STATES OF JERSEY



PROPOSALS FOR THE JERSEY POLICY INCLUSION FRAMEWORK

Presented to the States on 20th October 2022 by the Chief Minister

STATES GREFFE

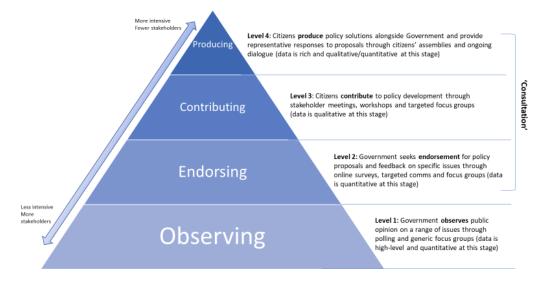
REPORT

Introduction

- 1. Action 2 of the Council of Minister's 100 Day Action Plan includes a commitment to undertake a project to set out how Islanders can better engage with government, what information is available and how government can improve. To address this, an internal review of the data and information which is currently available to Islanders and how this can be improved so that information on government services and policy is provided more effectively has been undertaken. The Engagement and Information Improvement review has made several interim findings, and these will be set out, in full, in a report which will be published in November 2022.
- 2. A key outcome of this review is the development of the **Policy Inclusion Framework** (the "Framework"), which consists of policy engagement good practice guidance and a policy engagement toolkit. The proposed Framework is based on an engagement pyramid structure and will be supported by a package of further resources and training for relevant government officials, with the purpose of improving engagement with Islanders and ensuring that decisions are more sensitive and responsive to their concerns. Information on the objectives and operation of the Framework are set out in this paper, alongside a timetable for its implementation. These proposals will be subject to a full public consultation prior to the Framework being implemented in early 2023.

Policy Inclusion Framework: Executive Summary

3. This provides a summary of the structure of the proposed Policy Inclusion Framework. Full draft guidance can be found under <u>Annex C</u>.



4. Structure of the Policy Inclusion Framework:

5. Summary Guidance

Level 1: OBSE	RVING
Goal	To raise awareness or temperature-check public opinion on an issue or range of issues
What?	Polling, website traffic monitoring, media impressions, focus groups
When?	On a regular basis, prior to designing policy or periodically to check up on changing attitudes to an issue over time, such as climate change
Who?	Usually targets as broad a demographic as possible in order to gauge general public opinion.
Timescales	Short and shallow engagement (e.g. $2-7$ days) undertaken sporadically (e.g. every 1 - 3 months).
Example	The Jersey Opinions and Lifestyle Survey (JOLS)

Level 2: END	ORSING
Goal	To ask the public about their views on a particular issue or proposal, to raise public awareness/interest and assess whether Government is on the right track
What?	Targeted emails, newsletters, social media posts, surveys, targeted focus groups
When?	Can be undertaken at any point in the policy development process if you have a proposal or issue which should be considered by Islanders
Who?	Depending on the issue, Government may seek broad endorsement from a wide range of individuals, or consultation may target specific groups based on their interest in the issue or proposal
Timescales	8 – 12 weeks
Example	Regulation of children's social work and mental health services

Level 3: CONTRIBUTING		
Goal	To deepen public investment in an issue or proposed solution through more formal consultation exercises	
What?	Meetings with stakeholders, workshops, establishing feedback loops	
When?	Can be undertaken at any stage of the policy design process. It invites stakeholders to provide considered feedback on an issue or proposal.	
Who?	Targeted stakeholders: this level requires stakeholder relationships to be identified and developed	

Timescales	3 – 6 months
Example	Carbon Neutral Roadmap Consultation report

Level 4: PRO	DUCING
Goal	To consider key, contentious or challenging issues or areas of policy by developing policy solutions alongside citizens
What?	Citizens assemblies and juries, ongoing forums or deliberative workshops, robust feedback loops
When?	Usually undertaken towards the middle or end of the policy development process, once a set of proposals or options have been developed for careful consideration.
Who?	A representative cohort of Islanders (approx. 30 – 50 individuals)
Timescales	Overall, 4 - 6 months (e.g. planning time 2 months, consultation time 3 months)
Example	Jersey Assisted Dying Citizens' Jury Final Report

Background

6. The Policy Inclusion Framework fits within an overall model for engagement which is being developed to ensure that Government is open, accountable and transparent. This engagement model is summarised below:

_	OPEN	ACCOUNTABLE	TRANSPARENT
	To obtain proactive	To empower	To provide Islanders
	feedback on the	Islanders to hold the	with easy access to
	scope of an issue or	Government and the	balanced and
	specific policy	public service to	objective information
	options, at the	account for	to assist them in
	earliest stage. Work	decisions and	understanding the
	directly with	implementation.	problem, alternatives,
	0	Provide mechanisms	opportunities and/or
	the process to ensure	for redress when	solutions. Ensure
PUBLIC	that public concerns	things go wrong and	that information is
PARTICIPATION	and aspirations are	need improvements	readily available to
GOAL	consistently	to put them right.	Islanders so that
	understood and		public policies can be
	considered. Ensure	e.g. Implementing a	understood from
	that all groups have	Public Service	inception through to
	an opportunity to be	Ombudsperson and	final decision
	included and that the	addressing their	making.
	feedback received is	findings	
	assessed for		e.g. Publish
	diversity.		information online
			and promote through
	-		· · · · · · · · · · · · · · · · · · ·

e.g. Polling, regular	the media. Increase
meetings with less	provision of official
heard groups, focus	statistics
groups, workshops,	
surveys, participatory	
decision making	

- 7. The implementation of this new engagement model (which includes the Policy Inclusion Framework) aims to increase public trust in Government.¹ The Organisation for Economic Co-operation and Development (OECD) identified five drivers that can influence trust: integrity, responsiveness, reliability, openness and fairness. This would indicate that policy responses which are in line with these values would support the level of trust which Islanders have in the Government. This would include ensuring that information is open and accessible to all, that Government is accountable to Islanders for the decisions it makes, and that decision-making is transparent and responds to the views and needs of Islanders.
- 8. The Policy Inclusion Framework addresses the States decision of 28 April 2022 to adopt paragraph (b) <u>P.65/2022</u>, as amended by the Council of Ministers, which provides:

"(b) that clear, agreed criteria for the preparation of initial consultations on policy or legislative proposals and detailed proposals for legislation should be established, and to request the Chief Minister to commission officers to draw up proposals for this, with a view to a report being presented to the States on the outcome of the work by no later than 30th September 2022."

- 9. The Policy Inclusion Framework will act as the criteria referenced above in setting out who, when and how to engage with the public on policy matters. However, the Framework goes beyond initial consultation and accounts for engagement in its broadest sense, from the observation of public opinion to highly involved, deliberative processes, in order to inform policymaking from the ground up.
- 10. Public engagement describes "the practice of involving members of the public in the agenda-setting, decision-making, and policy-forming activities of institutions responsible for policy development".² 'Engagement' encompasses a myriad of activities which facilitate participation in policy development beyond just formal government consultations, all of which serve to create a dialogue between government and the public it serves. Effective engagement

¹Improvements will be measured by the 'trust' metrics in the OECD Better Life Index. - <u>OECD Better Life Index</u> ² Rowe, G.; Frewer, L. J. (2005). "A typology of public engagement mechanisms". *Science, Technology, & Human Values.* **30** (2): 251

produces better solutions and increases trust in, and endorsement of, the decisions government makes.

- 11. Public engagement is key to creating solutions that are robust and responsive to a community's needs. It allows citizens to be involved in policy design and decision-making processes that affect or interest them, while also allowing policy makers to gather perspectives on a problem, test and refine ideas, develop more robust solutions and build legitimacy for contentious or complex decisions. This is not only good practice, but key to building trust with citizens and delivering better outcomes³. While decisions that arise from open and collaborative processes may be perceived as more credible, public engagement may also be considered as tokenistic and counterproductive if carried out ineffectively.
- 12. Effective engagement involves taking a principled approach. Examples of such principles include:
 - Engaging early in the policy process
 - Being open and transparent
 - Focussing on meaningful, genuine engagement
 - Being responsive and consistent throughout the policy process
 - Being flexible and adaptable
- 13. While engagement should be as inclusive as possible, the Government recognises that some voices in the community are less heard than others and seeks to address this. The Policy Inclusion Framework will therefore provide Ministers and officials with a high-level structure for engagement with the community and lesser heard voices. Other initiatives included under the 100 Day Action Plan, which will feed into the overall engagement model, are the development of standards for ensuring that children and young people participate in decision making processes, and the establishment of an Older Persons Living Forum to ensure that older Islanders have a say on matters that affect them and the Island as a whole.
- 14. Examples of highly collaborative public engagement include participatory and deliberative engagement methods. Participatory methods provide opportunities for citizens to be involved in decisions (for example, co-production and crowdsourcing), while deliberative methods focus on quality of dialogue, allowing ideas to be discussed over time in inclusive and representational forums, such as the Older Persons Living Forum.
- 15. In the past, Jersey has used deliberative bodies to consider key, contentious or challenging areas of Government policy and to recommend solutions, including the Citizens' Jury on Assisted Dying and the Citizens' Assembly on Climate

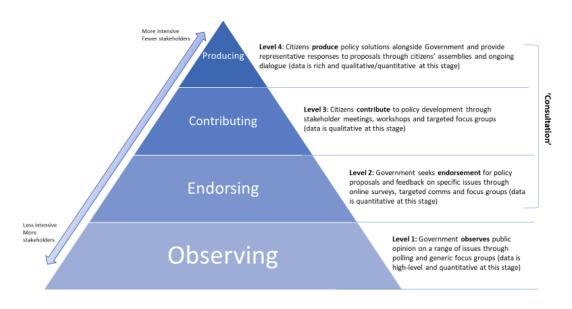
³ Community engagement | Department of the Prime Minister and Cabinet (DPMC)

Change. Less intensive, but nonetheless important, methods of engagement allow Government to observe and be guided by public opinion on various issues, such as surveying and carrying out generic focus groups.

- 16. A Public Account Committee (PAC) 2022 report (Jersey: PAC report 14/2/22P.A.C.1/2022) recommended the continued use of Citizens' Panels, Assemblies and Juries, concluding that they had been valuable 'in assisting Government decisions' in Jersey. However, it also identified scope for improvement. Recommendations included:
 - a. "that the Government of Jersey commits to additional learning to develop internal exercise to improve value-for-money when seeking to establish future deliberative bodies. This will also allow Islanders to engage with and learn about deliberative processes in greater detail";
 - b. "that the Government of Jersey develops a policy toolkit to aid Ministers in understanding the establishment and operation of deliberative bodies, and to help identify the most suitable form of deliberative body to use for each respective policy issue, and to develop additional processes to guarantee institutional listening in respect of the outcomes of each deliberative body"; and
 - c. "that the Assisted Dying Citizens' Jury should be used as a model of best practice when establishing future deliberative bodies."

About the Policy Inclusion Framework

- 17. As set out in the table in paragraph 3, the Policy Inclusion Framework is being developed as part of the 'open' strand of the Government's overall engagement model. The purpose of the Framework is to provide a structure to help ministers and officials understand who to engage, how to engage, and when to engage with the public in policy development processes across Government. The Framework will be accompanied by a package of guidance and resources to support its application, including the structured participation and inclusion of the following groups:
 - Children and young people
 - Older people
 - Less heard groups (including Islanders with disabilities, ethnic minorities and individuals for whom English is a second language).
- 18. The structure of the Policy Inclusion Framework can be illustrated via the Engagement Pyramid, below:



- 19. The pyramid structure helps assists Government to understand how to engage people at different levels. Low intensity engagement sits at the bottom, while high intensity engagement sits at the top. Low intensity engagement is more generic and wide-reaching (for example polling, website traffic monitoring and informal focus groups). The lower levels play an important role in routine communications and temperature-checking public opinion, while high intensity engagement (such as citizens' assemblies and deliberative workshops) goes deeper in understanding citizens' views on an issue and producing solutions that stick. It also recognises that there is no substitute for the 'human touch' when it comes to designing policy.
- 20. The Framework will be accompanied by internal guidance to ensure that officials know who, when and how to engage with the public on policy matters. The guidance is high-level and based on the Engagement Pyramid structure and good practice principles. This guidance will supersede existing Government consultation guidance currently provided on <u>www.gov.je</u>, though key principles will remain.
- 21. The content of the draft Framework guidance is set out below, with full draft internal guidance for each of the Engagement Pyramid levels set out in Annex \underline{C} .

Annex C – Policy Engagement Good Practice Guide (Internal)

- i. Introduction/purpose of the guide
- ii. Guidance for **observing** (public opinion)
- iii. Guidance for **endorsing** (policy proposals)
- iv. Guidance for **contributing** (to policy development)
- v. Guidance for **producing** (policy solutions)
- vi. Guidance for inclusive engagement
- vii. Good practice principles accessibility

- viii. Good practice principles data protection
- ix. Good practice principles engaging early with Scrutiny and the Assembly
 - x. Good practice principles research ethics
- 22. <u>Annex D</u> contains an engagement design tool template, which is designed to help policy makers decide whether community engagement is appropriate and, if so, what form or forms of community engagement to adopt. The contents of the draft design tool are set out below.

Annex D - The Policy Engagement Toolkit (Internal and External)

- a. Engagement Design Tool template
- b. Engagement Assessment Tool template
- 23. These are initial, outline proposals for the Policy Inclusion Framework. The Engagement Good Practice Guide and Engagement Design and Assessment Tools will be subject to a full public consultation from October 2022. This consultation will be conducted in line with the guidelines set out in the proposed Framework. Public feedback on these proposals will be considered fully before the final Framework will be published by Council of Ministers in March 2023. The Framework will be rolled out alongside a package of training for policy officers on the Framework. The timetable for delivery of the Framework is below:

By 19th October 2022	Outline Policy Inclusion Framework to be published.
From 7th November 2022 to 6th February 2023	A public consultation on the outline Framework will be launched, lasting for 12 weeks.
From February 2023	The Framework will be refined based on the feedback from the public consultation.
February 2023	The final Policy Inclusion Framework will be presented to Council of Ministers for approval.
February to March 2023	A comms strategy and package of training will be developed to support the final Policy Inclusion Framework.
March 2023	The comms strategy and package of training will be rolled out.

Current Practice in Jersey

24. The Government of Jersey already utilises a range of methods to engage with citizens on policy matters. This includes public communications (social media posts, posters, banners); surveys; focus groups; workshops and, more recently,

citizens' assemblies and juries. Examples of Government undertaking formal public consultations (that is, periods where citizens are engaged to provide their feedback and input on a proposal or an issue that affects them) include the recent Bridging Island Plan, Mental Health Strategy and Putting Children First projects.

- 25. The Government has a range of established forums and bodies through which feedback is sought and fed back to officials, including:
 - Citizen's assemblies and juries (e.g. Citizen's Jury on Assisted Dying and the Citizen's Assembly on Climate Change);
 - Youth Parliament;
 - Cluster groups (representing mental health; children and young people; older adults; learning disabilities; equality, diversity and inclusion; homelessness; cancer and social enterprise). These groups are comprised of practitioners and third sector representatives, with some input from service-users;
 - The newly established Older Persons Living Forum.
- 26. The Government also engages with citizens via a local network of third sector organisations, charities and forums. These partners assist Government in undertaking consultation activities by distributing surveys, facilitating focus groups and linking communities with relevant Government officials. Examples of these partners include:
 - Jersey Library, Highlands College and Jersey Sport;
 - Community organisations and charities such as Recovery College; Salvation Army; Caritas; Mind; Shelter Trust; Autism Jersey; Friends of Africa; Liberate and Les Amis;
 - Community forums such as Care Ambassadors and the Care Survivors Network; and
 - Professional forums such as the Motor Traders Association and Sustainable Finance Group.
- 27. Between June 2018 and April 2022, 114 consultations were published on gov.je across all areas of Government policy, but crucially there were marked differences in how these were undertaken:
 - Some of those consultations asked for Islanders' views to be provided by closed-question online survey, whereas others asked for long-form written views via email;
 - Some consultations invited any interested Islanders to present their views face-to-face in workshops or meetings, whereas others selected representative samples and focus groups to elicit views;
 - Most consultations were published only in English; and

- Most consultations did not collect data to monitor the diversity of respondents.
- 28. As different means were used to ascertain the views of Islanders across all consultations, there is no centrally held information on engagement by Islanders across all Government consultations, including the methods of engagement deployed, as well as the frequency, reach, response rate and public satisfaction in engagement efforts. Nonetheless it can be assumed that the views of those for whom English is a second language, those who do not access the internet and those who are not already politically engaged are, despite well intentioned effort, likely to be less heard.
- 29. Having compared Jersey's current practice with best practice in other jurisdictions (see <u>Annex B</u>), an identified gap is polling (i.e. the continuous monitoring of public opinion through mass surveying). Polling would assist Government in understanding public opinion on a broad range of issues, in turn allowing Government to assess its priorities and how policies might be received. Polling can be undertaken in a several ways, including:
 - outsourcing data collection and analysis to a private polling service;
 - combined public/private polling (e.g. data collection is handled externally, while the analysis is handled internally); or
 - a polling function which is "in-house" to the Government.
- 30. The drawbacks of polling include cost and data becoming quickly outdated. Other factors for consideration are:
 - Frequency of polls;
 - How data is collected (via phone, email, online or in-person contact);
 - Random sampling (which would be more representative, but likely more costly and therefore less frequent) vs. the polling of a panel (which can be done more frequently and cost-effectively, but with less representative results);
 - Outsourcing to a private polling service or establishing an in-house polling function; and
 - Ensuring the reliability of data.
- 31. That the Government does not undertake polling is a diagnosed deficiency. In future, options for a structured, centralised approach to observing public opinion will be explored, in order to provide ministers with information about issues that matter most to Islanders.
- 32. It should be noted that some forms of public engagement are resource-intensive, and it would not be practical nor proportionate to expend significant resources on all public engagement exercises. Engagement is not 'one size fits all' and should be tailored to the individuals it seeks to involve. This may include

deploying bespoke engagement methodology, producing accessible consultation materials (i.e. translating into other languages and providing easy read and braille versions), doing consistent outreach work (including at unsociable hours or holiday periods) and maintaining feedback loops with stakeholders and communities. Again, it would not be feasible to deploy these methodologies in all cases as there is not an infinite capacity to carry out public engagement to its maximum potential and efficacy.

- 33. The burden of engagement and consultation on respondents is also a consideration. An incohesive, unstructured engagement strategy can lead to the over-consultation of certain groups. This can result in 'consultation fatigue', perceived tokenism and subsequently disengagement, particularly when feedback loops are not consistently maintained. It can also result in the same voices being heard during consultation exercises, which does not provide a representative response to an issue.
- 34. Conversely, the under-consultation of certain groups is a challenge. High quality engagement captures the views of all sections of society and must take proactive steps to reach 'less heard groups', including children and young people, older people, people with disabilities and ethnic minorities. Engaging with these groups may involve consistent outreach work, providing additional supports such as interpretation and translation, developing of bespoke materials, complying with online accessibility standards⁴, collaborating with third sector organisations and providing incentives for citizens to participate in consultations. This requires a significant investment of time and resource. Engagement with 'less heard groups' should be done in a way that seeks to understand and builds trust over time. Collaboration with third sector organisations and establishing representative forums can be particularly helpful to this end, but these should not act as a proxy for citizens' voices.
- 35. The Framework addresses this by providing a structure and guidance for who, when and how to engage with the public on policy matters, based on analysis of current practice and best practice in other jurisdictions (Annex B). The accompanying draft guidance, set out in Annexes C and D, will provide resources and tools to assist Government officials in designing effective, inclusive and accessible engagement strategies, encompassing highly intensive, participatory consultation methods to less intensive, observational engagement methods. This will ultimately support the development of policy that is more responsive to Islanders' concerns and produce solutions that stick.

⁴ Accessibility standards (gov.je)

R.145/2022

Annex A - Wording of P.65/2022 (Amended) and P.64/2022 (Amended)

THE STATES are asked to decide whether they are of opinion -

b) that clear, agreed criteria for the preparation of initial consultations on policy or legislative proposals and detailed proposals for legislation should be established, and to request the Chief Minister to commission officers to draw up proposals for this, with a view to a report being presented to the States on the outcome of the work by no later than 30th September 2022.

THE STATES are asked to decide whether they are of opinion to make the following amendment to the Standing Orders of the States of Jersey, with effect from 22nd June 2022 – Standing Order 128 [Privileges and Procedures Committee: terms of reference] In paragraph (i), after the words "to the States" insert the words – ";

(j) to appoint a Sub-Committee, comprising at least two members of the States who are ministers or assistant ministers, and at least two members of the States who are not ministers or assistant ministers, to:

- keep under review the machinery of government;
- follow up on the implementation of the recommendations of previous reviews of machinery of government; and
- report its findings and recommendations to the Privileges and Procedures Committee and Council of Ministers from time to time, in order for its report to be presented to the States".

Annex B – How Other Jurisdictions Engage

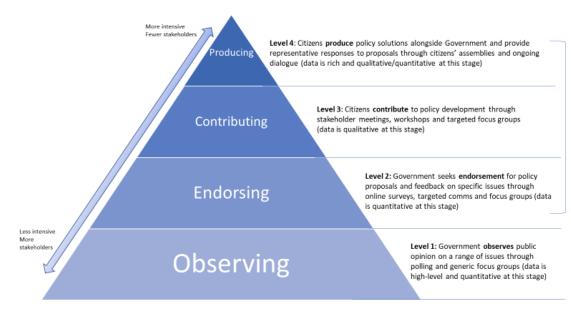
The Policy Inclusion Framework has been developed following analysis of good practice in other jurisdictions, which also take a range of approaches to community engagement. Examples include engagement via the traditional media, social media, government websites, 'drop in' sessions, newsletters, conferences, and public education programmes. Methods of engagement from elsewhere may be grouped into four broad categories:

- i. **Zero, or very little, engagement** some jurisdictions do not have a tradition of public consultation. This can be because they regard it as burdensome or a waste of time, or because they do not have a tradition of democracy. For example, about a third of the 138 countries that conducted consultations on economic regulations did not adopt consultative practices throughout the entire government.
- ii. **Traditional democratic engagement** most governments engage with the public via online formal consultations, public meetings and occasional referenda. For example, in recent years Wales has conducted public consultations on numerous issues in the form of documents published by the Welsh government and public meetings relating to a vast array of regional and local issues. This is also the normal method by which third sector organisations consult.
- iii. Moderate innovations and adaptations in democratic engagement this includes citizens' juries and citizen's assemblies, which have recently been implemented in Jersey. Wales has also used a citizens' jury to determine what individuals care about in terms of social care, while Germany has some 120 standing citizens' assemblies and citizens' juries which focus on a wide range of issues. In these cases, participants are randomly selected, paid and given care allowances where necessary. Other methods employed by modern democracies include drop-in sessions; newsletters and public education programmes; market research techniques (including paid engagement); online public meetings and social media.
- iv. **Disruptive democratic engagement** this involves creative and collaborative means of engagement, including community panels (whereby the public are engaged in the selection and design of projects); experts by experience (consulting stakeholders who have lived experience of an issue); community-engaged design (supporting groups who work closely with the community); 'inclusive by design' (devising innovative engagement methods such as a youth voice competition or parliamentary style debate); 'humble government' (where governments accept that they are fallible and work on consensus-building); and deliberative polling (ascertaining informed public opinion over a period of time to determine public policy). These methods, implemented by some UK local authorities such as Lambeth and Southwark, focus on inclusivity, community, innovation, consensus and transparency.

Annex C – Policy Engagement Good Practice Guide

i. Introduction

This guide is designed to support colleagues in implementing effective, inclusive engagement based on the Engagement Pyramid model proposed in this document:



This includes guidance and resources for each level of the pyramid, as well as points of good practice. This is then built upon in the Engagement Tools in <u>Annex D</u>.

The engagement process begins with good design – a project timeline should allow for effective, inclusive design and planning, and should have full commitment from decision-makers to ensure the agreed strategy is implemented effectively. This guide aims to assist colleagues in designing their engagement strategies, providing a framework for **who**, **when**, and **how** to engage with the public on policy matters.

Note that the engagement process should be tailored to the individuals you are trying to engage. It may therefore be necessary to carry out engagement activities at unsociable hours (I.e. evenings and weekends), to host meetings in convenient locations such as community centres, and to avoid planning engagement around busy or festive periods such as Christmas or summer holidays. The engagement process should also be made as accessible as possible throughout. See section (vii) for good practice principles when it comes to accessibility.

ii. Guidance for Observing (Public Opinion)

Level 1: OBSERVING

The primary goal is to raise awareness or temperature-check public opinion on an issue or range of issues. Observing involves sporadic, indirect communications that prompts brief contact with

Government, generally producing high-level quantitative data which gives an impression of the public's interests and priorities. Using this to guide policy development in the early stages will ensure that policy is responsive to Islanders' concerns and that issues are prioritised appropriately.

WHAT?	WHEN?	WHO?
Observing asks the	Observing can be undertaken	Audience: Broad, generic.
question: <i>"What is</i>	on a regular basis, or prior to	
important to you?"	the policy design phase in	Observing generally involves
	order to ascertain direction	targeting as broad a
It can be undertaken	and priorities. Observing can	demographic as possible in
through:	also be used to periodically	order to gauge general public
	check up on changing attitudes	opinion.
Polling	to an issue over time, such as	
The continuous monitoring of	climate change.	You might also want to
public opinion through mass		observe certain communities'
surveying.	Timescales: Short and shallow	opinion on an issue and target a
	engagement (e.g. 2 – 7 days)	poll or focus group
Website traffic monitoring	undertaken sporadically (e.g.	accordingly.
Monitoring website or	every 1 - 3 months).	
webpage engagement to	-	
gauge which topics are of	For example, you may open a	
interest to the public.	poll for $2-3$ days every 6 weeks,	
Madia immugaiana	in order to continually observe	
Media impressions	opinion on a range of issues or	
Monitoring media to gauge which topics are attracting the	identify public priorities.	
most public attention.	You might also observe public	
most public attention.	opinion in the lead-up to an	
Informal or generic focus	event/policy design phase (or	
groups	following a significant event) to	
Gathering individuals	gauge public opinion on an issue,	
together informally to discuss	and how it changes over time	
which issues are of	(particularly in the light of the	
importance to them.	developing policy process and	
	events).	
AN EXAMPLE OF OBSERV		

AN EXAMPLE OF OBSERVING

The Jersey Opinions and Lifestyle Survey (JOLS) collects detailed information on a wide range of social issues and provides official social statistics about Jersey, allowing everyone in the Island to have a better understanding of social issues and for policy to be made from a more informed standpoint. The survey has a set of core questions covering demographics, economic activity and household structure to ensure that key census variables can be monitored. There are also a range of questions asking for the public's opinion on a variety of different topics. Departments and arms-length bodies can also bid for questions to be added to JOLS (without making the survey too long overall).

Note that the JOLS is only carried out annually.

GOOD PRACTICE PRINCIPLES

- To carry out surveys, you can use **online survey tools** such as <u>www.smartsurvey.com</u>.
- If your department lacks internal capacity to undertake observing practices, consider approaching an external provider to run polls, surveys or generic focus groups for you. Examples include consultation agencies such as <u>4 Insight</u> (Jersey-based) and polling agencies such as <u>You Gov.</u>
- Be mindful of data protection when handling information. It is good practice to contact your departmental data protection/governance officer for advice when undertaking engagement activities, as you may need to complete a Data Protection Impact Assessment (DPIA).

iii. Guidance for Endorsing (Policy Proposals)

Level 2: ENDORSING

The goal of this level is to deliver direct, proactive communications to the public about a particular issue or proposal, in order to raise public awareness/interest and assess whether you're on the right track. The individual should have, or be developing, interest in the issue or proposal and care somewhat about providing a response to Government. This involves regular, direct mass communications about a particular subject matter, as well as more direct calls to action (i.e. providing feedback via appropriate channels). This will produce (generally) quantitative data that gives an impression of public opinion towards a specific issue or proposed solution, which will help guide development of policy and ensuring solutions are responsive to Islanders' concerns and views.

WHAT?	WHEN?	WHO?
Endorsing asks the question: <i>"What do you think of this?"</i>	Endorsing can be undertaken at any point in the policy development process if you have a	Audience: Somewhat targeted.
It can be undertaken through:	proposal or issue to be considered.	Depending on the issue, you may seek broad
Targeted emails Contacting individuals or organisations to raise awareness	Timescales: 8 – 12 weeks	endorsement from a wide range of individuals, or you might want to target
and support for a proposal.	You might seek initial endorsement during the policy design phase to	specific groups based on their interest in the issue
NewslettersAregular,high-level	ensure your proposals are on the right track. Equally, you may seek	or proposal.
communication to raise awareness and support for a proposal.	final endorsement of advanced proposals, following prior engagement exercises i.e. this form of consultation would be	You can start to identify stakeholders at this stage and seek their endorsement in your
Social media posts	appropriate for draft legislation.	project or proposal.
Regular, high-level		
communications to raise		

awareness and support for a proposal. Surveys Surveying a broad range of individuals to gauge opinion on a particular proposal.	Depending on the project, the lead- in time may be short (6 weeks) or long (6 months). You should allow enough time to adjust the steer of your proposal or project depending on the public's response.	
Targeted focus groups Gathering individuals together for a high-level discussion of a proposal to confirm or disprove existing assumptions. AN EXAMPLE OF ENDORSI		

Regulation of children's social work and mental health services (gov.je)

A consultation was carried out in 2021 on the final draft legislation regarding the regulation of children's social work and mental health services, prior to lodging for debate in the States Assembly. The purpose of the consultation was to refine and endorse the final policy and legislation proposal (the original policy had been set and consulted upon several years previously in 2014).

The public were asked for their views on the details of the legislation via an online survey. Meetings were targeted at stakeholders who were likely to be affected by the changes, and some were invited to provide feedback directly to policy officers on a one-to-one basis.

GOOD PRACTICE PRINCIPLES

- Guidance for running focus groups: <u>How to run focus groups guide.pdf</u> (citizensadvice.org.uk)
- Deliver a considered programme of online and in-person engagement a single method of communication is not inclusive and is not likely to produce rich feedback. It is beneficial to use both formal and informal channels when communicating with stakeholders and the wider community.
- Avoid confirmation bias and loaded questions. Do not assign assumed intentions, beliefs or motives to those participating in the community engagement without consulting them first on their actual points of view.

iv. Guidance for Contributing (to Policy Development)

Level 3: CONTRIBUTING

The goal of this level is to deepen public investment in an issue or proposed solution through more formal consultation exercises. This involves establishing relationships with internal and external stakeholders (as well as members of the public) and bringing their views into the policy design process. This may look like regular communications about the issue or proposal, requesting formal responses and establishing feedback loops with stakeholders. Stakeholder contributions are made after due consideration, unlike the previous two levels, which requires some investment of time and resource by both parties. This begins to produce deeper, more qualitative feedback on an issue or proposed solution.

question: "How would youat anysolve this?"procesprovid		Audience: Targeted stakeholders. This level requires stakeholder relationships to be identified and developed.
It can be undertaken through: an issu	ie or proposal. cales: 3 – 6 months	stakeholder relationships to be identified and
Meetings with stakeholders (ie. Times		
	iding on the project).	Stakeholders may be
stakeholder groups about an identification issue or a proposal to deepen follower their investment and explore discusses solutions. Qualitative feedback building may be formally recorded during feedback	ed by ongoing meetings,	individuals or professionals. They will have different perspectives that can be incorporated into the final policy design.
Gatheringstakeholderswiththroughdifferent perspectives to discussprocessan issue and explore solutions.feedbackWrittenthroughsubmissions/responsesfromstakeholdersreviewRequestingformal, written	methods may also be used to	You can use and build existing community networks to identify stakeholders who have an interest in the subject matter. Building on these relationships through meetings, ongoing dialogue and regular updates (feedback loops) will allow for two-way dialogue which forms a considered approach to
and considered than contributions in a meeting. Establishing feedback loops		the final policy design.

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AN EXAMPLE OF CONTRIBUTING

Consultation on the draft Carbon Neutral Roadmap ran for 6 weeks from 17 December 2021. The draft Roadmap was based on the lots of ideas gathered from Islanders, along with detailed technical studies and the recommendations of the Citizens' Assembly on Climate Change.

Islanders' views were at the heart of this project, ensuring that future delivery plans respond to the will and experience of people in Jersey. The consultation on the draft Carbon Neutral Roadmap was an opportunity for Islanders to express their thoughts on, and contribute to, the long-term climate action plan before being debated by the States Assembly. See the full report and methodology here: <u>C Carbon Neutral Roadmap Consultation report.pdf (gov.je)</u>

GOOD PRACTICE PRINCIPLES

- Consultation is two-way and requires the general community to provide feedback on relevant issues. Consultation can occur at any stage in policy development.
- Have a champion of the cause who is visible and contactable by those engaging. Use wellknown local figures within the community as local champions in order to engage with the public – they may also help to identify, build trust and empower seldom heard voices and marginalised communities.
- Use engagement awareness and satisfaction indicators during the engagement process (e.g. surveys and online feedback tools) to determine the level of satisfaction within the participators. This can be used for reporting feedback quickly. Communicate these results internally and externally so that colleagues are aware and can change behaviours or processes if necessary.

v. Guidance for Producing (Policy Solutions)

Level 4: PRODUCING

This is the most intensive and participatory level of the pyramid. This type of engagement is used to consider key, contentious or challenging issues or areas of policy. Its goal is to develop and produce policy solutions alongside citizens through formal consultation exercises characterised by ongoing dialogue and collaboration (deliberative practice) over time. The cohort involved should be representative, have an understanding of the topic and motivated to produce solutions. This requires a significant investment of time and resource from both parties. Government should enable (and incentivise) individuals to participate at this level as far as possible. This should

produce a rich set of qualitative data on an issue or proposal, as well as coproduced solutions or formal responses from citizens.

WHAT?	WHEN?	WHO?
Producing invites members of the public to produce policy solutions alongside Government officials.	Producing is usually undertaken towards the middle or end of the policy development process, once a set of proposals or options have been developed for careful	Audience: A representative cohort (approx. 30 – 50 individuals).
It can be undertaken through:	consideration.	For Assemblies and
Citizens assemblies and juries Independent panels comprised of randomly selected participants. They are supplied with information about a policy issue and deliberate over a prolonged period of time. This results in considered recommendations and solutions from citizens.	Timescales: Overall 4 - 6 months (e.g. planning time 2 months, consultation time 3 months). Intensive, deliberative methods of engagement require an investment of time and funds. Prior to the sessions taking place, supporting materials need to be prepared and	Juries, participants should be representative of the general population. They may be selected via civic lottery. The <u>Sortition</u> <u>Foundation</u> , (independent recruiters for deliberative processes) can assist
Ongoing forums or	sessions arranged to suit participants' needs and schedules.	with this.
deliberative workshops Similar to the above, policy issues can be submitted to standing public forums and regular workshops for deliberation and response over a period of time.	Ample time should be provided for participants to deliberate and respond to an issue or proposal. 10 – 15 sessions may be required.	Likewise standing public forums generally represent a community or stakeholder group – for example, the Older Persons Living Forum or Motor Traders Association.
Robust feedback loops It is important that investment and momentum is maintained through consistent, open, two- way dialogue between Government and relevant panels/forums.		

AN EXAMPLE OF PRODUCING

An example of the Government using deliberative practices is the Assisted Dying Citizens' Jury and Citizen's Assembly on Climate Change (both contentious and complex issues).

23 Islanders were randomly selected by Sortition to participate in the Jersey Assisted Dying Citizens' Jury, which took place over 10 online sessions in 2021. Participants had ample time to deliberate the proposals for legalising Assisted Dying before producing considered responses and recommendations which shaped the resulting final proposal. See the full report here: <u>id jersey</u> <u>assisted dying citizens' jury final report final.pdf (gov.je)</u>

GOOD PRACTICE PRINCIPLES

- Guidance for undertaking deliberative practice, such as a citizen's assembly or jury, can be found here: <u>IIDP-citizens-assembly.pdf (thersa.org)</u>
- The Sortition Foundation can be used to select participants: <u>Sortition Foundation</u>
- Community champions are also useful in more complex community engagement.
- Take time to create and foster engagement in order to build rapport with those engaging. Keep all participants informed of every step along the way to keep them involved. This may require formal channels to be formed so that key, reliable information can be disseminated.
- Action research works well when there are existing community representatives or third sector stakeholder groups: community groups run their own research into a problem they have recognised, and then require support from those in power to help fund, train, support, and provide necessary equipment and advertising.
- Make the engagement fun and creative to avoid engagement fatigue; use alternative methods to gain people's attention (e.g. free drink stands, or gamification such as point scoring, competition with others, rules of play).
- Bear in mind that this engagement requires commitment from citizens, and that incentives/support should be provided. Consider making sessions as accessible as possible through appropriate meeting venues, flexible dates and providing online options. Consider also providing support workers, interpreters, and covering care arrangements where appropriate.
- Note that there are cost considerations for running citizens' assemblies and juries this should be accounted for in your project's engagement strategy and planning phase.

vi. Guidance for Inclusive Engagement

When engaging with the public, we must ensure that our activities are as inclusive and accessible as possible, which involves the consideration of the following groups:

- Children and young people
- Older people
- Other less heard groups (including Islanders with disabilities, ethnic minorities and individuals for whom English is a second language).

Consider the following measures when planning inclusive public engagement:

• **Stakeholder Mapping** - Identify and prioritise relevant community issues and stakeholders (including organisations), their interests, and ways in which their interests impact those of the relevant body doing

the engagement. This allows for the beginning of a relationship to be formed with the community.

- **Inclusive Design** Policy should be inclusive by design and by default. As a practical first step when considering methods of community engagement, ask yourself the 'who' 'why' and 'how' of inclusive thinking:
 - Who might have difficulty complying with what we are asking them to do?
 - Why are we asking them to do it that way? And;
 - How should we modify our procedures in order to enable them to participate?

Enabling and empowering lesser heard voices to participate in the engagement process will result in more informed, responsive policymaking. It is also best practice to specifically invite people to request any reasonable adjustments on the grounds of disability when participating in surveys, focus groups, workshops, assemblies, etc.

• **Maximising Participation** - When dealing with key or contentious issues or a developed policy proposal, aim as high in the pyramid as reasonably practicable (I.e. the 'contributing' and 'producing' levels). This will help lesser heard communities feel involved and valued in the policy development process.

Accessing these communities can be difficult, but made easier with the support of community facilitators and champions. They can help build relationships across existing and new communities, working with individuals to identify issues and develop solutions. Empowerment may look like allowing these communities to guide policy projects, with Government providing support via a monitoring or advisory role.

- Engaging Lesser Heard Voices
 - **Children and young people**: Interactive displays are good for getting young people and people who have never participated in engagement work involved. Social media which are regularly updated are good for providing information to younger people who are active online. The type of social media site can also target different audiences; Instagram, TikTok, Twitter, Facebook, LinkedIn all have different audiences.
 - Older persons and individuals with disabilities: When engaging with individuals who have additional needs, provisions should be made to support participation in surveys/polls and focus groups/workshops. This may look like providing an Easy Read, Braille or transcribed version of materials, and inviting support workers or carers to support participation in meetings. Some engagement will be more

suited to being held online, while others will be more effective in person. Efforts should be made to ascertain the needs of individuals and adjusting the engagement strategy accordingly.

 Speakers of other languages: When issuing surveys or hosting focus groups and workshops (online or in-person), materials should be provided in additional languages as far as possible. For meetings, an interpreter should be provided to support participation. This may be a Government colleague or a community volunteer.

• **Building Community Networks** - Establishing strong, constructive and open links within the community will help build a fund of expertise, knowledge and specialist contacts, and sustain dynamic relationships with stakeholder groups. This will provide greater opportunity for lesser heard voices to have their say on matters that affect them and the Island as a whole. See the table below for examples:

Networks for Community Engagement
Some community networks include (but are not limited to):
Recovery College: <u>Home (recovery.je)</u>
Salvation Army: <u>Jersey Corps The Salvation Army</u>
Caritas: <u>Caritas Jersey</u>
• Mind Jersey: <u>Mind Jersey</u>
Age Concern: <u>Age Concern Jersey</u>
• Les Amis: <u>Les Amis</u>
• Autism Jersey: <u>Autism Jersey</u>
• The Shelter Trust: <u>Shelter Trust Jersey</u>
• Friends of Africa: Friends of Africa - Jersey C.I.
• Liberate: Liberate Jersey
Youth Service: Jersey Youth Projects
• Youth Parliament: <u>Youth Parliament (jyp.je)</u>
• Jersey Employment Trust: Jersey Employment Trust (jet.co.je)
• Eco Active Business Network: Eco active business network (gov.je)

vii. Good Practice Principles – Accessibility

When engaging with the public, ensure that there are appropriate supports in place for all citizens to participate in engagement activities. This involves producing accessible communications and consultation materials as far as possible (i.e. translating into other languages or providing easy read and braille versions), adhering to <u>online accessibility standards</u> and arranging for support workers and interpreters to attend focus groups or workshops where required.

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Note that 'easy read' refers to the presentation of text in an accessible, easy to understand format. It is often useful for people with learning disabilities and may also be beneficial for people with other conditions affecting how they process information⁵. See the <u>Foundation for People with Learning Disabilities</u> website for how to create an easy read document.

You can also contact your departmental Comms lead for advice on making engagement activities more accessible.

Accessibility Resources	
Translation resources:	
Interpreting and translation service (HCS)	
Or contact your departmental Comms lead for advice	e.

Easy Read resources: <u>GoJ Easy Read Guidlines</u> <u>Easy Read | Foundation for People with Learning Disabilities</u> Or contact the Learning Disability Service for advice.

Engaging with Hearing Impaired Islanders: Jersey Deaf Society Hearing Resource Centre

Engaging with Older Islanders: Age Concern

Engaging with Visually Impaired Islanders: <u>EYECAN - Sight Impairment Charity</u>

viii. Good Practice Principles - Data Protection

All engagement exercises will engage the <u>Data Protection (Jersey) Law 2018</u> to an extent. Before undertaking any engagement exercise, you must consider the impact that any proposed activity will have on people's data. For example, personal data may be disclosed when completing a survey or when requesting qualitative feedback in a focus group or workshop. You should ensure that personal data is collected only on a need-to-know basis and is processed and stored securely.

The completion of a <u>Data Protection Impact Assessment (DPIA) screener form</u> is mandatory for all types of engagement, and will inform whether you need to complete a full DPIA based on the engagement you are carrying out. Prior to completing a DPIA screener, you must consider how people's data will be processed and stored and ensure that this will comply with the law.

⁵ Easy Read | Foundation for People with Learning Disabilities

Contact your departmental Data Governance/Protection Officer for advice.

Data Protection Resources	
Data Protection Toolkit Data Protection Q&A GOJ DPIA template.docx	

ix. Good Practice Principles - Engaging Early with the States Assembly & Scrutiny

It is important for those considering community engagement to consult with the States Assembly and Scrutiny panels early in the process. This should help ensure that the community engagement and policy creation part of the process are completed far enough in advance for specific proposals to be presented to the States Assembly and scrutiny panels in a timely manner; i.e., with enough time for adequate scrutiny and debate and for any proposed reform to be implemented by the desired deadline.

Consulting with the States Assembly and Scrutiny panels involves providing broad details about the project at hand and ascertaining, in so far as this is possible, when the States Assembly and scrutiny panels would need to receive any proposals for them to be implemented by a particular date. Engaging with the States Assembly and Scrutiny panels should be an ongoing process; those planning community engagement should inform the States Assembly and Scrutiny panels if there is a significant unforeseen delay in the community engagement process that might affect the submission of proposals to these bodies, and work together with these bodies to ensure a mutually agreeable revised timeline.

x. Good Practice Principles – Research Ethics

The purpose of research ethics is to ensure that parties involved are protected from harm and that engagement or consultation activities are carried out ethically. This is particularly important when consulting on contentious or sensitive policy matters.

The key ethical values to be considered when undertaking any engagement or consultation activities include the following:

- Veracity/integrity
- Privacy (including dignity and autonomy);
- Confidentiality (including data protection and accuracy);
- Informed consent and transparency; and
- Beneficence and justice.

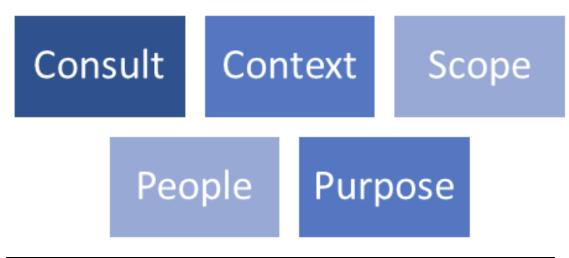
Before undertaking any engagement or consultation activities, ensure you have considered the ethical implications of your engagement strategy or policy proposal. If your activities are likely to engage any of the above principles, you must consider how they could be adapted to uphold these values or mitigate risks such as data protection (or even distress to individuals). This should involve convening a group of officials to consider your engagement strategy and to agree whether it should be amended to accord with ethical values. Following a meeting to consider the ethical impact of your engagement activity, you should record the outcome of the discussion and the rationale for your proposed method of engagement.

Annex D - The Policy Engagement Toolkit

a. The Engagement Design Tool

The purpose of the engagement design tool template is to help policy makers decide whether community engagement is appropriate and, if so, what form or forms of community engagement to adopt – that is, WHO to engage, WHEN to engage, and HOW to engage. It provides a structured method for making decisions, with links to useful resources, bringing transparency to the process. Considering the five basic matters outlined below, with reference to specific relevant questions, should collectively help you determine whether community engagement is appropriate in relation to a specific policy project and, if so, the role and level that it should play as described in the Engagement Pyramid model.

5 Factors to consider when designing an engagement strategy:



1. CONSULT

CONSULT with the States Assembly and any relevant Scrutiny panel(s)

This should help ensure that any community engagement and the policy creation part of the project are completed far enough in advance for specific proposals to be presented to the States Assembly and scrutiny panels in a timely manner; i.e., with enough time for adequate scrutiny and debate and for any proposed reform to be implemented by the desired deadline.

2. CONTEXT

It is important to consider the environment and background setting. **CONTEXT** involves considering questions such as:

• Is this a community-initiated issue?

If so, then the community are more likely both to expect to be engaged with it and to play a more substantial role in the project.

• What is the nature of the relationship between the community and the relevant Government body or bodies?

It is important to consider how much trust there is between the community and Government in this context and what factors might have contributed to this situation. The greater the level of trust that the community places in Government, they may be less likely to engage. However, communities may also expect to be involved in decision-making processes, particularly when an issue directly affects them.

• Based on the available evidence at this point, how important is this issue likely to be to the community?

The more important it is to the community, the more likely it is that they will want to engage with the policy creation process and to expect to play a substantial role in it.

• On the available evidence at this point, how controversial is the issue?

If the issue is not controversial, then community engagement may still be important to test policy proposals but engagement at the higher levels of the Engagement Pyramid may not be appropriate.

• Is there a danger of engagement fatigue? Is public opinion already clear about the issue (for example, because of a related community engagement project)?

It is important to avoid unnecessary community engagement; this can waste the time of all concerned and alienate those who might otherwise have been willing to help with other policy projects. Community engagement is not always needed simply because a project will affect the public.

• What are your resources and is there time for public engagement?

Policy-creators need to be realistic about their resources in terms of expertise, staff time, and money. It is important to consider appropriate levels of payment that may be necessary to facilitate inclusive community engagement. Further, there is not always time for public engagement: some policy matters require an urgent response.

3. SCOPE

It is important to define the **SCOPE** of the project as precisely as possible. You should consider its purpose, identifying the problem or opportunity it addresses and any limits to potential approaches, whatever the nature of these limits (political, legal, technological, etc).

Policy projects that address broad strategic issues are more appropriate for contribution and producing as forms of engagement. More narrowly defined projects, such as minor amendments to a law that are not designed to produce substantive change, might instead involve engagement at lower levels of the Engagement Pyramid.

4. **PEOPLE**

This involves identifying stakeholders and anybody else who might have an interest in the project. Stakeholders are those with a specific stake in the relevant policy matter. However,

it is necessary to bear mind that there may be other interested parties with valuable perspectives to share, given the defined scope of the project.

It is important to be inclusive and design any community engagement process to have as few barriers to participation as possible, bearing in mind that some groups could be harder to reach than others. Effective community engagement involves the widest possible participation from relevant parties and dealing with representatives from the various groups involved.

Identifying **PEOPLE** involves considering questions such as:

- Who would be interested in this issue?
- Who is impacted by this issue and what is the extent of this impact?
- Who, if at all, represents these groups?
- Which groups could be hard to reach?

There is no absolute rule about the level and type of engagement that is appropriate in relation to the answers to these questions. However, the level and type of appropriate engagement, as outlined in the Engagement Pyramid, will typically vary according to the level of interest in the matter at hand and the degree of its impact on a stakeholder. Thus, key stakeholders may be involved at the level of producing, whereas those with an interest but who are not directly affected might be involved in endorsing.

5. PURPOSE

It is necessary to think about what you are trying to achieve by any community engagement. The **PURPOSE** might be to fulfil a legal obligation, to improve pre-existing proposals, to build relationships with the community, to create a solution to a problem from the ground up, and so on (there might also be multiple purposes).

Endorsing, as outlined in the Engagement Pyramid, may be sufficient where the purpose is simply to fulfil a legal obligation. However, this may depend on the nature of the legal obligation, since in theory it could require more than this.

Where the purpose is to improve pre-existing proposals, endorsing, as outlined in the Engagement Pyramid, is the lowest appropriate level of engagement. Endorsing may be insufficient where the purpose is to build relationships with the community, as this may require contributing and producing.

Contributing and producing are appropriate methods of community engagement where the purpose of this engagement is to create a solution to a problem from the ground up.

b. Engagement Assessment Tool

Effective policy creation requires evaluation of any community engagement process on an ongoing basis and after the project has concluded. There are various forms of assessment criteria, but they share common elements. Evaluation through a structured and consistent use of a set of questions, such as this set from the International Association for Public Participation, would be helpful here:

	Questions to Ask
The Engagement	• <i>What did we do?</i> The aim of this question is to map the timeline of the engagement activities. This timeline forms a recording platform for the second set of questions.
Participation Data	 What participation levels did we generate? Numbers and nature of participation mapped across the target groups for participation and the timeline. What results did we create from the engagement? Information gathered, advice or suggestions for policy proposal creation or improvement, relationships developed or enhanced.
The Experience	 What were the elements or activities we enjoyed most or were most challenging? Map these across the activities of the project timeline. What are the activities or relationships or processes that worked well or didn't work so well?
Learning and Improvement Actions	 What are the lessons learned from the engagement activities? If we had our time over again, what would we: keep drop change/add or create?