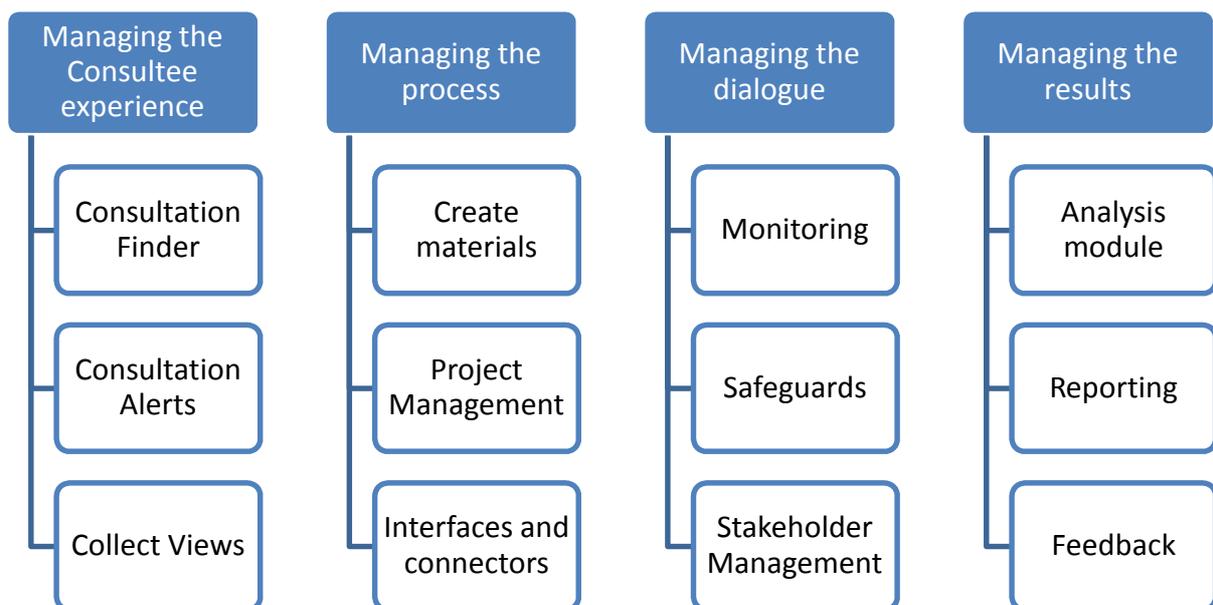
The range of tools specifically dedicated to foster citizen engagement and participation is vast, and reaches from simple communication channels such as emails to sophisticated ways of presenting the content under discussion in a playful manner and allowing the participating citizens to interactively simulate the impact of various law or policy options ("gamification").

One possibility to sort the available tools according to their contribution to various functions of a consultation process is shown below. It shows how various tools can be allow users to learn more about a topic ("discover"), engage with others in discussions about the possible impact ("discuss"), introduce decision-making mechanisms ("decide") or integrate this with the provision of services to citizens ("deliver").

Discover	Discuss	Decide	Deliver
Augmented Reality	Blogging	Comparators	Commodity Exchange
Content Hosting	Collaborative Editing	Crowdcasting	Data Harvesting
Debate or argument visualisation	Digital back channel	Direct Democracy	eActivism
Digital Dashboards	eClinics	Electronic Citizen Jury	Effort Distributors
Electronic Poll	Electronic Mailing List	eMarketplace	End user database
Enhanced Translucence	Instant Messaging	ePanels	File Sharing
eSatisfaction	Media Streaming	eParticipatory Budgeting	Group Discounting
Experience Sharing	Networking by place	ePetitions	Informed Investment Networks
Idea Sourcing	Online Chat	Interactive Surface	Interactive Voice Response (IVR)
Online Memo	Online Forums	Interactive TV	Live Co-Creation
Online Quizzes	Social Networking	Online Consultation	Online Pledges
Opinion Sourcing	Status Updates	Online Prediction Markets	Positive Influence
Rating systems	Video Views	Online Survey	Proximity Networking
Resource Sharing	Virtual Meetings	Open Contest	Social Alerting
Serious Games	Webinar	Ranking	Social Reporting
Simulations		Recommendation Systems	Software as a service
Virtual Environments		Scheduling	Time Banking
		Spatially Enhanced Consultation	

Source: http://engagementdb.org/

While beneficial use of all of these tools is conceivable, the design of a consultation system is also a question of matching the desired mechanisms with the available resources. It is crucial to carefully consider the resource implications before deciding on a long-term consultation strategy. Citizens are very aware of government failing to maintain their level of dialogue with the public. A promise of ambitious social media projects with plenty of multimedia content and permanent moderated discussions too frequently turned out to be impossible to keep. Dad links, websites that have not been updated for months, announced newsletters that are never published … those failures will quickly destroy the credibility of a government's promise to take the public seriously. What's worse, it can become the object of public mockery, and citizens will not even return the next time this department makes new promises to check whether this time it is true.

The necessary resources need to be committed not just for the immediate future, the next consultation process, but technology and human resources must be ensured (i.e. budgeted and approved) in the mid-term so that the whole administrative apparatus can permanently rely on a heightened level of citizen input – and can prepare to process this input in the course of decision-making. A rough overview on the resource implications of the respective participation tool categories is shown below:[9]

Tool	Resourcing implications			Interactivity
	Platform cost	Content production	Response time	
Blog	Low	High	High	Medium
Forum	Low	Medium	High	High
Online chat	Low	Low	Medium	Medium
Social Networking	Low	High	Medium	High
Wikis & Structured Iterative Platforms	Low	Medium	Low	Low
e-Petitions & Polls	Medium	Low	Medium	High
Budget/Policy Simulators & Games	Medium	High	Low	High

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[9] Source: http://engagementdb.org/

Dealing with qualitative data

There are a number of aspects which must be considered when dealing with qualitative feedback. These are:-

- **Identification**. Who is saying what?
- **Credibility**. Is this feedback genuine and valid?
- **Narrative**. What does the feedback mean and how should it be subsequently coded?
- **Analysis**. What are the conclusions?

A systematic approach to dealing with qualitative data will also ensure that Consulters can demonstrate that they have made safeguards in terms of the handling and safekeeping of contributions. For example, they will be able to recall when and where a particular individual contribution has been recorded and considered upon scrutiny.

Identification

Research conducted by Disqus in 2012 revealed that the average pseudonym user (i.e. that has an associated username) contributes 6.5 times the amount of content as the average anonymous user and 4.7 times as much as the average Identified user (i.e. has a linked Facebook profile). Disqus also claim that 61% of Pseudonym posts are positive, vs. 51% for Identified posts and 34% for Anonymous posts. They also found that, generally speaking, the number of comments and likes is smallest for anonymous users.

More recent research from Pomola College[10] supports this theory. This suggests that comments from identified users are more relevant than comments from their more anonymous counterparts. In other words, more relevant comments are associated with more revealed identity. Interestingly, though, relevance from Email Verified users is considerably lower.

Moreover, the nature of the words used in online dialogues (e.g. their complexity versus the various levels of identity) is relatively constant but the length of sentences is a more volatile feature. Groups with more identity associated with their comments are fond to use less swear words, less anger words, more affect words, more positive emotion words, and less negative emotion words.

Another interesting finding is that longer discussion threads become increasingly less dominated by Anonymous users.

The conclusion is that a balanced approach to identity must be found. In other words, full identity disclosure may stifle participation but modest identity (e.g. pseudonym or registered) strikes the right balance between participation and quality of debate.

There is a trade-off between Consultee anonymity and active participation. A balanced approach to identity is required, full identity disclosure may stifle participation but modest identity (e.g. pseudonym or registered) strikes the right balance between participation and quality of debate.

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[10] The Impact of Anonymity in Online Communities :
http://www.cs.pomona.edu/~sara/Site/Publications_files/anonymitySood.pdf?utm_content=bufferf4019&utm_source=buffer&utm_medium=twitter&utm_campaign=Buffer

Authentication

Unless the consultation system uses a recognised method (e.g. national ID number) then the fall-back position is typically email based authentication. Since this can be easily circumvented, alternative methods are endorsed. Bearing in mind that there is a trade off in terms of barriers to participation and participation rates and that there may be benefits in anonymised submissions, a common solution is to use 'social login'. In other words, use pre-existing authentication by a third party (e.g. bank, social network) which has a high degree of trust while preserving Consultee confidentiality.

Credibility

The source of feedback is the key to understanding credibility. The Consultation Institute recommends that a statement regarding the 'degree of confidence' is provided in any analysis of consultation responses.

Source analysis is complicated as credibility is a function of reputation and authority, the recentness of information, how well corroborated the information is - and even how information is presented.

Hence, safeguards are important to ensure that the process is fair and is not hijacked by interest groups. We have observed a number of technological safeguards in digital governance systems:-

1. Limited access. Participation can be restricted to a number of comments per day, per registered user. This reduces the potential volume of individual contributions and can subsequently increase the quality of individual ones.
2. IP tracking. IP addresses can help detect multiple submissions and geolocations.
3. Time tracking. Repeated submissions over a short timeframe can be indicative
4. Random sampling. This involves contacting a random selection of participants after their submission to verify details/authenticity.

Narrative

While the temptation is to automate the analysis of text (e.g. sentiment analysis) this is not yet accurate enough to base formal conclusions. However, real-time analysis of qualitative data can be useful for indicative purposes. The Consultation Institute recommends exploring third party tools for this purpose, such as http://Theysay.io.

Instead, manual coding of feedback based on an organic shell or classification tree will be required. Ideally this will involve multiple coders to cross-check subjective accuracy both in terms of interpretation of feedback but also how the coding structure evolves.

Fortunately, hand-coded qualitative data analysis software (such as QSR Nvivo) will auto-code 90% of qualitative data on the basis that 10% has been manually coded. Hence qualitative data analysis software can actually reduce the analysis burden significantly.

Analysis

Qualitative data analysis software can help in the dissection, query and mining of feedback. For example, detecting synonyms or duplicates with relative ease. The ability to create custom reports, including those which can be published directly to the web is a distinct benefit over a manual process as it increases transparency and can open-up third party scrutiny to raw data. Likewise, past and future consultation responses can be combined for cross-cutting analysis along with social media sources.

Online and Interactive means

Advanced digital interactivity can be achieved using a number of methods such as gamification, simulations, virtual reality and online quizzes. A comprehensive list of these, including their pros and cons can be found at www.engagementdb.org

For the purposes of commenting on legislative texts online, there are a number of innovations which should be noted:-

1. The use of "heat-maps" as a means to visually indicate (both to Consultee and decision maker) variation in comment density of any particular text is highest.

2. The use non-text based feedback, such as audio or video. This is particularly powerful in eliciting ideas relating to amendments or new legislation (e.g. http://www.makewav.es)

3. Social sharing functionality and social sign-in.

4. The ability to comment on an existing annotation (creates horizontal dialogues between participants)

5. The ability to support or oppose without a narrative (thumbs-up or down) to a document or document subsection.

6. The ability to suggest an alternative statement based on existing text

7. Functionality for creating a separate discussion around a text

8. The ability to use a single platform and technology for government and citizen purposes

9. Syndication. If draft legislation is presented in a way which is machine readable or subject to open protocols then the process of consultation could be distributed. The ability for a third party to host or contribute to a consultation in their own space may be beneficial in terms of improving trust and participation rates. For example, the British Broadcasting Corporation is often regarded as a trusted intermediary among the British public and subsequently a good host for any debate about public interest matters. A thin version of this would be to create 'travelling widgets' which can be placed on third party websites to channel feedback into a central source.

An exemplar is https://mymadison.io (USA) although this also has limitations such as the inability to comment on the entirety of texts.

Status Quo in the EU

The European Union is a vast organisation, for it to be able to operate successfully it must be aware of the wants and needs of the 400 million people who reside within the EU. People are becoming more disengaged with European politics and turnout has fallen to its lowest level ever in European elections – 42% in May 2014. In order for the EU to remain legitimate, it is vital for its institutions to be aware of the wants and needs of the European citizenry. One of the ways that the European power structures can be informed of and inform public opinion is through consultation.

Obligations to consult are found at the international, European and member state level although these vary between being advisory or legally binding. The most notable international example is the United Nations Economic Commission for Europe Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, or short "Aarhus Convention", of 1998. It requires the parties of the Convention to guarantee rights of public participation in decision making. The Convention sets out minimum requirements for public participation in various aspects of environmental decision making. Other international examples have been adopted by the United Nationals, World Bank and OECD.

How the European Union operates consultations is important

The European Commission, the executive branch of European Union, has been a pioneer user of consultation over its five decades. It has engaged in a wide range of consultation with a variety of bodies that include charitable and third sector organisations, NGOs, business interests, trade unions and government departments at a national and regional level. As the EU has expanded in breadth and scope over the past 50 years consultation has become a more important part of how it does its business. 'Consultee' bodies (i.e. those consulted) are often engaged at several levels of the European decision-making process.

For the EU to remain open to its constituents and ensure scrutiny of its functions, it is vital that there is a route for meaningful dialogue between the public, business and government in order for it to provide effective and responsive government.

There is a consultation procedure built into how legislation is created at a European level:

http://ec.europa.eu/yourvoice/consultations/links/index_en.htm

The consultation procedure enables the European Parliament to give its opinion on a proposal from the Commission. In the cases laid down by the Treaty, the Council must consult the European Parliament before voting on the Commission proposal and take its views into account. However, it is not bound by the Parliament's position but only by the obligation to consult it. Under Article 289 of the Treaty on the Functioning of the European Union (TFEU), consultation is a special legislative procedure.

This procedure is now applicable in a limited number of legislative areas, such as internal market exemptions and competition law. In addition, this consultation procedure is used for the adoption of non-mandatory instruments, especially recommendations and opinions issued by the Council and the Commission.

Existing Activity

There is a wide range of consultations undertaken by the European commission. A main portal for the public to be aware of the consultation work that the European Commission does is the *Your Voice in Europe* site:

http://ec.europa.eu/yourvoice/consultations/index_en.htm

It is clear that the European Commission opens up consultations on a wide variety of issues, where they consult a wide variety of stakeholders. This provides them with information, checks and balances, fresh insights, feedback on options and strength of opinion that often leads to more effective legislation.

The EC itself is currently conducting its own consultation called *'Public consultation on the Commission's Stakeholder Consultation guidelines'* http://ec.europa.eu/smart-regulation/impact/planned_ia/consultation_2014/index_en.htm. This provides a model of 'consultation on consultation'!

As the EU, including the European Parliament, Council of Ministers and the European Commission, is a massive organisation, there are many intermediaries involved in influencing how it carries out its consultation procedure. As the Commission carries out consultations on specific areas of interest or a certain area of legislation it generally carries out consultation with interested bodies. For example, on areas concerning the CAP it will consult national farming groups, Farmers' trade bodies, food producers and the lobby groups associated with these groups.

Most consultancy organisations that carry out consultations for the European Union and their clients subscribe to the EPACA Code of conduct. EPACA is the public trade body for groups working in the field of European public affairs and consultancy.

EPACA Code of Conduct

Public Affairs professionals are a vital part of the democratic process, acting as a link between the world of business, civil society, and policymakers. These professionals must therefore undertake to observe the highest professional and ethical standards.

The EPACA code of conduct is a 12-point code of best practices for public affairs professionals working in consultancies in the EU sphere. The code ensures that professionals in the EU-facing public affairs consultancies act with the utmost professionalism and in complete transparency. Signatories to the code all commit to abide by it, acting in an honest, responsible and courteous manner at all times and seeking to apply the highest professional standards.

The Code is regularly reviewed and updated to ensure it reflects best practices, extremely important in a fast-moving sector in constant evolution, responding to shifting social, economic and political landscapes as well as new communications technologies. The latest revision, completed in the first quarter of 2013, is the product of an extensive review by the EPACA management committee with independent legal advice. The EPACA Code of Conduct is the basis for all such codes in the EU affairs marketplace.

The full text of the EPACA Code of Conduct follows:

This code of conduct applies to all activities undertaken by EPACA members in the context of their EU Public Affairs work. Our work as public affairs professionals contributes to a healthy democratic process, acting as a link between the world of business, civil society and European policy-makers. The signatories to this code are all committed to abide by it, acting in an honest, responsible and courteous manner at all times and seeking to apply the highest professional standards.

When carrying out the activities described above, public affairs practitioners shall:

(a) Identify themselves by name and by company;

(b) Declare the interest represented;

(c) Neither intentionally misrepresents their status nor the nature of their inquiries nor creates any false impression in relation thereto;

(d) Neither directly nor indirectly misrepresents links with EU institutions;

(e) Honour confidential information given to them;

(f) Not disseminate false or misleading information knowingly or recklessly and shall exercise proper care to avoid doing so inadvertently;

(g) Not sell for profit to third parties copies of documents obtained from EU institutions;

(h) Not obtain information by dishonest means;

(I) avoid any professional conflicts of interest;

(j) Neither directly nor indirectly offer nor give any financial inducement to any elected or appointed public official, or staff of their institutions and political groups;

(k) Neither proposes nor undertakes any action which would constitute an improper influence on them;

(l) Only employ EU personnel subject to the rules and confidentiality requirements of the EU institutions;

All signatories agree that they and all individuals acting on behalf of their companies will adhere to this Code and will avoid actions likely to bring discredit upon the profession or the Association. The signatories further agree to be subject to the disciplinary rules of EPACA (as set out in the Statutes and Internal Regulations, extract attached) in case of alleged breach of the Code. The signatories will meet annually to review this code.

I hereby subscribe to the above code (name, signature & date):
on behalf of (firm):

This code of conduct is employed by consultancy firms working with the EU Bodies and is not binding to how the EU carries out its consultation processes. It is however easily adoptable for outside groups looking to do consultation

Some examples: -

http://www.southeast-europe.net/en/news_and_events/news/publicconsultationofthefirstdraftofthebalkan-mediterranean2014-2

Paper on Legal services consultations:
http://qub.ac.uk/schools/SchoolofLaw/Research/InstituteofGovernance/Publications/briefingpapers/Filetoupload,47648,en.pdf

Environmental sector consultations carried out by the European Commission
http://ec.europa.eu/environment/consultations_en.htm

Patent office consultations
http://www.epo.org/law-practice/consultation/completed.html

Commitments through EU membership

The participatory approach to policymaking and participatory law-making in the EU is encompassed by the Lisbon treaty. For example, article 10 states that:-

> *"Every citizen shall have the right to participate in the democratic life of the Union. Decisions shall be taken as openly and as closely as possible to the citizen."*

Article 11 goes on to stipulate:-

> *"The institutions shall, by appropriate means, give citizens and representatives associations the opportunity to make known and publicly exchange their views in all areas of Union action. The institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society. The European Commission shall carry out broad consultations with parties concerned in order to ensure that the Union's actions are coherent and transparent."*

Article 11(2) expressly requires an 'open, transparent and regular dialogue with representative associations and civil society'. Article 11(3) require inter alia, that the Commission shall carry out consultations with parties in order to ensure that EU actions are 'transparent'.

In 2002 the EC adopted a communication 'Towards a reinforced culture of consultation and dialogue - General principles and minimum standards for consultation of interested parties by the Commission', also known as the EC principles and minimum standards. These emphasised the need for clear consultation documents, stakeholder analysis, sufficient time for participation and feedback loops.[11]

In 2009 the European Parliament adopted a resolution on the perspectives of developing civil dialogue under the Treaty of Lisbon. The treaty is significant in that it calls on EU institutions to adopt binding guidelines concerning the appointment of civic society representatives and methods for organising consultation and their findings.

Further, the resolution calls on EU institutions and Member States to make full of use of legal provisions and best practices to "step up dialogue with citizens and CSOs", and especially in those regions and sectors where it is not fully developed. The resolution also acknowledges that dialogue with citizens at all levels (EU and Member States) requires certain financial resources, and therefore calls on the stakeholders and responsible bodies to ensure that such dialogue is adequately funded.

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[11] http://ec.europa.eu/governance/docs/comm_standards_en.pdf

Later in 2009 the Council of Europe adopted a code of good practice (non-binding) for civil participation in the decision making process[12].

Towards this end, the Council of Europe Committee of Ministers adopted a declaration which calls on national authorities to consider the Code when developing undertaking initiatives to foster participation in the decision-making processes.

Commitments within OGP framework

The Open Government Partnership (of which most European member states are part) contains a number of references to consultation within the remit of membership. These are listed below:-

- Members must consult in order to work with civil society groups to develop an OGP action plan.
- Members must demonstrate a commitment to the principal of citizen engagement.
- Members must consult to complete self-assessment (All countries are required to have at least a two-week public consultation period before finalising self-assessment reports, to take public input on implementation performance into account)

Regulations at member state level

Documents which regulate participation at the national level differ in terms of whether they are legally binding or not. For example, legally binding documents have been adopted in Bosnia and Herzegovina (rules of government) and Romania (law on transparency decision making) while codes and guidelines have been published in Austria (standards of public participation), Croatia (code of practice on consultation) and the United Kingdom.

Unfortunately, issues related to participation are not necessarily regulated in once place. For example, in the United Kingdom these are centred on a particular audience and activity and are therefore applicable to different types of Consultors. For example, in the UK, the NHS Act 2006 Section 14Z2 applies for health commissioning groups. Similarly there are requirements under the Planning Act 2008 for urban planners. The specific legal obligations are often supported by a number of non-specific statutory requirements such as:-

- Environmental Impact Assessments
- Equality assessments
- Freedom of Information and Data Protection Laws

Likewise, national laws and standards have varied scope. For example, the Austrian Standards are grouped as standards related to the (1) preparation, (2) implementation and (3) monitoring and evaluation of the participation process.

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[12] http://www.coe.int/t/ngo/Source/Code_English_final.pdf

The Estonian Good Practices list the specific documents which should be open for participation:

- Drafts of laws and their amendments;
- Drafts of the regulations and directives of the Government of the Republic;
- Drafts of Ministers' decrees;
- Documents, concepts, policies, development plans, and programs that are important
- to the country's development;
- Drafts of legislation of European Union institutions and other strategic documents (i.e. green and white books);
- Instruction and procedures for rendering public service;
- Conventions and international agreements, as well as the documents that are worked out within their framework, and that influence the society

When to involve

Some of the member state regulations contain guidance on when the consultation can begin. For draft legislation this should be as early as possible in the drafting process at a point where effective and informed dialogue can be formed. The UK Code encourages the Government to undertake informal consultations to obtain initial evidence and gain understanding of issues that will need to be addressed in formal consultation process. Awareness should be raised before the process starts so that interested party can prepare for it

In Slovakia, the legislative rule is for the public to revive draft legal texts at the same time as state bodies but in the United Kingdom the public reading stage pilot was able to publish before it was announced in Parliament.

Good Practice Examples from the EU

There is no shortage in good practice examples for ICT support to government decision-making, for online consultation procedures, e-petition systems or similar items from the online participation tool set. A global overview on practices and trends can for example be found in the 2014 UNPAN E-Government Survey. This shows that among the analysed countries, most have taken on social media instruments of some sorts to engage the public in the decision-making process. This can be seen as trying to motivate citizens to get involved, to form and voice an opinion, and to express their needs. More direct forms of involvement such as petition tools or voting tools are not used as widely. Integrating such specific forms of participation into the public sector's decision-making process is more complicated than merely using online tools to get a better understanding of public opinion and the available positions on controversial issues.

Figure 3.6. Tools used by governments for e-consultation
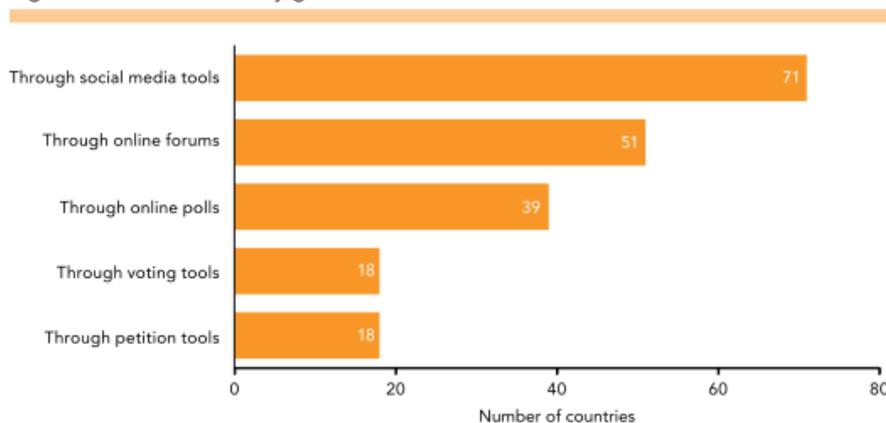
Source: UNPAN E-Government Survey 2014

After discussions within the EU-China expert group, a number of examples was selected for introduction here that shows the range of topics, tools, levels and stages of policy making and general approaches to public consultation procedures as supported by ICT. These examples are by no means representative, but they should provide interesting reference points with respect to design and implementation of ad hoc and periodic consultation and their integration in the general policy making system. In retrospect, some of these examples may not even be good practice examples, as their design or implementation turned out to be non-sustainable, or their success cannot be assessed because nobody had thought of putting assessment and evaluation criteria in place. This is the reality of public consultation processes, however: that despite much careful planning, establishing new forms of citizen engagement in practice is prone to mistakes or unexpected impediments.

Germany: "Dialogue for the Future" https://www.dialog-ueber-deutschland.de/EN/10- Dialog/_node.html;jsessionid=BB388F71D1D4EF4C35257DC7FC6B81E5.s7t2 (English)	
Key Features	Addresses the whole process of policy-making Includes online and offline consultation features Mixes expert consultation with consultation of wide public
Key function ality	The aim of the Dialogue on Germany's Future was to trigger a controversial discussion across the whole of society about the near future of Germany (5-10 yrs) and to produce ideas or even specific proposals for action to be taken at political (federal) level. There were two main streams of debate: 1) Expert Dialogue on Germany's Future: conducted by a group of topical experts invited by the Chancellor 2) National Dialogue on Germany's Future: conducted through involvement of all citizens. Altogether 134 experts, organised in 18 working groups, worked from May 2011 to July 2012 on the Experts' Dialogue, with six expert working groups for each of the three key questions. Those lead questions were formulated as input to the Experts' Dialogue: 1. How do we want to live together? 2. How do we want to make a living? 3. How do we want to learn? Every working group was coordinated by one expert. All working groups met at least twice to discuss and develop proposals. Altogether, 80 workshops were held. The process was supported by an online collaboration platform on which the experts could exchange ideas and cooperate on the proposals. The leaders of each of the 18 working groups discussed their proposals and interim results at regular intervals with the Chancellor. On top of this, the experts looked at the proposals to emerge from the parallel National Dialogue on Germany's Future, and picked up and discussed the ideas put forward by civil society. The work of the experts was intended to trigger a controversial discussion across the whole of society about the immediate future of Germany and to produce ideas or even specific proposals for action to be taken at political level. When the experts were selected, great importance was attached to achieving an unusual mix of academics and practitioners. All experts declared their willingness at the outset to work in interdisciplinary teams. Care was also taken to achieve a mix of experts whose work is generally removed from the political stage and those who are familiar with the work of the legislative. The experts were completely free to draw up their own proposals. The only requirement was that they have a close link to reality, and that no exceptionally high additional costs were generated for the state.

Through the Experts' Dialogue, the key questions were further broken down into more manageable and specific questions:

- **How do we want to work together?: e.g.:** What fosters cohesion within society? How can we encourage families to have more children and how can we become more family-friendly? How can state and society together make for greater security, e.g. in the residential environment, on the streets and in local public transport? How can citizen participation be better organised in specific terms?
- **How do we want to make a living? E.g.:** What are Germany's strengths on the world market? How can we remain curious and innovative and use these properties to earn money? What can employers, employees and the state do to make working life safer, more secure and more attractive?
- **How do we want to learn?** E.g.: How should values be communicated in practical terms? How can we all learn better – both in professional and private lives? What role does the internet play? How can we improve professional learning? How can we provide better assistance for unemployed young people?

A decision was taken not to explore issues that are already being dealt with by other bodies, including the issue of demographic change. Issues which cannot be influenced by the actions of the German government at national level were also excluded.

The experts drew up a final report that they presented to the Chancellor at the closing event at the end of August 2012. The final report summed up the findings of the Dialogue on Germany's Future and was intended to stand out from other such reports by being short and precise and by introducing each proposal very briefly and by giving reasons.

The Experts' Dialogue decided that agreement on all points was not necessary. Controversies or alternative proposals and different ideas as to how to change framework conditions were documented in order to reflect the range of available positions and options. The Experts' Dialogue and the citizens' Dialogue aimed to achieve transparency and openness about the existing alternative approaches and solutions.

Parallel to the Experts' Dialogue, all citizens were free to submit their own proposals for the Dialogue on Germany's Future between 1 February and 15 April 2012 using the internet platform "dialog-ueber-deutschland.de". The idea was to concentrate on concrete proposals for action, ideally those that could give national level politicians specific ideas. The aim was to open an opportunity for the Chancellor to pursue these ideas further, either by changing ordinances or acts of parliament, or by supporting or launching specific initiatives.

Citizens who submitted the ten proposals deemed best by all participating users were invited to the Federal Chancellor's Office to discuss their ideas directly with the Chancellor. The same invitation was extended to those submitting the ten proposals deemed most promising by the independent experts involved in the Experts Dialogue and the staff of the Press and Information Office of the Federal Government.

Implementing agency	German Federal Government, Chancellor's Staff for Policy Planning Federal Government Press and Publications Office
Legal basis / framework	No legal framework. The initiative was developed and implemented as part of the government's general policy-development activity. There is no legal obligation to consult with the public on this level. There was no legal obligation to realize the suggestions in practice.
Technology	This site runs on Government Site Builder, the federal administration's content management solution, based on CoreMedia CMS. This is a standardized, modular system for e-government applications developed by the Federal Administration Office and managed by the federal government CIO's office. Through this approach, the effort of establishing the necessary web resources could be minimized. The managing office could adjust the CMS according to the needs of the Dialogue, both for the internal Expert Dialogue and for the public consultation. The software on which the experts could hold their network discussions and jointly work on papers and chapters was tailor made for the purpose.
Awareness raising / raising participation numbers	43% of population was familiar with the Dialogue Intensive coverage of local media for offline events with Chancellor (less coverage by national media) Social Media channels: YouTube videos, Twitter feed, newsletter to maintain awareness and inform about results Book publication with result summary
Reaching right Stakeholders, triggering quality comments	Experts' Dialogue was limited to the group of experts selected by the government; Citizen Dialogue was open to everybody, individuals, institutions, private and public sector. The incentive for the citizens to submit realistic and substantial proposals was the publicity of their proposals and the voting process. The proposals that received most votes by other users were invited to a personal workshop with the Chancellor. Also, the proposals that were deemed most interesting by the participants to the Experts' Dialogue and the government staff were invited.

	Terms of Use were published to urge the participants of the citizens' to only submit proposals of direct relevance to the lead questions, and to comply with general laws and netiquette. Non-complying proposals or comments would not be published. There is no official statistics on the number of ineligible submissions, but one guess is that ca. 10% of submissions did not comply with the terms of use and in consequence were not accepted.
handling and processing of of comments / feedback to commentators	All submitted suggestions to the Citizen Dialogue that were compliant with the "Terms of Use" were published on the website and were subjected to the voting and commenting process by other users. The "Terms of Use" excluded e.g. comments that are in breach of law (e.g. privacy, copyright, civil law, penal code), that were insulting or discriminatory or that had nothing to do with the topic under which it was submitted (if the comment applied to another topic, the moderators could move it autonomously). Moderators screened comments before they were published.

In order to be able to submit a suggestion, a user needed to register with a valid email address, and with a name of his / her choosing (not necessarily real name). The project team decided to encourage a maximum of participation by making commenting on existing proposals even easier than submitting new proposals. Users who only wanted to comment did not need to register.

The platform was moderated by the Press and Publications Office of the Federal Government

The continuing blog on the website documents topics and suggestions that became actual policy measures, e.g. which specific suggestions have become part of the most recent coalition agreement of the German Federal Government

https://www.dialog-ueber-deutschland.de/SharedDocs/Blog/DE/2014-04-01-ergebnisse-koa-vertrag.html?nn=475462

The website also continues to document citizen suggestions. During the active consultation period (February to April 2012) registered users could vote for suggestions they supported. The website documents the suggestions and the number of votes they received. The most popular suggestions advanced to the next stage and were introduced in workshops with the Chancellor's office. |
| Result of consultation | Publication (online and print) about the findings of the Dialogue, structured according to the three lead questions, including all working group results.

Stated aim is to establish a new form of open consultation and discussion, without the need for unanimous decisions and compromise. So far, the "Dialogue about the Future of Germany" has been a one-off event, with the aim of creating more such opportunities in the future.

The government initiative "Gut Leben" is one example where a proposal by the expert commission was realized. It is also an example for a continued online and offline debate about national policy priorities for Germany. |
| Combination offline and online | As part of the Citizen Dialogue, three town hall meetings in three mid-sized cities were organized, where the Chancellor listened to additional suggestions by citizens.

The Chancellor met in person with the 20 citizens that had submitted the suggestions that received the highest votes from the public and from the experts. |

consultation	Several conferences were hosted (Youth Conference, International Conference, Conference on Experts' Dialogue, Final Results Conference) to deepen the debate and discuss the findings. In connection with the Chancellor's national debate, the German Adult Education Centres organised 50 regional dialoguesto collect more suggestions. The Chancellor was invited to meet with representatives of all 30 regional dialogues to discuss their proposals.
Evaluation / assessment of consultation	Quantitative and qualitative assessment of contributions On the project website, the number of suggestions that were submitted were always documented, as were the number of comments and the number of votes for suggestions. 1. How do we want to live together? →6304 suggestions, 77971 comments, 1913211 votes. 2. How do we want to make a living? → 3187 suggestions, 11490 comments, 249156 votes 3. How do we want to learn? → 1984 suggestions, 7186 comments, 139531 votes The findings can be sorted according to "most commented", "most voted for" etc. There were no initial targets for participation numbers, so there was no quantitative evaluation whether the project was successful. The facts that were gathered amounted to: Core running time 18 months, 60 events (15 with the Chancellor, 7 public), 50 events by partners 250 proposals by experts, 11 618 proposals by citizens 1.7 Million website visits during consultation period (website is still live – 2.5 Mio visits so far). The number of visitors and active contributors was deemed a positive surprise. Expectations had been much lower at the beginning, given the usually lower usage numbers for national government websites. **Qualitative evaluation by chancellor's staff:** • level of participation higher than expected • citizen contributed their needs more than specific proposals for policy change • regional media more interested than national media • few completely new ideas from experts • fewer concrete proposals that could immediately be implemented • difficulty for experts to consider budgetary constraints when formulating proposals, therefore good exercise for policy advice • challenge to turn this one-off Dialogue into a culture of systematic foresight

Estonia: EIS and OSALE

Electronic Coordination System for Draft Legislation **http://eelnoud.valitsus.ee** (EIS)

OSALE www.osale.ee

Criteria	Description
key features	- Two-tier system for documentation of proposals and draft laws, plus separate consultation portal - Open Source system that can be adopted by anybody - Includes requirement for clear and understandable language
Key functionality	Estonia has established itself as a very advanced information society, embracing the possibilities of electronic communications for improving its governance system. In August 2000, the Government of Estonia changed its Cabinet meetings to paperless sessions using a web-based document system. In 2005, Estonia became the first country in history to make internet voting available in nationwide elections. Today, around 79% of the citizens have internet access, supported by over 1200 Public Internet Access Points. The introduction of e-ID cards was an important factor in allowing many services to be offered online. More than 1 200 000 smart-card type ID-cards were issued so far, 500 000 eID are used regularly. In 2013, 96% of tax declarations were submitted electronically **Electronic Coordination System for Draft Legislation http://eelnoud.valitsus.ee (EIS)** In 2011, the government Office information system was introduced. This "Electronic Coordination System for Draft Legislation" allows for matters to be submitted to the government for discussion and resolution, documents related to the European Union decision-making process can be coordinated, submitted and forwarded between authorities. The information system allows everyone to keep track of the proceedings on draft documents, view dossiers of the documents and their contents. In addition, everyone with an Estonian ID card has an opportunity to comment on the draft legislation submitted for coordination. The system allows the public to access every piece of draft law that has been submitted since February 2003. Readers can see who submitted the legislation, its status, and the changes made to it as it passed through the parliamentary process. Once an act becomes law, it is published in the online State Journal, another searchable database that acts as an open legal library. A similar system used by Tallinn's City Council makes it possible to follow all council sessions online, while city legislation and other documents are available on the municipal homepage. **OSALE** While the **Electronic Coordination System for Draft Legislation** is more a document publication environment, www.osale.ee is a proper consultation environment. Via the

former, drafts can be submitted to the participatory website www.osale.ee for public comment also before the coordination process. At the start of each consultation, relevant interest groups can be notified and call upon for submitting their opinions. Both the draft legislation and other materials must be in clear and understandable language.

Osale was launched in 2007 and has three functions:

Firstly, citizens and interest groups can launch initiatives for new legislative proposals, present ideas and critique to government and submit petitions. Any such proposal undergoes voting and commenting by other users. Then the proposal is forwarded to the relevant government department, which then posts an official response explaining what action was or was not taken and why.

Secondly, citizens can participate in public consultations/hearings. Citizens and CSOs can publicly give their opinion about draft legislation prepared by government agencies. All government agencies have been advised how to publish their draft policy papers, development plans, laws or provisions on the consultation website. Submission is voluntary and is not regulated by administrative procedures.

Thirdly, there is a search function for legal acts according to their stage of preparation (i.e. from policy proposal stage until adoption by the parliament).

These two systems are not perfectly coordinated, though. They are separately managed, some functions are redundant, there is no coordinated approach in terms of usability or interface design. Currently, there are efforts underway to integrate the two systems into a one-stop information and participation solution.

Lessons Learned from OSALE:

- e-Participation channels will support open and inclusive policy-making if there is sufficient awareness of participation principles among civil servants and their partners in CSOs. The key element in any form of participation is the willingness to hold a government-citizen dialogue
- When an e-Participation channel has been established, there should be will and resources for constant promotion, provision of user help-desk and dynamic development of technological features. The technical side should be "foolproof", easily understandable, navigable and convenient for users
- Portal aims and usage rules should be clearly defined and explicitly described for all stakeholders and users. Operation/ administrating and moderating the consultation website should not be too formal or technologically complicated to hinder the two-way discussion.
- Co-operation and co-ordination with institutional users, i.e. line ministries is vital. Regardless if the portal use is voluntary or mandatory, there should be a help-desk offering technological support, hands-on user training and easily accessible advice. Lesson 5 - Continuous promotion should be planned for general participation principles and specific campaigns for ongoing consultations in e-Participation channels. Links should be established to outside sources, such as online media and blogs.

In addition to EIS and OSALE, there is also an online decision-making system for local councils, **VOLIS**. In Estonia, e-participation tools on the local level have been developing at a considerably slower pace than those furnished by central government or created by citizen initiatives. VOLIS is intended to integrate e-governance, participatory democracy and records management. Participation levels in consultations

	and also enthusiasm and skill of public officials for the implementation of consultation procedures have remained low, however. Apart from those government –based platforms, there are also relevant and popular citizen initiatives to strengthen citizen engagement and participation, such as: • My Estonia: many specific solutions sprung from this, such as practical reporting tools for damaged infrastructure (minu.viljandi.ee), local issue discussion forum (meie.tallinn.ee) • Petitsioon.ee: petition platform established by Estonian Homeowner Confederation • Government Watch (www.valvurid.ee): tracks how the government fulfils its pledges. Led by Policy Research Centre Praxis, conducted in cooperation with National Broadcasting Company. • crowdsourcing process to give citizens a • Rahvakogu: President asked citizens to submit proposals via rahvakogu.ee about controversial political practices. The portal was based on the open source code of platforms Better Rejkjavik and Better Iceland, created by net activists of citizens.is, the Icelandic organization that was also involved in the crowdsourced constitution-drafting.
Institution in charge	Government Office
Legal basis / framework	Engaging interest groups in drafting legislation and preparing policy documents is not generally mandatory under Estonian law. However, elements of participatory democracy and engaging of interest groups can be found in the Constitution, rules of the Government of the Republic, and legislative drafting rules of the Government and the Parliament. A significant influence in favour of engaging interest groups has come from the general regulation of European Commission structural funds which requires engagement of social partners in preparing a national development plan. Consultations with civil society organizations are stipulated in a governmental decree adopted in 1999 which provides that the explanatory letters of draft laws should also include the opinions of NGOs and interest groups. In 2001, the Estonian Public Information Act came into effect, specifying the public sector information disclosure obligations and citizen information access rights. The Act contains a relatively wide definition of "public information", which is understood to be information which is recorded and documented in any manner and on any medium and which is created or obtained upon performance of public duties. According to the Act, all public institutions must publish (among others): statutes of state or local government agencies; formats of petitions and other documents submitted to state and local government agencies and instructions for the completion thereof; job descriptions of state and local government officials; salary rates and the procedure for payment of additional remuneration; information concerning unfilled positions in state or local government agencies; lists of the members of political parties; and drafts of policy documents and legal acts. In 2005, a "Code of Good Practice on Involvement" was developed, elaborating the key principles that support active and meaningful participation of Civil Society Organisations and the wider public. The Code is in the form of recommendations and aims to be applied by government in the preparation of policy documents that are important to the country's development. The code is unofficially in use since 2005, has been formally

	approved by government in 2012. Further details are laid down in the Rules of Procedure of the Government (based on the Government of the Republic Act) and the "Regulation on good practice of preparation of drafts of legal acts". In 2011, the Estonian government promulgated the Law and Policy Development Strategy 2018. This strategy foresees the obligation to solicit opinions from the public during the law and policy drafting process. Further plans on how to advance open decision making, including improvements of citizen consultation and participation, include: • Reform of the Public Information Disclosure Act to adjust it to the requirements of the digital age • Revise decision making processes to ensure transparency and citizen input using ICT • Encourage public authorities to interact with citizens using web platforms (websites, social networking,..) • Support capacity of the NGOs to interact with government using ICT • Use the framework of the Open Government Partnership to promote use of ICT for government modernization. Current elements of the Estonian OGP Action Plan include promotion of public e-services, open data portals, strengthen participatory policy making, improving public integrity (fight against corruption) and more transparent management of public finances
Technology	The OSALE website is an update of the portal for citizens' initiatives and petitions ("Today I Decide", TID) that has been functioning since 2001. The portal for citizens' initiatives is available internationally as an open source code product at www.tidplus.net A specific development project was carried out in partnership with e-Governance Academy (based in Estonia) and European University Institute (based in Florence, Italy). The project was co-financed by the European Union under the eParticipation preparatory action. As a result of the project, a working prototype of the software for participation portal can be accessed via http://ideas.tidplus.net The project web site (containing project resources and news items, and supporting the dissemination efforts) is http://tidplus.net
Awareness raising / raising participation numbers	As communication and awareness raising tools, a wide range of social networking (Web 2.0 and 3.0) tools were utilized, such as blogs, wikis, mash-ups, web applications and open data information. Although OSALE was put into active use by government agencies in 2011, there are rather low usage rates by non-governmental users such as civil society organisations and the wider public. According to a poll on citizens´ awareness of public sector e-services, only 8% of respondents had heard of the osale.ee participation site and more than 3% claimed to have used it to make their voice heard. The reasons for relatively low interest in these government-provided channels are twofold: first, citizens may lack the interest and robust political knowledge to formulate their ideas and critique in a format suitable for legislative proposals. Second, the motivation among civil servants to participate in direct interaction is low and not encouraged or rewarded.

Reaching right Stakeholders, triggering quality comments	Besides publishing legislative drafts for public consultation on the participation site, it is customary to email the material to selected non-governmental partners known for their expertise in advocating their members' interests.
handling and processing of of comments / feedback	Each consultation is initiated by responsible ministry or responsible agency. This agency defines the consultation, and defines also the time period for the consultation. Only registered users can submit comments, registration is limited to users with an Estonian electronic ID card.
Result of consultation	As a general rule, a summary of the consultation process should be presented by the agency initiating the consultation at the end of the consultation process.
Combination offline and online consultation	Apparently, there is a focus on online consultation, with not too much attention given to offline channels of participation and consultation. Given the very high internet penetration rate and high level of media literacy, this may be justified in Estonia. On the local government level, the mutual impact of different processes and the links between democracy, participation and services should be more visible because people have closer contact with this institution. However, in Estonia, e-participation tools on the local level have been developing at a considerably slower pace than those furnished by central government or created by citizen initiatives.
Evaluation / assessment of consultation	On Osale, an average of 25 public consultations is carried out annually, initiated by all ministries and the government office. The website has 3,000 registered users, among which are individual citizens and representatives of civil society organizations. Only registered users can comment.

Italy / Florence Muncipality: 100 Luoghi

http://www.comune.fi.it/export/sites/retecivica/citta_firenze/100luoghi.html

Criteria	Description
Reason for selection / key features	100 Luoghi The project "100 PLACES: The Florentines change the city" identified 100 places, one inside each square km of the Florentine territory, 100 "windows" on the city to observe activities carried out under Mayor's mandate. The goal is to let these places be closer to the citizens' needs through the listening and the active participation of the town. Every place, be it a square, a garden, a theatre, plays the role of a key indicator to display the work carried out by administration. The "places" does not necessarily characterize a specific geographic point, but rather, a homogeneous area for charisma, problematic or local identity. "100 Luoghi" (100 places), sponsored by Florence Municipality, encourages citizen participation in the management of the "res publica". It is an initiative that involves citizens, the Florentines, who daily live the city asking them to contribute in a practical way to the reorganization, construction or improvement of parts of the city like squares, gardens, schools, parks, infrastructure, and all those spaces and areas which need a complete renovation. The 100 places are divided in different thematic areas such as school, green city, historical downtown, society, etc.
Key functionality	Every year 100 meetings take place simultaneously in 100 different locations of the city. The meetings take place both physically and through the use of participatory tools such as social media and web-based platform in order to allow everyone to participate and bring their own contribution. The project started on September 2010 and the Administration decided to organise the event once a year, with the same minimalist format each time, with citizens gathering to hear, discuss, propose and discuss among themselves and with the city administration. The mechanism was mainly informal: each meeting started through an educational-informative path where citizens familiarized with the specific issues of the "place", followed by a working group dealing with plastics, maps and diagrams; at the end, a final summary was developed. Before the assembly of 100 places, the city administration performs the following tasks: • Working Group composed by Mayor's Office, Communications Service, General Management Department and Planning and Quality Control Service continuously monitoring all information related to 100 places. This activity is carried out through the use of a database in which are entered all information (work progress, citizens satisfaction, point of view of the media, single meetings reports, Administration acts, etc.). A periodical report is prepared for the Mayor. • Thematic meetings between the Mayor, technicians and politicians on the projects' state of progress and for a general overview • Cooperation activities with civil society (associations, citizens committees, natural shopping centres, sports associations, social clubs, churches ...)

	At the end of each meeting an instant report is drawn up together with the participants with all activities carried out and those yet to be carried out, which shows citizens' requests. The report is put online on the administration website for public consultation. An App for smartphones has been created in order to propose ideas, pointing out problems, find initiatives sending photos and comments. The App allows to download progress reports. Citizens can use also Municipality web site to post comments and photos. http://www.comune.fi.it/export/sites/retecivica/citta_firenze/100luoghi.html (Italian only) In 2013, the Administration decided to change the traditional meetings with 100 virtual thematic forums on the web. This new mode was caused by two reasons: first, because of the coincidence of the day of the meetings with the Cycling World Championship, which in those days crossed the city centre; on the other hand for reasons of technological innovation. The traditional assembly was then transformed into a digital place of discussion where citizens could view the status of jobs, deepen and discuss in an interactive manner with the Administration on each of the 100 places.
Institution in charge / implementing agency	The process was initiated by the Mayor's office. It was steered by the Mayor's Office, Communications Service, General Management Department and Planning and Quality Control Service.
Technology	• Website built on the platform of the main municipality website, and on a cloud-based system composed of: • a web widget to view galleries from the web, and to upload contents on each event, • an iOS app for citizens to view contents and to contribute • The cloud system (web+app) is capable to collect also contents from the social networks, via hashtags analysis (Twitter, Instagram).
Awareness raising / raising participation numbers	A communication campaign was developed for the city in order to ensure awareness about the event and its possibilities to participate.
Reaching right Stakeholders, triggering quality comments	All Florence citizens and businesses were potential stakeholders, the project aimed at everybody living and working in the city
Result of consultation	Outcomes: • big process of participatory democracy, with 100 places of the city and trying to change them day by day with Florentines. • strong involvement of Administration in the organizational process which did not register any significant problem in conducting the project

	- renewal of city planning due to the inclusion of the project in the policies and programs of the Municipality - management of data with a data base thanks to which the administration, through cross-check operations has been able to know in real time the working progress, the citizens' satisfaction, the media point of view, and so on. - use of a "virtual platform" where citizens were able to talk with each other and with the city Administration on how to change the symbolic 100 places of the city.
Combination offline and online consultation	The combination of online and offline was systematically addressed from the beginning, with physical meeting places across the municipality, plus a website to provide background information. In its latest iteration 2013, the physical meetings did not take place because of logistical considerations, and the meetings were exclusively online.
Evaluation / assessment of consultation	The decision to adopt a methodology based on the highest respect of different ideas has generally produced a good climate and a satisfaction participation by the citizenry. The involvement of an entire community assesses the activity of a municipality. Indicators are the number of participants (about 10.000), "postcards" and messages sent (about 3.100), the resonance from press and media. In the conduct of meetings, despite the great diversity of context and issues, political representatives and technicians of the City have paid great attention to allow the greatest number of people express their views. Through the monitoring activities on the operational management of the city and through the listening of citizens it's possible to identify anomalies or otherwise decide to make changes to the objectives accordingly to planning tools and programming. In the evaluation process, it was assessed that 100 places are too many to manage and still get substantial results. There is a risk of fragmentation of the problems and consequently to solve them in an integrated way. **Altogether a**bout 18,000 presences with more than 11,000 contacts Cost of activity: <0,15 € per citizen

UK Scrutiny Unit Public Reading Stage

Criteria	Description
Reason for selection / key features	- Similarities with aims and implementation of Chinalaw.gov.cn facility. - Comprehensive internal evaluation of pilot was undertaken. - Online collection mechanism uses open source software. - Bill texts and explanatory materials made available in a machine-readable format so that third-party websites can host discussions and so that Parliament can receive comments direct from these sites.
Key functionality	- Registration and submission of public comments on any draft text. - Basic report creation form received comments. A number of Bills have been through the system, the most recent was the Children and Families Bill which received its second reading in the Commons on 4th February 2013. The pilot public reading forum was open for 14 days and it attracted 1402 comments of which 1099 were published. Previous levels of participation in these consultations varied: for the Protection of Freedoms Bill 6,600 individuals visited the site; and 256 contributors made a total of 568 comments. Many of these were from members of the public rather than from organisations and made a helpful contribution to improving the content of the Bill. Participation on the Small Charitable Donations Bill was more limited: there were 85 comments from 23 organisations, most of which had already contributed to an earlier consultation on the Bill. There were no comments from individuals without a connection to interested organisations. The online consultation on the draft Care and Support Bill attracted a substantial number of responses, with over around 1,000 comments received. - Protection of Freedoms Bill 2010-12; - Small Charitable Donations Bill 2012-13; - Children and Families Bill 2012-13; - Draft Care and Support Bill 2012.
Institution in charge / implementing agency	The Scrutiny Unit forms part of the Committee Office in the House of Commons and exists to strengthen the scrutiny function of the House. It provides specialist expertise to select committees, especially (but not exclusively) on financial matters and on draft bills. The Scrutiny Unit has a staff of around 14 including lawyers, accountants, an economist and a statistician, as well as House of Commons Clerks and a small team of administrative staff.
Legal basis / framework	The Conservative Party proposed the introduction of a 'public reading' stage of bills at its Conference in September 2009; and, in its 2010 General election manifesto, it outlined plans for giving the general public opportunities to initiate parliamentary proceedings.

	The public reading stage will normally begin when a Bill is published and end in time for the points raised by members of the public to be taken into account during proceedings in the Public Bill Committee. Originally it was intended that the public reading stage would be followed by an allotted 'public reading day' for the PBC to give consideration to the public's comments on the legislation.
Technology	The online platform allows comment on particular parts of the bill and citizens were encouraged to comment on specific clauses. A custom (open-source) plugin and theme was used on top of the popular, open-source to use WordPress CMS. This kept costs down, effectively producing a community-supported, open source, lightweight publishing and commenting system. The software project is available freely on GitHub : https://github.com/alphagov/public-reading-stage
Awareness raising / raising participation numbers	Publicised by an announcement distributed by relevant stakeholder select committees' mailing lists, through news stories on the Parliament website and via Parliaments Facebook and Twitter accounts. A press notice was considered but the pilot did not want to generate an unmanageable level of responses.
Reaching right Stakeholders, triggering quality comments	The Scrutiny Unit cited the need for a number of process improvement such as richer contextual information, more publicity, more time and better feedback mechanisms to decision makers. In terms of the technology, a 3000 character limit on individual comments and better detection of duplicates or similar comments was commended.
handling and processing of of comments / feedback to commentators	Respondents post comments on a clause-by-clause basis. All comments are moderated before publishing. Small Bill teams take responsibility for moderating and responding to comments as they arrive. The comments from the Bills were collated and presented to the Public Bill Committees, alongside an analysis by the Department responsible for the legislation. The comments and reports were referred to during the Committee Stage for each Bill, although they did not directly trigger any amendments.
Result of consultation	The comments and reports were referred to during the Committee Stage for each Bill, although they did not directly trigger any amendments.
Combination offline and online consultation	Online only
Evaluation / assessment of consultation	A full evaluation was compiled by the Scrutiny Unit which concluded that the process was a success but concerns loomed about the extent to which the Public Reading informed or influenced consideration of Bills. There was a risk that participation may have heightened expectation.

BIS Consumer Rights Bill Consultation

Criteria	Description
Reason for selection / key features	• Uses a range of parallel consultation methods and techniques • Comprehensive internal evaluation of pilot was undertaken. • Online collection mechanism uses open source software.
Key functionality	• Registration and submission of public comments on the consultation • Basic report creation form received comments.
Institution in charge / implementing agency	The Department for Business, Innovation & Skills (BIS) is the department for economic growth. The department invests in skills and education to promote trade, boost innovation and help people to start and grow a business. BIS also protects consumers and reduces the impact of regulation. The department has around 2,500 staff working for BIS plus around 500 people working for UK Trade & Investment in the UK.
Legal basis / framework	Consumers often do not know their rights, and businesses find it costly to understand what they need to do to fulfil their responsibilities. Consumer rights are unclear in the rapidly expanding market of digital products such as phone apps or e-books. And when a court finds a trader has broken the law, consumers hardly ever receive redress. In July 2012 BIS launched a traditional <u>consultation on modernising and simplifying consumer law</u> on the supply of goods, services and digital content. The consultation consisted of a number of methods, including the commission of an independent research report by the Law Commission which surveyed 1000 business-to-consumer firms and interviewed a small proportion of them. The written, public consultation, ran into hundreds of pages and covered 101 detailed policy questions. In order to reach non-core stakeholders such as individual consumers and small retail businesses, BIS set up a microsite which contained a subset of the consultation. This online consultation ran in parallel with the full consultation and covered the key aspects of the new proposals using 18 core questions.
Technology	Built in-house using an open-source CMS (WordPress). The survey results were tabulated and could be easily downloaded by the policy team for analysis at any time (allowing BIS to gain early insight into trends)
Awareness raising / raising	The department arranged for a blog from the relevant minister to appear on a national consumer website (Which.co.uk) and asked stakeholders to put links on their websites and in their newsletters, etc. The department also tried using Twitter to improve uptake although there was little impact as a result of this.

participation numbers	BIS produced a Ministerial video with the aim of simplifying and boiling the questions down still further which was used on the microsite. The discussion was widened out (using the minister) to BBC Radio, Wired magazine and the popular MoneySavingExpert online forum.
Reaching right Stakeholders, triggering quality comments	The core stakeholders were targeted using a third party (Law Commission).
handling and processing of comments / feedback to commentators	Online responses were devolved to a strong and knowledgeable member and the BIS team and the quality of her replies to questions helped increase the depth in evidence.

Responses were acknowledged by the department and at the end of the process a public summary of the responses was published in June 2013 along with an official 'government response'.   This Government Response was accompanied by a draft Consumer Rights Bill, which Parliament considered as part of the pre-legislative scrutiny process. |
| Result of consultation | The following take-up numbers were observed:-

Goods: 07/12 – 09/12 : 47 responses from the written consultation and 178 from the shorter online version

Services: 07/12 – 09/12: 56 responses from the written consultation

Digital content: 07/12 – 09/12 : 53 from written consultation and 86 responses from the shorter online version

Consumer Law enforcement powers: 04/2012 – 06/2012 : 103 responses from the written consultation

Enhanced consumer measures consultation : 11/2012 – 12/2012 : 63 responses from the written consultation

It follows that the online platform significantly enhanced the response rate. |
| Combination offline and online consultation | The online platform was used in parallel with a larger consultation consisting of 101 detailed policy questions spread over 221 pages. |
| Evaluation / assessment of consultation | The number of individual respondents and type of responses reassured BIS that traditional stakeholder responses were similar to those of consumers.

Although response rates were higher than previous consultations, given the nature of the consultation the team thought a lot more people would respond. Only 220 actually responded and conversion rates were 5.2% for goods, 3.1% for services and 2% for digital content. The team had higher expectations and were slightly disappointed that more individual consumers didn't respond. |

	It was concluded that better marketing was required next time and more resources would need to be allocated to reduce the evaluation burden.

Synthesis

General

A consistent theme is that the process of soliciting feedback directly on draft legislation can benefit from being more deliberative throughout the life of a Bill and its consideration. For example, organising meetings and discussion around on specific topics and holding more public dialogue on the essence of the Bill as well as its technicalities.

There are some prominent examples of this sort of 'continual' and less formal consultation. For example, the UK government runs a public dialogue project called ScienceWise[13] which co-funds public dialogue projects relating to emerging science and technology issues in an attempt to inform future policy. Essentially they have created a policy intelligence unit which seeks to inform government policy by airing views from the general public. It stands to reason that non-expert (public) views in emerging policy areas such as drones, carbon storage, robotics and food security be embedded as early as possible in the legislation process in order to capture the full spectrum of options and sensitivities.

There is good evidence to suggest that the solicitation of feedback on draft legislation is worthwhile and that both the public and stakeholders have valuable input for legislators. However, for European member states, there are problems with the timing of the feedback and subsequent impact of it. The concept of a 'public reading day' or 'reading week' would help raise awareness of the opportunity and contribute to a sense of seriousness about public feedback in the process.

There are also some novel examples of bottom-up methods for suggesting amendments to existing laws or new laws in their entirety. For example, "Lights, Camera, Parliament![14]" is an educational initiative aimed at young people to suggest new laws using new media with the promise of getting heard at Parliament. Likewise, there are a number of examples of 'Citizens Initiatives' which can demand legislative changes given enough support.

Secondary to ensuring that the connection with decision makers is effective and that new opportunities are sought in terms of asserting influence, comes measures to 'improve the consultation potential'. As previously indicated, these are measures to ensure that consultations have integrity.

Finally, specific work on ensuring that the means (including digital) of dealing with public feedback are both compelling, practical and productive are required.

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[13] http://www.sciencewise-erc.org.uk/

[14] https://www.makewav.es/lcp
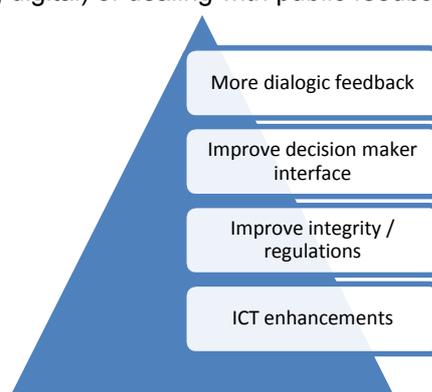
Time factor

There are many and varied view on when and for how long a consultation should be conducted. The standard caveat for which most agree is to be considerate for the supporting conditions such as the complexity of the issue under consideration and proximity public holidays or potential interruptions.

In terms of the duration of a consultation, the 'EC Principles and Minimum Standards' highlight the importance to balance the need for adequate input and swift decision making. They prescribe a total of eight weeks for reception of responses in case of written consultation, and 20 working days' notice for working meetings.

The Croatian code proposes 15 days from the time of publication and the Estonian good practices recommend that consultations should 'generally last for a minimum of 4 weeks'.

Estonian Good Practices state that consultations generally should last for a minimum of 4 weeks and in Hungary a time period of *at least* 15 days is suggested. Romanian Law is more restrictive, suggesting that 10 days should be given to public comment. The UK Code on Consultation suggests a default position of 12 weeks with consultation responses being published within this timeframe.

The Consultation Institute is confident in its assumption that the optimum duration for a meaningful consultation is three months (12 weeks) under normal conditions. This is supported by parallel research[15] on the lifespan of an online petition whereby 80% of supporting signatures are collected in less than 95 days, and 95% in less than 110. However, it is also useful to consider a minimum duration for which the institute would suggest is 10 working days or two weeks for smaller consultations.

Notification	Duration	Conclusion
Minimum 20 days	Minimum 10 days	Maxumum 100 days
Recommended 40 days	Recommended 100 days	Recommended 30 days

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[15] http://spartakan.wordpress.com/2011/02/03/the-100-day-lifespan-of-the-e-petition/

New model: process related

Below are some discrete ideas for improving or implementing a new process:-

- Use of a clear consultation mandate for each exercise and adherence to the TCI consultation charter will help manage Consultee expectations in terms of the boundaries of the consultation and help build trust. Clarity over process timing is particularly important.
- The provision of clear consultation guidance for Consultors.
- The feedback interface between Consultors and Parliamentarians is critical. It may be possible to use technology to enhance this (such as live dashboards which display existing sentiment or comments as they are received).
- The concept of a 'public reading day' or 'public reading half-hour' is yet to be tested in the United Kingdom but dedicated time for Parliamentarians to consider or hear public feedback is theoretically a good idea.
- More pre-consultation is needed. Public dialogue on emerging policy issues would help policymakers ensure that draft legislation was more considered in the beginning. Discussions around texts can also be encouraged.
- Greater emphasis on ensuring that participants receive outcome and output feedback.
- It is recommended that all government consultations are published through a searchable, central register using metadata. This includes publishing details of closed as well as forthcoming consultations (notification). An advancement on this is when citizens or stakeholders can register their interest thematically or geographically in advance.
- The consultation opportunity needs better marketing. An opt-in stakeholder database or paid digital marketing may help overcome low participation rates. Similarly, more promotion of outputs and outcomes (e.g. "you said, we did").

New model: technological

Below are some discrete ideas for improving or implementing a new process:-

- Comment duplication is a burden and there should be a way of 'I agree with the comment above' variety so functionality that enabled voting on comments might be a useful feature for future versions. However, this would require that there is transparency in terms of existing comments.
- Simple means for supporting or opposing an entire text or its subsections can be introduced. Similarly, participants should be allowed to comment on each other's annotations (i.e. create horizontal dialogues).
- There is a challenge with identifying which are the most contentious areas of a text quickly. The use of a heat map (colour overlay for text) would help participants and decision makers prioritise changes.
- Good user Interface (UX) design is key to a good experience. Help could be sought in optimising this.
- Syndication of data (e.g. widgets or the use of RSS for the consultation database) would help disperse content and attract new audiences.
- There is a distinction between "general comments" of a Bill and comments on specific words and phrases. The view of UK moderators is that comments on clauses should be limited to around 3,000 characters.
- In the UK example, legislative texts are visible to non-registered users but our understanding is that you must register on the Chinese system to be able to view texts and that previous comments are not visible among participants.

- Better tools (third party of otherwise) are required to handle qualitative data are necessary to identify patterns and trends as well as in the information analysis. There is an increase in non-textual data (e.g. audio and video) which must be handled and could eventually be considered as valid feedback. Arguably the analysis of feedback is best undertaken by a third (neutral) party.

Decision factors for improved eConsultation System

Success factors for successful eConsultation platform
- Legal and institutional framework by government: e.g. access to government information, privacy and data protection,
- Capacity building for digital media literacy for citizens
- Building on existing eGovernment initiatives and channels, pick up people where they go anywhere, do not expect them to actively go to a dedicated "consultation" website
- Seamless integration of online and offline features, especially when internet is not yet an everyday life element for a majority of the population. Differentiate according to topics.
- Be clear about the purpose and what you expect eParticipation to do (and not do)
- Overall processes and outcomes must be highly transparent, open and in most cases negotiable
- High level (political) backing can be critical.
- Use words and language people understand
- Listen as well as ask and tell, including let people express their anger and frustration.
- Timing – get participants involved early in the policy lifecycle.
- Provide feedback on inputs, show how it is used so the citizen doesn't feel that their input is simply disappearing
- Before start, decide how to collect input, how to analyse it, how to use it, and make this clear to participants.
- Directly address the needs/interest of participants, and involve them in this.
- Use careful, independent, trustworthy moderation …with transparent guidelines.
- Different tools/processes (like ePolling, eVoting, eConsultation, ePetitioning) if part of the same process must be connected.
- Take citizen inputs very seriously (whether they are asked to give them or they give them anyway), show how they are used
- Rationale needs to be provided for the final outcome or decision which specifically addresses participant inputs.
- Independent monitoring where appropriate to ensure balance as well as to minimise inappropriate online behaviour.
- Be wary of the digital divide, so do not assume that every view or need is captured.
- Evaluate – including asking the participants!

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Design elements of a successful eConsultation platform

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- Processes must be open and transparent
- eParticipation must be engaging, fun
- Participation as a fundamental right
- Frame the debate to balance simplicity with nuance and tackle shouting and trivialisation
- Match technology and channels to the participation need
- Quality of online environment
- Content quality and presentation
- Prioritise feedback processing and visibility
- Enable opinions to be expressed on the outcomes

Annex: Other participation databases and resources

From http://engagementdb.org/?page_id=231

DemoNet : eParticipation Network

Digitalengagement.info: part bookmark collection, part reference manual, part Q&A site about how public sector organisations can use – and are using – digital engagement as part of their work.

Digital Research Tools Wiki : Tools and resources that can help scholars (particularly in the humanities and social sciences) conduct research more efficiently or creatively.

Example eParticipation projects from the UK and Germany

Peopleandparticipation.net : Methods for offline participation.

ParticipateDB : eParticipation project case studies.

Pan-European eParticipation Network (PEP-NET) : Pan-European eParticipation network.

Participedia

Social Innovator : Case studies on practical solutions to social problems.

www.beteiligungskompass.org : Swedish Edition

http://www.demo-net.org/ Provides open eParticipation tools

EU Practice:

http://www.epractice.eu/en/search/node/edemocracy

http://www.epractice.eu/en/search/node/eParticipation

National Democratic Institute (NDI), Citizen Participation and Technology, 2013

https://www.ndi.org/files/Citizen-Participation-and-Technology-an-NDI-Study.pdf

UNPAN E-Government Survey 2014:

http://unpan3.un.org/egovkb/en-us/Reports/UN-E-Government-Survey-2014