



Participation Standards

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1. Openness

Standard: That there exist opportunities to participate in decision making which are widely promoted, including via the internet, mailing lists, public announcements and the media, encouraging everyone and particularly key stakeholders to engage.

What is it?

Openness means that opportunities exist for the public, and in particular for key stakeholders affected by a particular decision, to participate in a meaningful way in the decision-making process.

Openness means engaging an optimum number of individuals, civil society organisations and key stakeholders early in a decision-making process.

Openness means making publicising opportunities for participation through various and diverse channels such as, but not limited to, traditional media, the internet, mailing lists, and community notice boards.

Why is it important?

The OECD recognises that openness of participative processes:

- » Establishes greater trust in government.
- » Ensures better outcomes at less cost.
- » Raises compliance levels.
- » Ensures equity of access to public policy making
- » Fosters innovation and new economic activity
- » Enhances effectiveness

Being genuinely open to incorporating participative processes into the decision-making process demonstrates that governments see them as more than just the 'right thing to do'. Openness of participative process, and openness around them, is an acknowledgement by governments that they have intrinsic value as part of the decision-making process.

Openness provides a wider variety of opinion into participative processes, bringing nuanced recommendations that may not have occurred to experts. Openness of public participation helps to foster a wider variety of opinion into debate that enables decisions to be made that are more effective and closer to the needs of citizens.

How can it be effective?

Openness can be made effective through clear communication and use of multiple channels so as to ensure the widest possible reach to those able and wanting to engage in debate and decision-making on the issues that affect them. Using new technologies or online resources such as mailing lists, mobile apps or social media helps reach a broader public, but should not be a substitute for use of established forms of communication such as the print media, television, radio or public announcements which can each help to involve a wide variety of participants.

In order to ensure openness, governments should take a proactive approach with participation guaranteed through clear legislation, implementation and/or policy which ensure opportunities for anyone to participate.

What is the role of civil society?

Openness of public participation ensures that the decision making process is not captured by private interests, in particular those represented by professional lobby groups.

Civil society often has deeper, more varied and broader networks than governments, which can be tapped into in order to communicate an opportunity for participation.

Incorporating civil society into a participative process adds value to decision-making by providing expertise and knowledge in or around an area of policy that represents the interests of citizens, rather than business, meaning government decisions can be closer to the needs and wants of the public.

Civil society can help governments become aware of when opportunities for participation are necessary and encourage governments to engage. Civil society can act as a balance against other groups which have the resources and contacts to influence decision-making more so than in the interests of the public.

What are the civil society standards?

- » Laws and policies, including the creation of guides, codes or plans for public officials, guaranteeing citizens' right to participation in decision-making. (OECD)
- » Commitments and leadership from governments at all levels (local, regional and national) to open and inclusive policy making (OECD)

- » Governments should widen the scope and number of policy areas that should use participative processes.
- » Participative processes should aim to engage the optimum number and variety of participants.
- » Participation should not be restricted to certain interested groups; anyone, if they wish to, should be able to participate in a participative process without discrimination because of race, gender, sexual orientation, disability etc.
- » A range of media should be used in order to promote and engage participants in a participative process, including the internet, mailing lists, public announcements and traditional media.
- » There should be independent oversight of participative processes guaranteed by law. (OECD)
- » Oversight should assess the quality and diversity of participation and identify ways to improve participation and transparency in the decision-making process

2. Clear and Reasonable Timelines

Standard: That participative processes are structured so as to ensure sufficient time to allow interested stakeholders to learn about the consultation, to review the materials, and to prepare quality and considered input.

What is it?

Clear and reasonable timelines for interested stakeholders, civil society, and others enable them to learn about the participative process, to review the materials, as well as to prepare and submit qualitative and considered input.

Clear and reasonable timelines should also apply to public bodies, which should give themselves enough time to be able to prepare, process the information gathered, make effective use of it and provide feedback as part of the decision-making process. Participative processes from start to finish should not be rushed.

Why is it important?

Different topics and types of participation have different needs and require different processes, meaning that a one-size-fits-all timeline for participation will not always work.

Having a reasonable timeline that is clear to potential participants is important in providing people with the time to prepare for a participative process. Clear and reasonable timelines allow participants the time to consider the information and prepare input which benefits the overall quality of opinion gathered.

Governments also need to set themselves clear and reasonable timelines in order to have effectively prepared and be ready to implement a participatory process that will be of value for

decision-makers. Reasonable timelines enable the preparation of qualitative feedback and evaluation helping participants to understand how their input was considered before the decision was made.

How can it be effective?

The point at which public participation is incorporated into a decision-making process has an impact upon its effectiveness. The OECD states that,

"Public engagement should be undertaken as early in the policy process as possible to allow a greater range of solutions and to raise the chances of successful implementation. Adequate time must be available for consultation and participation to be effective." (OECD working group pg. 6)

Clear and reasonable timelines can be made more effective depending on the timing of when participation takes place. Participative processes need to be held at appropriate times of year (i.e. not during elections and avoiding popular holiday periods, public holidays or religious festivals) and the day (i.e. considering avoiding meetings during regular working hours which would limit numbers of participants).

What is the role of civil society?

Everyone needs time to consider information provided and submit informed and relevant opinions. Civil society can appropriately prepare input and communicate with wider networks if governments incorporate clear and reasonable timelines into participative processes that allow for this to happen.

Since civil society plays an important role in channelling the views of society to government, a clear and reasonable timeline for participation would allow civil society to amplify the pool of potential participants.

Civil society also acts as an oversight body and watchdog highlighting and stressing to governments the importance to remain committed to timely and unrushed participative processes.

What are the civil society standards?

- » Participative processes are well prepared by government before being launched.
- » Governments should publicise using appropriate media and in good time, the start of a participation process
- » Governments give themselves enough time for receiving input, considering it and giving feedback before making a decision.
- » Governments should give reasons as to why they have chosen a certain period of time or specific length for participation.
- » A participative process needs to be long enough for citizens and civil society to be able to consider and review the information and make their contributions.

- » Participative processes must be held at appropriate times of the year and day.
- » Civil society should be given the possibility to give their own feedback on the appropriateness of the timeframe and this should be considered by any final evaluation.
- » Oversight of participative processes should give opinion on the appropriateness of the timeframe and consider complaints.
- » Governments should provide feedback on whether they think the timeframe was sufficient in gaining the optimum amount of input from the participative process and respond to complaints or recommendations for improvement.

3. Clear and Comprehensive Information

Standard: That the background materials available to public officials involved in a decision-making process is made available; that key data and analysis should be presented in a form which is accessible and comprehensible to the public.

What is it?

Clear and comprehensive information means that the same documents and information available and used by public officials should be transparent and available for citizens from the beginning to the end of a participative process.

Key data and analyses should be presented in an accessible and comprehensible form. Data and information should also be accurate and relevant.

Why is it important?

The OSCE outlines access and clarity of information as a guiding principle for public participative processes that allows participants, “to participate in a meaningful way”. Clear and comprehensive information enables participants to consider the topic more informatively before producing opinions and submitting input.

Clear and comprehensive information on the process itself also reduces the likelihood of disappointment or misunderstanding over the level of impact that participation has on decision-making. The burden upon participants to understand the issue and their role in the process is reduced when clear, comprehensive, and objective where possible, information is presented.

How can it be effective?

Participation can be made effective with the proactive dissemination of documents and key information that are easy to understand, concise, self contained and free of jargon. Open governments should be proactively releasing information and data in a clear and comprehensive manner that enables participants to access the process, producing more informative and therefore valuable opinions for decision-makers.

New technologies can also enhance the clarity of otherwise complex information or data. When clearly presented, information can be better understood; reducing the burden on citizens to

understand potentially complex issues and enabling more to take part in participative processes with their views and opinions.

Proactive publication of clear and comprehensive information also helps to enable participation by reducing the burden for citizens and civil society to access information on the topic and learn about the process.

What is the role of civil society?

The role of civil society in demanding clear and comprehensive information is two-fold; firstly to enable them to access the information in order to understand the process and participate, and secondly, to ensure that the information is correct and understandable to others.

Citizens and civil society need access to clear and comprehensive information in order to be able to make relevant input into a participative process. They can provide oversight, highlighting information that is missing or should be considered, as well as presenting the information to wider society using new technologies or in different formats to encourage wider participation.

What are the civil society standards?

- » The same documents available to governments should be made proactively available to citizens and civil society.
- » Information and documents should be clear, presentable, free of jargon and in open and searchable formats.
- » Information and documents should be quickly and easily accessible (and conscious of the timeframe of the decision-making process), especially for those who may be affected by a decision.
- » Documents and information should be presented in a variety of ways, paying particular attention to the potential participants that will want to get involved (such as youth, linguistic minorities, the elderly, disabled etc).

4. Active collaboration

Standard: That public bodies are proactive in their interactions with the public, establishing multiple channels to gather information (for example, online consultations, public hearings, focus groups), hence ensuring that all relevant stakeholders have the opportunity to engage, and that the debate around an issue can evolve and mature over time.

What is it?

Active collaboration means that citizens, civil society and governments participate and work together in a participative process. Governments need to proactively approach and engage participants and support civil society in order to increase their capacity to participate.

Effective channels to gather information and engage the public should be established to enable an open, varied, public and developed debate before a decision is made.

Why is it important?

Active collaboration between governments, civil society and key stakeholders helps balance the decision making process that means decisions are closer to the needs of citizens. Active collaboration of governments with citizens, civil society and other stakeholders is an effective way to establish open, varied and developed public debates, rather than closed and unbalanced influence upon decision-making.

As a result, active collaboration empowers all sides in the decision-making process, which means the decision is made in the spirit of common ownership. Consequently, governments will find active collaboration helps them make decisions that are more in-tune with public and civil society expectations, reducing controversial or questionable outcomes and challenges to those decisions.

It is important that active collaboration actively helps to level the playing field between more well-resourced groups who can influence decision-making, and those, such as within civil society who have fewer resources. The OECD recognises that creating and supporting an active citizenry is an important element to collaborative and participatory processes.

How can it be effective?

Active collaboration can be made more effective when civil society is given the capacity to collaborate and participate at the same levels as more well-resourced groups. This can involve the provision of an enabling environment or background support for civil society, proactively ensuring information and documents are made available as well as ensuring that everyone has equal access to decision-makers. The IAIA states that, "The public should be supported in their will to participate [...] Capacity- building, facilitation and assistance should also be provided particularly for groups who don't have the capacity to participate, and in regions where there is no culture of PP [public participation], or where local culture may inhibit PP." (p2)

The NGO Code adds to the argument that to make active collaboration effective, governments need to enable and proactively support the participation of civil society.

Involve (81) argue that if governments provide information, support capacity-building, raise education and skills, increase awareness and encourage participation, it enables the kinds of "stronger and more cohesive communities" that can make effective contributions to actively collaborative participation. When governments are receptive and willing to engage and make sure civil society is able to engage effectively, they can more effectively realise the objectives of active collaboration as part of public participation.

What is the role of civil society?

Civil society is already active in demanding more participation in the decision making process. This demand is limited by the receptiveness of governments to participation and their desire to get civil society involved. Civil society serves as a key interlocutor between governments and citizens with the enthusiasm, expertise and connections that can make active collaboration more effective, rather through a narrow set of interested groups.

Active collaboration also helps to develop the necessary communication channels between civil society and governments that can help improve participative processes, policy making and foster a constructive climate based on trust, collaboration and effective decision making.

What are the civil society standards?

- » Government needs to proactively approach key stakeholders and the public to engage in participation processes
- » Governments should support civil society to help develop their capacity to participate
 - ✓ Through education and skills programs
 - ✓ Through laws and policy such as access to information
 - ✓ Through encouraging an environment to participate
- » Through capacity-building measures targeted at those least able to participate.
- » Governments should aim to engage in dialogue with civil society during the participative process, and not only passively receive information for consideration

5. Appropriate and Clear Procedures

Standard: That the rules on how to engage in the consultation are made clear in advance, along with the timeframes and how comments should be submitted to the public authority as well as the locations and dates of any public hearings and how to attend.

What is it?

The rules and regulations on engaging in participative mechanisms should be made clear and public, along with timeframes and how comments should be submitted to the public authority. Locations, times and dates of public hearings or events should be clearly promoted as well as how to attend.

The procedures and kinds of opportunities for public engagement need to be appropriate depending on the objectives of the process, the target stakeholders to engage and the kind of information or input being sought.

Why is it important?

Clear and appropriate procedures are important for an effective participative process both for citizens and for governments.

The OECD recognises that clarity involves defining and making public from the outset, objectives, limitations, responsibilities and information around participative processes and procedures. Making procedures clearer facilitates understanding about how they work and citizens' role within the whole process. This reduces confusion and disappointment over

expectations because the procedure (its objectives and limitations etc), are clearly set out to citizens.

Having clear procedures reduces the burden for citizens to understand how they can be involved in a decision-making process. Removing these barriers means that there is a higher chance that more citizens will get involved. A clear procedure is not necessarily a simple one, but if it is well explained, in appropriate and understandable language, then citizens can become more informed and less reluctant to be involved. Having more participants, helps to make a participative process more valuable in terms of the time taken to organise and execute, and in actually gathering information to make a decision.

Appropriate procedures enable participative processes to meet the requirements of citizens and governments. Appropriate procedures are relevant procedures that enable participation to be effective, which enhances the information gathered. Governments also must ensure procedures are appropriate by being flexible in the kinds of procedures to implement in order to gather appropriate information for the decision-making process.

How can it be effective?

The UK government (p10 UK code of practice on Public consultation) recognises that by identifying early on the interested parties, and tailoring procedures that are made appropriate and are clearly explained to them, increases the effectiveness of participative processes. By proactively disseminating clear and concise documents as well as key information that is free of jargon helps to increase the effectiveness of public participation as it reduces the burden for participants to understand the process and issues.

Proactive communication of these appropriate and clear procedures is crucial in facilitating “mutual understanding and avoids potential time lags, disappointment or other difficulties in cooperation” according to the Austrian government Pg 9 OEBS. By clearly communicating the procedures, participants can be made aware about when, where, how they are able, and how long they have to participate, making it easier for everyone to understand the process and their role within it.

Being flexible in the methods allowed for participation (online, written, oral etc) can help to increase participation. These methods should be clearly explained, with resources focused on methods that are more appropriate for target participants. For example, oral participation organised at schools may be more appropriate for children, an open online participation for working adults, and more traditional written or town hall methods of participation for older citizens.

It is in the context of organising these appropriate methods that a dedicated contact person should also be established to help streamline participative input and make collecting the information more effective. It also provides the participative procedure with a contact for participants to communicate with and receive help from. (Pg 10 OEBS Austria)

Effectiveness can also stretch beyond the process itself. A well organised, clear and appropriate procedure for public participation can create long term value for decision-makers because the smooth running of the process encourages participants to take part again in the future.

What are the civil society standards?

- » The rules and regulations governing participative processes must be clearly available for the public and proactively communicated.
- » Citizens and civil society are made aware of upcoming participative processes in good time to enable them to prepare.
- » Participative processes should be planned to target the specific area of information sought and the key stakeholders that will be affected.
- » Locations, times and dates of public hearings or events should be clearly promoted as well as how to attend.
- » Objectives, limitations, expectations and responsibilities of participants and organisers during the participative process should be clear, jargon-free and available to the public.
- » Participative processes are tailored to the requirements of participants and information to be gathered.
- » There is a dedicated contact person for each participative process who can be contacted by participants.
- » Participation procedures are reviewed at regular intervals to make sure that improvements are being made and they are being properly implemented.

6. Empowerment

Standard: That any comments received during participatory processes must be carefully reviewed and the perspectives incorporated into the documentation on the final decision. A detailed justification must be provided as to why and how the public's opinions have (not) been taken into account.

What is it?

Citizens need to feel like they have a stake in the decision-making process. At the start of any consultative process, public bodies should make clear the extent to which the public has the chance to influence the process. The range goes from a survey which is testing public opinion to a full-scale referendum with binding results.

Participation should embrace pluralism of opinion from a variety of stakeholders (from large lobby groups to marginalised minorities), taking these views into account.

Any comments received must be carefully reviewed and citizens must be informed about how their input was considered with justifications into the decision made.

Why is it important?

It is important for citizens to feel empowered in a participative process in order to encourage their involvement and commitment. When citizens are considering participating, if they know

that their opinion will be taken into account before a decision is made, they will be more likely to want to participate. Knowing that their opinion is taken into account and that it is valued by decision makers empowers citizens, increasing their confidence to take part and participate as equal participants along with other more resource-rich actors. When citizens are empowered, consideration of their opinions means that decision makers can more accurately make decisions that are closer to their needs. This makes policy decisions less controversial or divisive because key stakeholders have been incorporated into the process.

By valuing participants' opinions and taking them into account, governments can make decisions that better reflect, or have at least considered, the needs and expectations of citizens. In this way, and with good explanations, citizens will know they have been empowered in the decision making process. Governments will also be able to better implement decisions made, as the public will have helped in coming to the decision, rather than having it imposed upon them without consultation.

How can it be made effective?

Citizens can be made to feel empowered through an effective reporting mechanism at the end of a decision making process that outlines how opinions were taken into account when a decision was made. If citizens know that their opinion has been considered and included in an evaluation or report, then they can understand the process through which a decision is made, or even support the final decision even if it is not in line with their original opinion. If citizens know that their opinions are considered and could make a difference, then they are encouraged to continue participating in other participative processes.

When public participation is open to all it helps empower those who previously felt they did not have the power or resources to influence decision-making processes. For resource-poor participants, having the opportunity to have your voice heard when in any other circumstance it is not, is a source of empowerment as your opinion is taken into account along with those who are resource-rich.

Empowerment means that opinions of stakeholders, whatever their background or level of influence or power, is considered by decision-makers. If participants know that their opinion is to be considered along with the opinions of established lobby groups or big business, then the sense of empowerment grows.

What are the civil society demands?

- Citizens' opinions gathered by public consultations are taken into account and considered before a decision is made.
- Citizens can understand their participative role in the decision making process and the level of influence they may have.
- The consideration of citizens' opinions is explained and reasons given why they were incorporated into a final decision, or not.
- Decision makers acknowledge receipt of input made by participants.
- Citizens should be able to make recommendations on improving the participative process.

7. Transparency and Accountability

Standard: That sufficient information is made available to participate in a meaningful way in an participatory process and that the process is made accountable through reports and feedback on the contributions received. There should be transparency on who participated with written submissions or in public hearings, along with the main comments submitted, and the written reasoning explaining how the comments received were taken into consideration should all be made available in a place which is easy for any member of the public to find.

What is it?

Reports and evaluations on feedback, participants, public hearings, submissions etc should be made public and easily accessible.

In order to maintain accountability, transparency, and consent and trust of the public, decisions taken need to be publically justified and their outcomes made public.

Why is it important?

Participative processes in decision-making can be better trusted when the process itself is carried out in a transparent and accountable manner and where decision makers are both transparent in the decision made and the way it was made, as well as accountable for it.

It is important for the decisions to be justified through explaining and making publically available reports and evaluations of the participative process, the information collected, and the reasons for which a certain decision was made. That way, citizens are able to understand why certain decisions are made and also to reduce the possibility for misinformation and rumour after a decision is taken.

Transparency and accountability around participative process also help to discourage corrupt practices around decision-making as these will be highlighted by comparing the reports and evaluations of participation with the outcome of the decision made. It is more likely therefore that decisions will be made that are more in line with the views of the participative process, or at least have taken this into account when making a decision.

How can it be made effective?

Transparency and accountability are best made effective when they are part of the operating culture of public administration and policy, rather than rules that must be followed. A spirit of transparency and accountability when incorporating participation into decision making processes help to make these more effective rather than following the letter of the law.

Transparency and accountability are made effective mechanisms when the reporting, evaluations and feedback that is required of decision makers, is made using high levels of detail in order to help explain every aspect and consideration before having made a decision. If information is left vague or un-detailed, suspicions will arise as to why more information is not publically available, and whether the decision made was done properly.

Within the spirit of transparency and accountability, effectiveness can be enhanced through proactive publication of reports, documents and information, rather than waiting to be asked for the information. This information should also be clearly presented and available in a variety of formats, including electronically.

What are the civil society demands?

- » Information, documents and data on the preparation, implementation and evaluation of participation processes are made publically available.
- » All reports and evaluations on public consultations are made publically available.
- » Detailed reasons and justifications are given and made publically available as to why a certain decision was taken, including other options that were available or discussed but not approved.
- » All the information, data and documents gathered in public consultations should be made publically available.