



Presidenza del Consiglio dei Ministri

Ministro per la semplificazione e la pubblica amministrazione

GUIDELINES FOR PUBLIC CONSULTATION IN ITALY



9 March 2017

CONTENTS

| | |
|-------------------------------------|----|
| Introduction..... | 1 |
| General principles..... | 3 |
| 1 Commitment..... | 3 |
| 2 Clarity..... | 4 |
| 3 Transparency..... | 5 |
| 4 Support to participation..... | 6 |
| 5 Privacy..... | 7 |
| 6 Impartiality..... | 8 |
| 7 Inclusion..... | 9 |
| 8 Timeliness..... | 10 |
| 9 Citizen-oriented approach..... | 11 |
| Credits..... | 12 |

Guidelines for public consultation in Italy

INTRODUCTION

This document provides a set of general principles so that public consultation processes can lead to informed and quality decisions and are as transparent, inclusive and effective as possible. The guidelines are inspired by the best international practices and recommendations.¹

Each principle listed in this first version of the guidelines is complemented by implementing criteria. These explain how public administrations can practically apply the principles and were introduced to facilitate their understanding and concrete implementation.

We also developed a document of analysis to help administrations apply the principles. The document contains examples taken from the first survey of experiences with consultations across the country carried out by central and local authorities.

These guidelines are the starting point of a process to develop and improve the principles and the criteria for public consultations based on past and future experiences. This topic, by its very nature, requires continuous updating based on the experiences that public administrations and civil society will carry out.

Therefore, guidelines can be further developed in the next two-year period as a result of:

- Additional examples of consultation best practices collected through the online procedure on the websites open.gov.it or partecipa.gov.it;
- A new version of the OECD open government principles to be released by 2017;
- The experience gained in carrying out consultations in compliance with these guidelines.

¹ The following principles are inspired by the principles adopted by the main international actors, namely the OECD, the EU and some countries including the UK, the USA and Australia.

Another key element in the guidelines is that they can be complemented by other documents further specifying the consultation models best suited to specific cases (sectoral policies, strategic planning, local programming, impact assessment, ...) and by methodological handbooks, toolkits and playbooks to assist administrations in planning and carrying out consultations.²

² The Department for Public Administration drafted these guidelines in accordance with commitment 14 of the national OGP Action Plan, as required by our participation in *Open Government Partnership*. According to the principles of transparency, participation and accountability supported by the OGP, the drafting of these guidelines followed 3 phases:

1. An initial phase when the preliminary draft was developed by the Working Group on Participation in November 2016 (OGP Team in cooperation with the Group on Participation of Civil Society and PAs);
2. A public consultation phase from 1 December 2016 to 12 February 2017;
3. A text finalization phase involving the Working Group on Participation, from 13 February to 9 March 2017, the day when the guidelines were officially presented during the 2017 Open Government Week.

In parallel with the consultation periods, consultation experiences were collected through an online procedure involving both public administration and civil society. This allowed us to obtain a first set of consultation processes that we were able to analyze as mentioned earlier in the text.

GENERAL PRINCIPLES

1 COMMITMENT

Open decision-making should be an inspiring principle in the activity of public administration as well as the result of a decision shared by policy-makers, public managers and civil servants who are committed to ensuring that public consultations comply with the general principles and that the results of consultations are integrated in the decision-making process.

Criteria:

- The administration shall consider consultations as a key phase in decision-making and shall make use of it in relation to the subject dealt with and the relevance of the decision for the local community and for the beneficiaries; to this end it is also committed to establishing which measures, for their nature and relevance, should be included in a consultation, giving adequate visibility to it;
- The administration shall promote and welcome bottom-up initiatives and innovation in consultation processes, as well support participation initiatives of citizens, businesses and their associations;
- The administration shall allocate adequate resources (i.e. financial, human, technological and logistic) for the consultation to be effective;
- The administration shall create an adequate organizational setting for consultation processes through the promotion of a culture of participation, the acquisition of skills to handle such processes and the establishment of cooperation networks for the exchange of good practices between administrations;
- The administration, where necessary, shall use independent technical experts having specific professional skills to handle consultation processes;
- The administration, where possible, shall foster the participation of representative associations, as well as all players that help build a responsible and participatory ecosystem, so to increase the opportunities for debate on the issues of consultations among citizens;
- The administration shall select the tools to be used for consultations (*off line* and/or *on line*) which are most suited to the content and scope of the public decision for which participation is requested.

2 CLARITY

The objectives of consultations, as well as their object, recipients, roles and methods shall be clearly defined before any consultation starts; in order to ensure an informed participation, the consultation process shall rely on information which is relevant, complete and easy to understand also for those who do not have technical skills.

Criteria:

- The administration shall clearly define in advance how the outcome of the consultation will be considered, that is to say whether it will affect public choices or not;
- The consultation and all related background documents shall be drafted using a language which is easy to understand, clear and adequate to the potential participants; if a complex subject is being dealt with, the administration shall also produce non-technical summaries having a clear communication style;
- The questions of the consultation shall be written using clear and adequate language with short and concise sentences;
- The consultation and the related information material shall be communicated and disseminated in a way that all participants are informed and can be involved in submitting proposals and comments;
- All information material shall contain a reference to who drafted them, when and how they were drafted, which are their sources;
- The division of responsibilities and roles between the administration and the participants in the consultation shall be made clearly explicit before the consultation starts;
- The quantitative and qualitative indicators and the consultation's final evaluation method shall be clearly defined in the initial phase and made public.

3 TRANSPARENCY

All the stages, aspects and costs of a consultation process shall be made publicly available, not only to those who have a direct interest in the object of the consultation, but to all citizens.

Criteria:

- Communication activities shall support and complement consultation throughout the planning, carrying out and evaluation phases, so to grant the right to participation, encourage active engagement and improve the quality of consultation processes;
- The administration shall inform about the outcome of the consultation by publishing a summary report at the end of a consultation and upon completion of each phase for the most complex consultation processes; the report shall summarize the comments obtained and clarifies how these will affects the final decision and/or mention the reasons why these cannot be accepted;
- The administration shall publish all background documents, the comments made by participants, their positions and proposals, both fully and in a summary report, so to ensure an adequate and broad control level; documents shall be made available in digital formats for sharing, reuse and conservation purposes (5 years);
- The administration shall ensure transparency about participants in the consultation and publish aggregated information (i.e. number of participants, nature of participants, biographical data, etc.) and, when this is not in conflict with privacy requirements, detailed information (i.e., the administration publishes the names of participants and the organizations they are member of);
- The administration shall publish in an additional document the names and professional profiles of the employees and consultants who are involved in the consultation process in various ways;
- The administration shall ensure transparency about the costs incurred to organize and carry out the consultation.

4 SUPPORT TO PARTICIPATION

Awareness about the importance of consultation processes shall be supported through information, communication and educational activities which are aimed at enhancing cooperation and participation of citizens, businesses and associations.

Criteria:

- The administration shall promote the creation of aware and active communities – within the administration itself and with all stakeholders – able to develop a mature and unbiased debate, *on line* and *off line*, and make proposals and comments;
- The administration can consider involving the recipients of the consultation in identifying the methodology so to build a shared reference framework which ensures the legitimacy of participation and mutual trust;
- The administration shall adopt, using appropriate financial and human resources, the necessary (*off line*) initiatives and (*on line*) technologies to allow an effective participation, before, during and after the consultation;
- The administration shall promote the culture of participation, integrity and civic monitoring in schools through specific training courses and shall encourage the establishment of networks between schools and the relevant private and public actors dealing with these issues;
- The administration can offer, free of charge, public spaces and venues to allow citizens to develop forms of direct dialogue among themselves and with public administration;
- The administration, including through the use of internal resources, shall organize communication activities to emphasize and acknowledge the added value of the results obtained by granting participation in decision-making through consultations; to this end, the administration shall identify specific indicators.

5 PRIVACY

The privacy of participants in public consultations shall be ensured.

Criteria:

- All consultation phases shall be carried out in such a way as to ensure compliance with national privacy legislation; more specifically, the processing of personal data by the administration shall take place in compliance with existing legislation, with a special focus on the principles of necessity, relevance and not-excessiveness;
- The administration shall establish in advance the level of anonymity and the corresponding level of authentication required to participate in the consultation and make it public; the interval of possible anonymity levels goes from pseudonymous authentication (only through mail on line) to strong authentication (i.e. *off line* with and identity document and *on line* with SPID – the public system for digital identity);
- The administration shall identify, in designing the consultation, what information is stored and kept and for how long, also depending on the level of anonymity required;
- The administration shall make privacy policies related to the consultation publicly available, by providing the necessary information on personal data protection and acquiring the consensus of participants so that they are immediately aware of what information will be gathered, for how long and how it will be handled and used; the administration shall allow participants, where possible, to choose whether to publish their identification data or not in the consultation reports;
- The administration shall specify and circulate the rules of conduct and terms of use for consultations that participants have to comply with (moderation, inappropriate content removal, removal of violations of third party rights, etc.)

6 IMPARTIALITY

When planning and carrying out a public consultation the impartiality of the process shall be guaranteed in order to pursue the general interest.

Criteria:

- The administration shall be guided only by interests which are explicit and declared throughout the consultation process; for this purpose, it can rely on internal supervisors or independent third parties who can watch over the impartiality of the consultation exercise;
- The group of consulted subjects shall include all potential actors who are both directly and indirectly interested in the subject of the consultation and the related public decision;
- The questions shall be drafted in a neutral way so that they shall not influence the judgments towards a predetermined result;
- The analysis of collected data and information shall be made in an neutral, thorough and transparent way.

7 INCLUSION

A public administration shall make sure that participation in the consultation process is as accessible, inclusive and open as possible, granting all stakeholders equal opportunities to participate.

Criteria:

- The administration, based on the scope of consultation, shall consider the needs of all the categories of potential respondents and adopt relevant measures to allow for their participation, recognizing the intrinsic value of each contribution;
- The choice of the consultation tools shall not prevent the participation of any of the interested subject for logistic, technological, security, socio-economic, cultural, religious and gender-related reasons;
- The level of anonymity (which can range from strong authentication to pseudonymous authentication), especially online, shall be established without hindering the participation of all respondents;
- Depending on the size and type of potential respondents, the administration can identify different channels to access a consultation and/or different phases, each one adapted to the needs of the different categories of stakeholders involved;
- A consultation can rely on technological solutions and a combination of *on line* and *off line* modalities to grant access to all categories of users, and make sure that their social status, education level, gender, age and health do not affect their ability to participate.

8 TIMELINESS

A consultation, being part of a broader decision-making process, shall allow participants to actually have a say in determining the final decision; therefore, it shall be carried out at a stage when the different viewpoints are still being discussed and the different approaches to the issue which is the object of the consultation can still be taken into consideration.

Criteria:

- The administration shall anticipate the timeline of the consultation process and inform participants in advance using all available channels (email, social media, announcements, invitation letters, etc.);
- Before the beginning of a consultation, the administration shall ensure and encourage a period of debate and analysis of the different viewpoints between participants that can take place with the active involvement of the administration or irrespective of that; the duration of this debate is meant to ensure a period of publicity adequate to the number of potential respondents and the subject of the consultation;
- The administration shall plan an adequate duration of the consultation process and envisage for the consultation itself a length of 8 to 12 weeks.

9 CITIZEN-ORIENTED APPROACH

Anyone taking part in a consultation is required to invest a certain amount of time and resources, therefore, consultations shall be organized in such a fashion as to make this task reasonable and facilitate participation.

Criteria:

- The administration, depending on the time needed to participate in a consultation, shall identify facilitations (save & return later, printing), schedules and venues allowing users to participate in accordance with the constraints of their private and professional life;
- The administration shall avoid to conduct a consultation exclusively during holiday periods and carry out consultations on irrelevant questions;
- The administration shall facilitate coordination with other administrations and government levels in order to avoid overlapping consultations addressed to the same group of users;
- The administration can consider conducting periodical consultations (cyclical consultations) for themes of major public interest that are frequently the object of decision-making or require the constant involvement of stakeholders.

CREDITS

The Guidelines for public consultation in Italy, promoted by the Department for Public Administration, were designed and edited by the OGP Team in cooperation with the Working Group on Participation of the Open Government Forum which integrated and validated their content during the drafting phase, before and after the consultation.

We would like to thank all those who contributed to drafting this document, in particular all the colleagues in the Team, the representatives of Civil Society Organizations and the citizens who participated in the consultation.