



# FINAL REPORT ON THE STUDY OF THE EFFECTIVENESS OF MECHANISMS FOR PUBLIC CONSULTATION (SUMMARY)

Warsaw, March 2011

*The report was commissioned by the Ministry of Labor and Social Policy within the "Studies on the Effectiveness of Mechanisms for Public Consultation" implemented under the Operational Program Human Capital 2007-2013 and co-financed by the European Union under the European Social Fund*



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## CONTEXT OF THE STUDY OR WHY WE SHOULD KNOW MORE ON PUBLIC CONSULTATION IN POLAND?

- frequent ostensible nature, hastiness and limited scope of public consultation
- the need to look for new (more participatory) mechanisms for governance and overcoming of mutual distrust between the authorities and citizens
- evolution of a mutual relationship between public administration and organizations; the need to redefine the role of the organizations (from the role of the grantee to the partner role)
- the need for genuine, effective and conducted in good faith practice to be embodied in regulatory institutions and arrangements

## MAIN OBJECTIVES OF THE STUDY

- **implementation of an extensive and systemic study** (covering all – central, regional, county and community - levels of the public administration) in order to complement the knowledge of public consultation and provide appropriate recommendations
- **extension of traditional** (institution-limited) **approach to social consultation** on individuals, thus transforming it into public (vs. social) consultation
- **research of the broader context of public consultation** (regulations, practice, motivation, barriers, perceptions of the participants, etc.)
- **diagnosis of the current level of public consultation mechanisms being used** by public administration at central, regional, county and municipal levels
- **attempt to solve the problem of measuring the effectiveness of mechanisms for public consultation**
- **creating of a set of tools for repeated monitoring** the scope and effectiveness of consultation
- creating of a **database of good practices** for public consultation
- formulate a **multifaceted set of recommendations** for activities related to the research and promotion of public consultation

## MODEL OF PUBLIC CONSULTATION (3P)

For the needs of this study, we have adopted the following **definition** of public consultation:

*Public consultation is a structured method allowing public administration to obtain feedback, i.e. comments formulated by the entities (individuals and institutions), which will be directly or indirectly affected by the effects of the proposed administrative activities. The plans for these activities can be*

*incorporated into legislative proposals, programs and strategies of all kind, but also in the budgets of public units.*

The starting point of the study was to create a **Public Consultation Model**, which allows for structuring of research framework and provides the conceptual apparatus to operationalization of indicators and analysis of the quality and effectiveness of mechanisms for public consultation. The following table shows the main elements of such model. It consists of three dimensions: process, practice and perception – and due to this it has been called the 3P model.

On the basis of such model, within the scope of this study, we have developed a prototype index for measuring the quality/effectiveness of public consultation. The index is based on the results derived from three sources: an inventory study, a questionnaire survey carried out among officials stemming from the units with broad insight of public consultation and a questionnaire survey carried out among officials involved in public consultation (for a detailed description of the studies see the main report). The index may take two forms: the index for offices and the index for specific processes of public consultation.

<b>ZERO POINT: The decision to consult</b> – definition of the subject, purpose and scope of the consultation, designation of a team or cell empowered to conduct the process ( <i>medium point of the coordinate system</i> )
<b>X: Public consultation procedures</b>
<ul style="list-style-type: none"> <li>• <b>preparation for public consultation: a reference to the formal context</b> of the issue in question, definition of boundary conditions, i.e. a reference to documents or laws of a higher order, strategies or official guidelines and indication of how they are implemented, as well as <b>accumulation of knowledge</b> on the subject of consultation (formal and legal requirements , expert opinions, documents, reports, implementation of necessary research);</li> <li>• <b>sharing of information</b> (identification of target groups; choice of: the method, communication channel, language proper for the recipients; scope and the way to reach out to stakeholders);</li> <li>• <b>obtaining of comments</b> (method of consultation, the number of stages and the level of their "interactivity");</li> <li>• <b>feedback</b> (when information is to be transmitted - at the end of the process or after each stage?, publication of conclusions and relating to them, providing reasons for the given decision with reference to the comments and the documents of a higher order, the form of making the feedback public, the extent of reach);</li> <li>• <b>use of the results</b> (whether any changes have been made, of what kind and how many comments have been adopted?);</li> <li>• <b>evaluation of consultation</b> (how the goals were achieved, the efficiency and correctness of the process - the sense of consultation);</li> <li>• <b>reporting</b> on the progress (if any) of implementation of the consultation process (the form of communication, getting to the stakeholders)</li> </ul>
<b>Y: Good practices for the conduct of the public consultation</b>
<ul style="list-style-type: none"> <li>• <b>good faith</b> - consultation are carried out with pure intentions, they should not constitute a form of political manipulation or have a facade character. All parties comply with the agreed principles and fairly consider the arguments presented. All emerging conflicts or disagreements are settled</li> </ul>

in accordance with this principle;

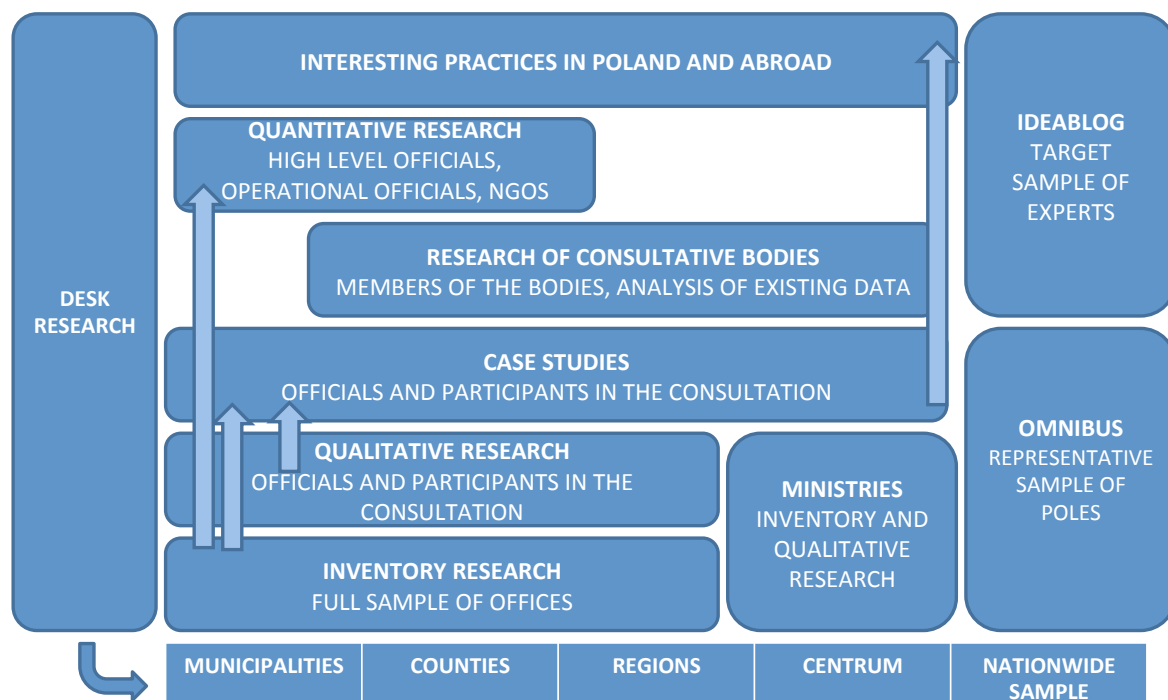
- **respect for the general social and public interest** – consultation and its effects should also bear in mind the general public interests and not solely those of the participants;
- **legality** – the parties to the legislative process, and in particular public administration, respect the rule of law in the area of consultation and comply with the "spirit" of those provisions, and not only with their letter;
- **representative nature and equality** - all who want to (not just institutional partners, but also individual citizens) can take part in consultation on an equal footing, including the degree of their representative nature for a particular type of social interests, different powers and functions, which they perform in public life, adequacy of the methods, organizational capabilities and financial resources;
- **fairness** - expressed opinions are carefully and fairly prepared, reflecting the true views of the circles represented by the social partners; on the part of administration, the actions are carried out to ensure the highest organizational standards of consultation;
- **transparency, openness** - openness of the consultation is its basic rule which applies to the goals of consultation, its participants, rules, procedures and the final effect;
- **comprehensiveness** - consultation, depending on the needs and level, should have a nationwide, sector, regional or local character. Combining of different types of consultation may be justified, however, it requires an appropriate adaptation of the principles and techniques of consultation;
- **documentation** - individual steps, ideas and meetings which take place during the consultation process are documented and interested participants may refer to these documents and request correcting them, according to the facts;
- **continuity and feedback** - the consultation process has an ongoing and planned character and it seeks to achieve the declared purpose; it is not organized on an ad hoc basis, under the pressure of requests ("forced consultation") or increasing social tensions; it should be free of any periods of stagnation, followed by a violent and late activity. The participants have the right to expect a public response to presented opinions, both in the debate process and during its summary;
- **coordination** – any consultation process has its coordinator, who must be a person performing an important political function in a public administration unit (minister, deputy minister, town or city mayor, governor, provincial governor, etc.), and who can fully engage in the process the administration personnel subordinate to him.

#### Z: Perception (motivation and satisfaction)

A. points of view	B. types of satisfaction
<ul style="list-style-type: none"> <li>• of the organizer (public administration)</li> <li>• of the participants (NGOs, trade unions, employers' organizations, local political groups, local media journalists, parishes and church organizations, citizens, councilors)</li> </ul>	<ul style="list-style-type: none"> <li>• <i>process-related</i> <ul style="list-style-type: none"> <li>· procedural (compliance with rules)</li> <li>· substantive (providing of relevant and reliable arguments)</li> <li>· psychological (e.g., satisfaction due to being heard, sense of agency etc.)</li> </ul> </li> <li>• <i>participants-related</i> (mutual perception of stakeholders – research of the consultative body and the</li> </ul>

	<p>participants)</p> <ul style="list-style-type: none"> <li>· motivation to participate in or to help in organizing consultation</li> <li>· competence</li> <li>· errors</li> <li>• <i>the importance and effectiveness of consultation</i></li> <li>· general assessment</li> <li>· identification of unexpected problems</li> </ul>
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## BASIC INFORMATION OABOUT THE STUDY



- Implementation of the study: June 2010 – February 2011
- Scope of the study: public administration at central, regional, county and community levels; foreign examples of public consultation
- Respondents: public administration officials at all levels, representatives of NGOs, opinion leaders, nationwide sample of Poles
- Within individual research modules the following activities have been performed:
  - 1819 surveys within the inventory research (rate of return: 100% - regional level, 78% - county level, 60% - community level)

- 157 in-depth interviews within the qualitative research
- analysis of 17 ministries, using the methodology of in-depth interviews, inventory survey and analysis of documents
- 6 desk research studies
- 35 case studies
- 13 studies of consultative and advisory bodies
- 1434 questionnaire interviews carried out using CAPI (offices and organizations)
- 15 descriptions of interesting practice (7 Polish, 8 foreign)
- 1005 questionnaire interviews of a representative sample of Poles within the study carried out using CAPI
- the IdeaBlog qualitative research, attended by 60 persons (officials and representatives of NGOs)

## MAIN RESULTS

### SPECIFIC CENTRAL LEVEL CONSULTATION

- relatively common: (a) it is possible to participate in the organization of consultation, (b) the organizations do participate in such consultation, (c) the contents of documents consulted are relatively easily available
- confusion of requirement to keep documents transparent with consultation requirements
- quite serious problem related to the need to conduct the so-called extensive consultation with the public
- the most serious problem relates to permanent institutional forms of cooperation dedicated to NGOs and the need to create a formal program and arrangements for cooperation with them
- lack of standards for the consultation process
- too little time for conducting consultation and bad (too late) starting point,
- passive character of forms used in the consultation process, confusion of transparency of the process with the will to actually obtain opinions,
- dispersion of information, lack of one "place" where one could read all the documents subject to consultation,
- habitual negligence in providing feedback to individuals and institutions that express their views in the consultation process,
- "unfriendly" form of the documents, lack of descriptions and specifically formulated questions
- limiting and restricting of the number of entities participating in the consultation, anachronistic and restrictive model of consultation limited to institutions while at the same time ignoring individual citizens,
- limited competence of the participants,
- frequent ostensible behavior when carrying out the process

## SPECIFIC REGIONAL LEVEL CONSULTATIONS

- provincial offices carry out public consultations on a very limited range - usually these processes lead to cede this type of tasks to the Provincial Commission for Social Dialogue
- public consultation on the regional level is carried out mainly by the provincial governors' offices
- relatively high awareness of the role of civil dialogue in making decisions about public affairs, often accompanied by a positive attitude to public consultation, which however does not translate into concrete actions
- lack of a uniform system for conducting public consultation by the provincial governors' offices
- public consultations are generally treated as an obligation, which one has to fulfill, and not as an attempt to build a durable framework for cooperation with organizations and citizens; such approach leads to "facade" consultations that are void of any influence on decision-making process
- passive methods of opinion seeking prevail in the process, the methods which rely on communicating to the public via displaying information on the site of BIP (Public Information Newsletter) or posting it in the office and waiting for comments from stakeholders, without adopting any active forms of gathering information
- consultations are conducted mostly in cases in which their implementation is required by the law

### Regional level documentation

	Presence of the document	Public consultation	Inclusion of organizations	Ratio of consultations with NGOs
STRATEGY OF DEVELOPMENT	100%	100%	87%	87%
COOPERATION PROGRAMME	100%	100%	87%	87%
REGIONAL ENVIRONMENT PROTECTION PROGRAMME	100%	93%	66%	61%
REGIONAL ACTION PLAN FOR EMPLOYMENT	93%	86%	69%	59%
PLAN(S) FOR SPATIAL MANAGEMENT	87%	85%	58%	49%
ROAD NETWORK DEVELOPMENT PLAN	75%	50%	50%	25%
PRIORITIES FOR FOREIGN COOPERATION OF THE REGION	93%	13%	50%	7%
BUDGET	100%	25%	20%	5%



## SPECIFIC COUNTY AND COMMUNITY LEVEL

- the vast majority of offices do not have a dedicated organizational unit which would carry out public consultation (only 6% of the counties, 8% of the municipalities, 43% of the cities, 7% of rural communities)
- citizens are interested in participating in consultation of decisions that affect the lives of local residents (e.g., the way land is developed, the quality of public services) and are not interested in consultations related to different kinds of documents and strategies
- consultations are conducted mostly in cases in which they are required by law (an exceptional case being here the environmental protection program which, at municipal level, was opened to consultation only in 51% of offices, contrary to the law that requires consulting it) and more rarely in cases in which they are optional
- public consultations usually relate to the final documents or are carried out in the final phase of designing an investment
- most public consultations use passive methods of opinion-seeking (as it is also the case at the regional level)
- more consultation is conducted in urban than in rural communities

### County level documentation

	Presence of the document	Public consultation	Inclusion of organizations	Ratio of consultations with NGOs
PROGRAMME FOR COOPERATION WITH NGOs	94%	81%	75%	61%
STRATEGY FOR SOLVING OF SOCIAL PROBLEMS	96%	79%	74%	58%
STRATEGY FOR DEVELOPMENT OF THE COUNTY	95%	77%	55%	42%
EMPLOYMENT PROMOTION PROGRAM AND ACTIVATION OF LOCAL LABOR MARKET	64%	57%	57%	32%
ROAD NETWORK DEVELOPMENT PLAN	36%	45%	27%	12%
ENVIRONMENT PROTECTION PROGRAMME	93%	78%	14%	11%
PLAN FOR BUILDING OF A NETWORK OF PUBLIC UPPER SECONDARY SCHOOLS AND SPECIAL SCHOOLS	82%	43%	11%	5%
BUDGET OF THE COUNTY	100%	33%	9%	3%

### Community level documentation

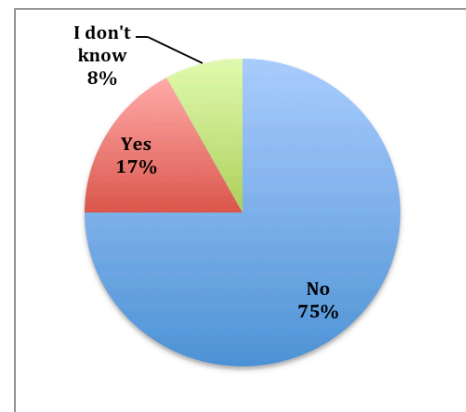
	Presence of the document	Public consultation	Inclusion of organizations	Ratio of consultations with NGOs
COOPERATION PROGRAMME	87%	59%	70%	41%
STRATEGY FOR MUNICIPAL/URBAN DEVELOPMENT	88%	73%	52%	38%
COMMUNITY STRATEGY FOR SOLVING OF SOCIAL PROBLEMS	89%	66%	52%	34%
MUNICIPAL/URBAN BUDGET	100%	46%	17%	8%
PLAN FOR ROAD NETWORK DEVELOPMENT IN THE COMMUNITY/CITY	8%	62%	10%	6%
MUNICIPAL PROGRAMME FOR ENVIRONMENT PROTECTION	89%	46%	8%	4%
LOCAL PLAN(S) FOR SPATIAL MANAGEMENT	85%	51%	7%	4%
STUDY OF CONDITIONS AND DIRECTIONS FOR SPATIAL MANAGEMENT IN THE COMMUNITY/CITY	96%	80%	4%	3%
CONCEPT PLAN FOR SUPPLY OF HEAT, ELECTRICITY AND GAS	27%	58%	4%	2%
RESOLUTION ON THE NETWORK OF MUNICIPAL/URBAN NURSERIES	67%	33%	4%	1%
PLAN FOR BUILDING OF PUBLIC PRIMARY SCHOOLS	82%	37%	3%	1%

## UNDERSTANDING OF THE CONCEPT OF "PUBLIC CONSULTATION"

**Lack of understanding or vague understanding of the concept of 'public consultation'**, which occurs among officials of all levels of public administration, but also among potential participants in public consultations (citizens, representatives of NGOs)

*Have you ever heard the term "public consultation"?*

*(N = 1005, Omnibus - study carried out on a representative sample of Poles )*



### Two types of inadequate understanding of the term by officials:

#### 1. *too narrow*

- understanding the public consultation process as one, which involves only the traditionally understood social partners, namely trade unions and employers' representatives (e.g., activities of the Joint Commission of Government and Local Government or the Trilateral Commission).
- meetings consisting only of representatives of the consultative bodies, such as the Provincial Commission for Social Dialogue, without the involvement of other interested stakeholders
- informal contacts with external actors (consultation as a non-formal process)
- contact with the spontaneously emerging groups defending specific interests

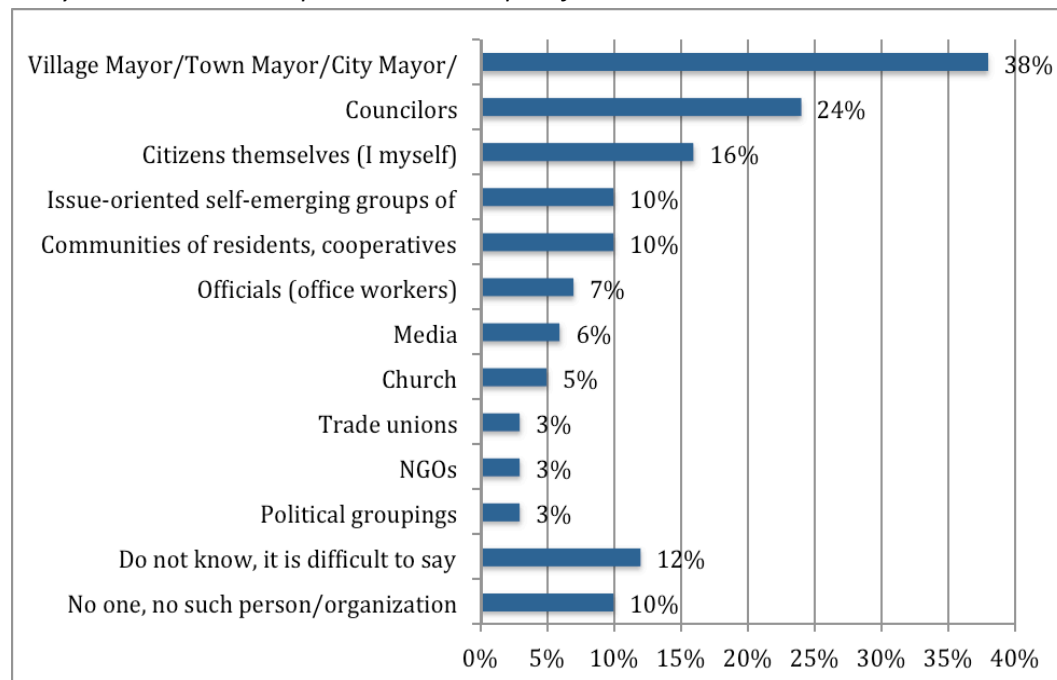
#### 2. *Inaccurate (actions confused with consultation)*

- informing on the activities (without opinion-seeking), or of the decisions already taken
- surveys of public opinion, not accompanied by a formal decision-making process
- collecting information inside the office - from subordinate/superior units
- the official form of contact with citizens (e.g., by exchange of letters)

## SENSE OF AGENCY AND CONFIDENCE IN "INTERMEDIARY BODIES" (ACCORDING CITIZENS' OPINION)

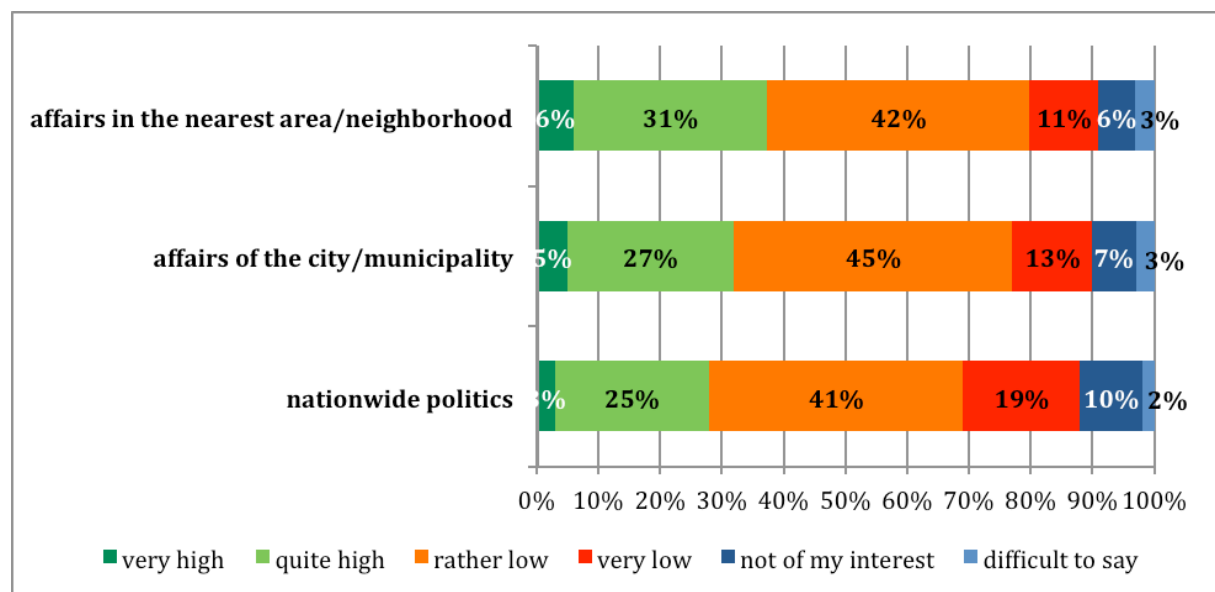
**Relatively high confidence in the rulers of administrative units and councillors as representatives of citizens' interests. Quite a large group of respondents points at themselves or emerging grassroots groups as the entities that are able to represent their interests.**

*Who in your opinion represents your interests in the best way in your community/city - who cares for the interests of citizens like you? Please indicate no more than two answers. N = 1005, Omnibus - study carried out on a representative sample of Poles*



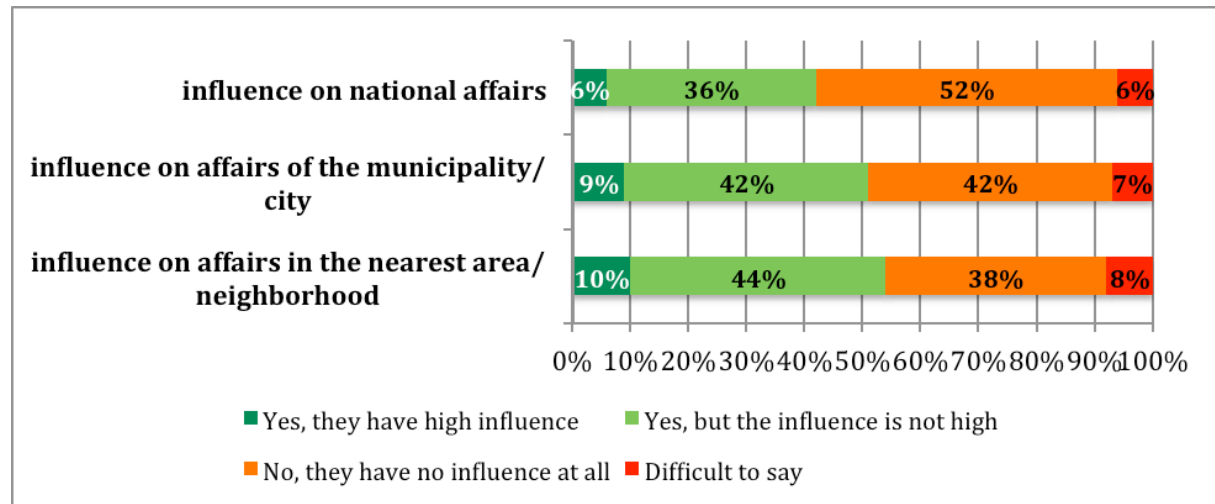
### Relatively little interest in public affairs among citizens

*How would you define your interest in national politics, affairs of your city/community and affairs concerning your nearest neighbourhood (i.e. the area within 15-20 minute walk from your home)? N = 1005*



### Limited confidence in the influence of citizens on public affairs

*Do you believe that citizens like you have an influence on what happens in the country, in your community/city, in your nearest neighborhood (i.e. the area within 15-20 minute walk from your home)? N = 1005*



### ATTITUDE OF OFFICIALS TO CONSULTATIONS – PREMINARY TYPOLOGY

- **MATURE** (incidental) - knowledge of the capabilities and limitations, methods, strategic planning, application evaluation, promotion of the consultation
- **IDEALIST** (small but growing group) - good will and strong commitment, a moderate awareness of the possibilities and limitations, lack of developed and sustained standards, often with little experience
- **DECLARATIVE** (rather large group) - declaration of a positive attitude and willingness to carry out public consultation, which however does not translate into consulting activities
- **AMBIVALENT** (the largest group) - low knowledge about what consultations are like and how to implement them, lack of involvement in activities, the officials are neither convinced nor discouraged from public consultation
- **NEGATIVE** (quite a large group) – limiting one's activities to performing obligatory consultation duties, lack of belief in the importance of consultation, a number of negative experiences related to consultations

### REASONS FOR CONDUCTING OF CONSULTATIONS

**Point of view of the organizers – reasons for carrying out of public consultations** (responses to the questionnaire, conducted among officials of the municipal and county units having a broad consultative process insight, related to the question: How often the following reason was used for carrying out public consultation?)

- **the need to meet the legal and formal requirements** (69% responses "often or always")
- informing the public about the activities of the office (57%)
- obtaining approval for the proposed arrangements (56%)
- enhancing the quality of the document (53%)

- diagnosis of the needs and expectations of citizens (46%)
- willingness to engage citizens in the decisions taken by the office (43%)
- the desire to avoid or resolve the conflict (36%)
- development of an arrangement resistant to criticism (26%)
- distribution of responsibility for the decision between the participants (24%)
- other (2%)

**Point of view of the organizers – reasons for lack of public consultations** (responses to the questionnaire, conducted among officials of the municipal and county units having a broad consultative process insight, related to the question: Why public consultations are not carried out in your office?)

- **lack of interest and commitment on the part of potential respondents (47% of responses: "I tend to agree" or "I strongly agree")**
- **lack of statutory duty or legal basis for consultation (42%)**
- **excessive lengthening of the decision making process (41%)**
- **reluctance to organize virtual consultations in a situation where the things are already decided (e.g., through decisions of officials or politicians) (41%)**
- fear of claims to be laid by NGOs (38%)
- lack of specialized units or positions to deal with public consultations (36%)
- no habit/culture to discuss affairs with the citizens/NGOs (35%)
- lack of adequate internal control in the office (33%)
- lack of confidence in the importance of consulting (32%)
- lack of staff who would carry out such work (31%)
- lack of skills among the potential participants - the belief that their participation does not bring anything new to the matter (31%)
- fear of conflict with local residents (31%)
- lack of sufficient time (30%)
- earlier strongly negative experiences related to consultations (29%)
- lack of sufficient financial resources available to the office (28%)
- lack of knowledge and skills needed for conducting of public consultation (28%)
- lack of training and knowledge of the staff of the office (27%)
- complicating the work of the office (26%)
- no need - the office is aware of the opinions and preferences of citizens and NGOs (25%)
- lack of reliable partners for consultation (25%)

**Point of view of the organizers – reasons for NGOs' participation in public consultation** (responses to the questionnaire, conducted among officials of the municipal and county units having a broad consultative process insight, related to the question: Why do NGOs participate in public consultation?)

- **desire to influence the decisions taken by the office (65% of responses)**
- **desire to express their position on the matter (63%)**
- defending the interests of social groups represented by the organization (56%)
- concern for the general public interest (43%)
- willingness to help the office to solve the problem which fell within the competence of the organization (27%)

- willingness to stop specific projects proposed by the office recognized by the organization as harmful (15%)
- willingness to participate resulting from the relationship of the organization with certain political option (11%)
- desire to demonstrate their general dislike for the activities of the office (10%)
- do not know/hard to say (8%)

**Point of view of the organizers – reasons for NGOs' not participating in public consultation** (responses to the questionnaire, conducted among officials of the municipal and county units having a broad consultative process insight, related to the question: Why NGOs don't participate in public consultation?)

- **they are not interested in participating in public consultations (48% of responses)**
- **they are not active in the area subject of the consultation (47%)**
- they have no staff available who could formulate substantial conclusions (40%)
- they are not convinced that their comments will be taken into account (30%)
- they do not have enough time to prepare comments (29%)
- the information about the consultation does not reach them (12%)
- do not know/hard to say (11%)
- they fear that their say may affect their relationship with the office (10%)

**Point of view of the participants – reasons for participating in public consultation** (results of the qualitative study)

- **willingness to co-decide about the consulted issue**
- **expression of their own needs or expectations**
- **expression of their own opinion on the matter**
- changing the reality, influencing public affairs (the sense of agency)
- exploiting the opportunities offered by democracy
- monitoring the actions of the office
- changing the attitudes of officials
- opposing the actions taken within the consulted matter
- expression of their own idea for an arrangement
- providing information and knowledge (expertise) to decision-making process
- improving the functioning of the office, the local community or an entire country (depending on the scale of public consultation)

**Point of view of the participants – Reasons for not participating in the public consultation** (results of the qualitative study)

- **lack of knowledge about what the public consultations are like**
- **no information on carrying out of the consultation**
- **lack of time to participate in public consultation**
- avoidance of conflict with the public administration or other stakeholders
- too short a time for submission of comments
- lack of interest in the issue consulted
- too complicated procedure for submitting comments, difficult to wade through for people without specific skills

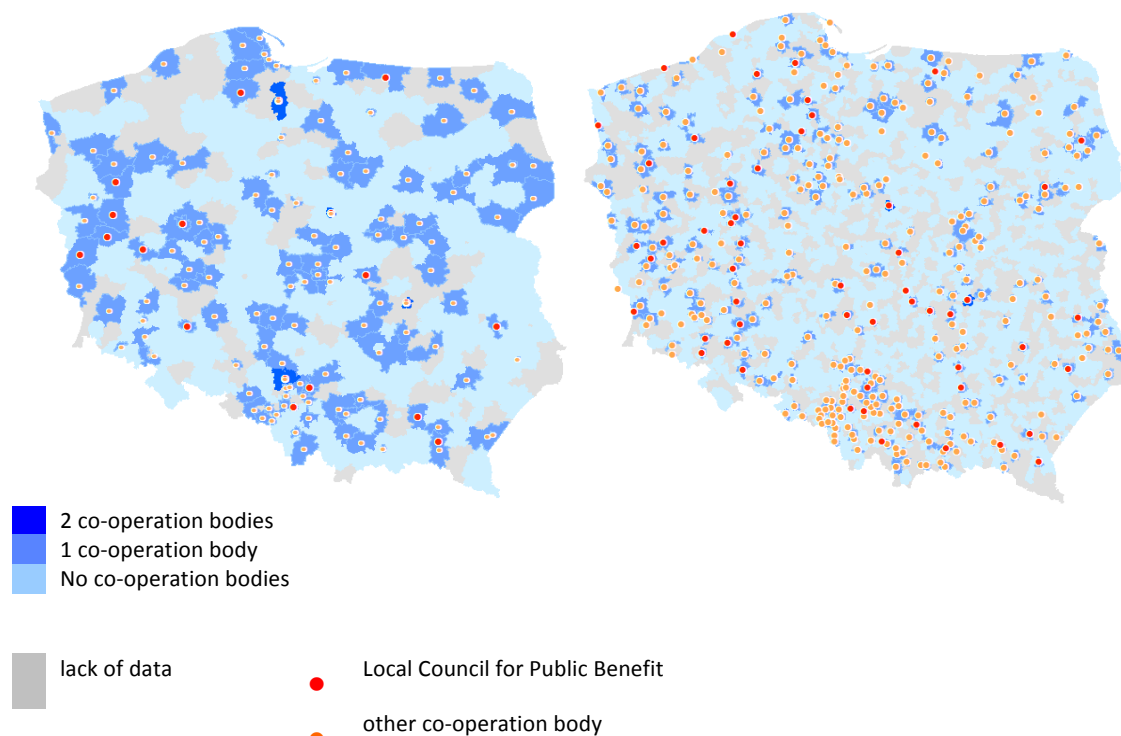
- organizational factors: bad time, inaccessible place, displaying of the document at the office in office hours
- low importance of participation and low (or none) impact on the final decision

## INSTITUTIONAL AND REGULATORY ARRANGEMENTS

### ▪ The consultative and advisory bodies

- do strengthen mechanisms for consultations conducted by public authorities at all administrative levels
- create a permanent forum for exchange of opinions and proposals between representatives of public administrations and NGOs
- the role of consultative bodies can be divided into advisory, initiative and intermediary
- in most of the studied cases the consultative bodies were reported to have high competence and involvement in the implemented processes
- some of the bodies do not function at all, or there is no information available about them, and the powers of some others are not defined
- often the consultative bodies are treated by the public administration as the only forum for public consultation, not to be supplemented by consultations with other potentially interested actors
- effectiveness of actions to the greatest extent depends on the activity of members of the given body (key role of motivation, skills and contacts of individual members)
- lack of standards for the activities, lack of methods for organizing the work of consultative bodies

### The bodies for co-operation between local self-government and NGOs





## Institutional and regulatory arrangements within offices

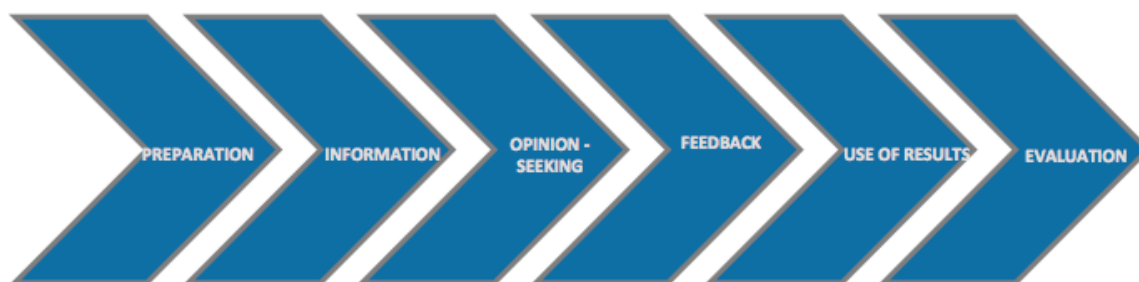
Table: Presence of organizational structures which conduct a dialogue between public administration and citizens at various levels

Presence of institutional arrangements	Regional level		Local level				
	Provincial offices	Province governors' offices	Urban county	Rural county	Urban community	Urban/rural community	Rural community
Supervisor of cooperation with NGO	12	14	100%	83,1%	86,8%	87,6%	76,3%
Official responsible for consultation	1	3	8,2%	14%	13,4%	14,6%	17,7%
Cell responsible for consultation	0	2	22,4%	11,1%	8,7%	4,6%	2,5%
Rules for consultation	1	5	39%		31%		

- **Many offices lack not only the separate positions or cells which would deal with public consultation, but even individuals who could competently plan and organize these processes.** In places where there are such adequate structures, they often lack a sufficient number of staff.
- **Public consultations are usually carried out in an office by its expert units or promotion departments** - the former often lack the power to conduct two-way communication with citizens (low social competence), the latter confuse the function of consulting with taking care of good image and PR of public administration. As a result, a deep and strategically planned civic dialogue becomes impossible. It is also difficult in such conditions to accumulate knowledge and experience related to the ways and techniques for effective public consultation
- **Where the officials directly and frequently contact citizens, they much less express the need to create formal organizational structures dedicated to consultation and civil dialogue.** This situation often occurs for example in rural areas.
- **Low budgets of units dealing with consultation (or lack of such units)** actually prevent more complex or innovative civil dialogue (e.g., using portals for public consultation on-line, sharing information widely in the media, employing professionals involved in the process).
- **Frequently one person has too many various responsibilities**, such as a supervisor of cooperation with NGOs or a person responsible for consultation, combined with other official duties. It does not allow for performance of key operational activities, strategic planning of activities related to civil dialogue or skill enhancement. Often it is mistakenly thought that consultations do not require either particular skills or any resources allocated.

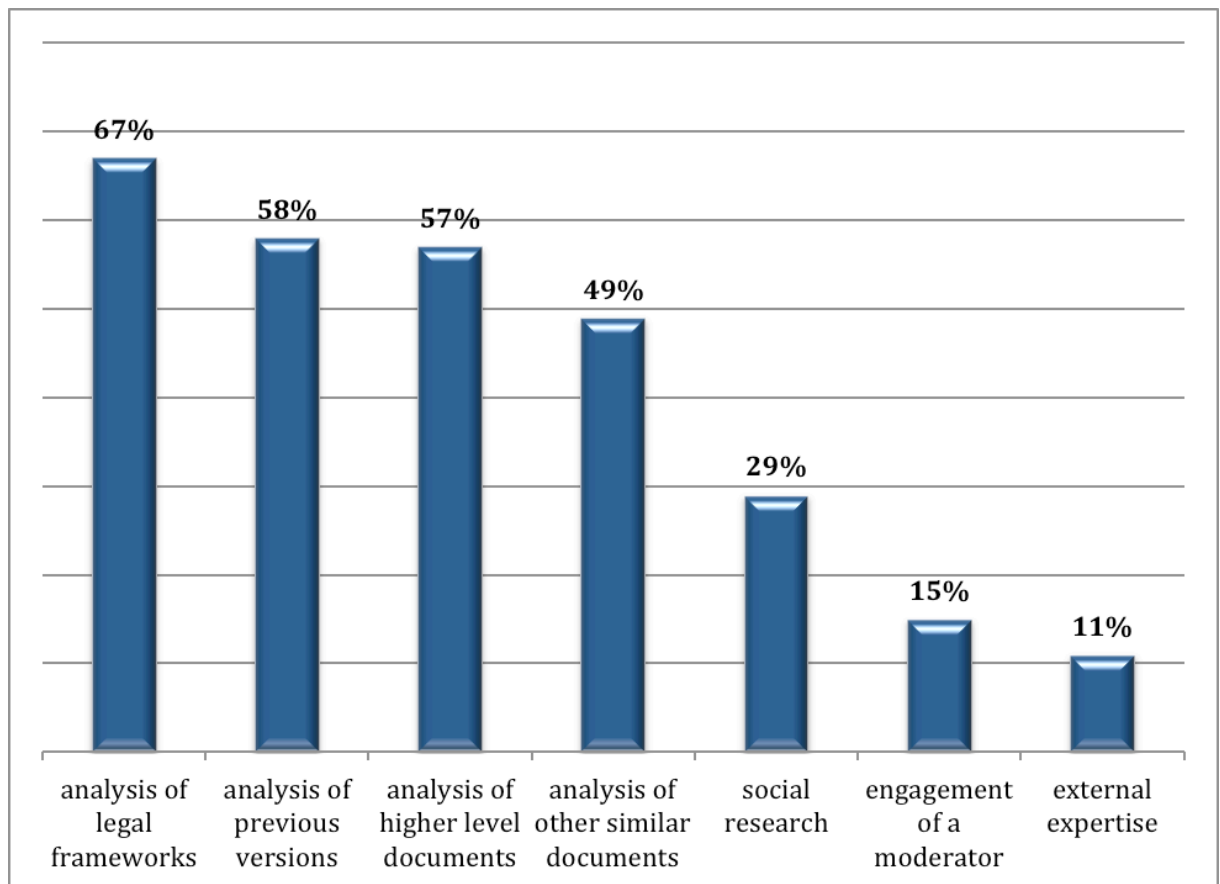
- **Excessive bureaucratization of official actions** - including those related to the organization of public consultation. Often carrying out simple measures, such as purchasing office supplies for public consultation, must be approved by several units within the office. As a result, the processes conducted within the office last longer and lead to limiting the dedication of the organizers of public consultation.
- **The activities of persons dealing with civil dialogue are often less visible to citizens**, there are problems with finding contact details or arranging a meeting, there is no information available about the activities of such persons.
- **Occurrence of rules for public consultation is not common**. In public administration units, in which they do appear, they are often a consequence of the amended law on public benefit and volunteerism. Typically, they raise the quality of the public consultation process and provide a reference point for the enforcement of the rights of the participants.

#### PUBLIC CONSULTATION PRACTICE



- **The quality of planning and conducting public consultation largely depends on individual commitment of the coordinator/organizer of the process**
- Usually, consultative processes **are not adequately planned** (schedules, team management, finance) - see table below; legal and substantial analysis, analysis of previous versions of documents, analysis of documents of a higher order – all these activities should be performed routinely each time
- **Little use of social research, expertise and professional assistance** in carrying out consultations

**Activities within planning of public consultation (N=515)**



- **Little emphasis on preparation** for the consultation in the office
- **Unclear selection of the participants** (usually on the basis of a list of contact addresses available in the office - 60% of responses), frequent **lack of defining the stakeholders** for the consultation, which results in limited representative nature of the process

**Informing about consultation**

- Predominant use of **passive forms of communication** (information displayed on the site of the office or BIP (92%) or posted in the announcement cabinet in the office (90%), distribution of information by traditional ways (45%), distribution of information electronically (44%), direct conversation or contact by telephone (42%), through the press (38%), the use of brochures, posters, leaflets (26%), informing via radio or television (14%))
- **Failure to adapt the forms of communication to the needs of the recipients** (language, communication channels)
- **Rare care for the relevance of the message and effectiveness of its reach.**

**Opinion-seeking**

- **Predominant are passive forms of opinion-seeking** (submission of an application at the office (81%), by post or fax (79%), oral comment during the office hours (65%), submission of comments by email (62%), individual meetings with stakeholders (56%), meetings, conferences, workshops (52%), working group meetings (51%), comments directly to the officer by telephone (46%), gathering information through informal contacts (38%), opinion-

seeking by permanent consultative body (25%), innovative consulting tools (24%), submission of comments via telephone helpline (13%).

- **There is no practice of using materials that would bring the consulted issue closer to the participants** (the jargon buster), such as the issues/questions for discussion, materials described in an understandable and not purely technical or clerical language.
- **Usually too short a time to express one's opinions and submit proposals** (in 71% of cases it takes longer than a month).
- **Usually low quality of the process of opinion-seeking**, e.g., consultation meetings at the wrong time or place, carried out without a plan, without application of basic principles of moderation.
- **Diversified rating of the quality of the comments; as much positive opinions and negative**

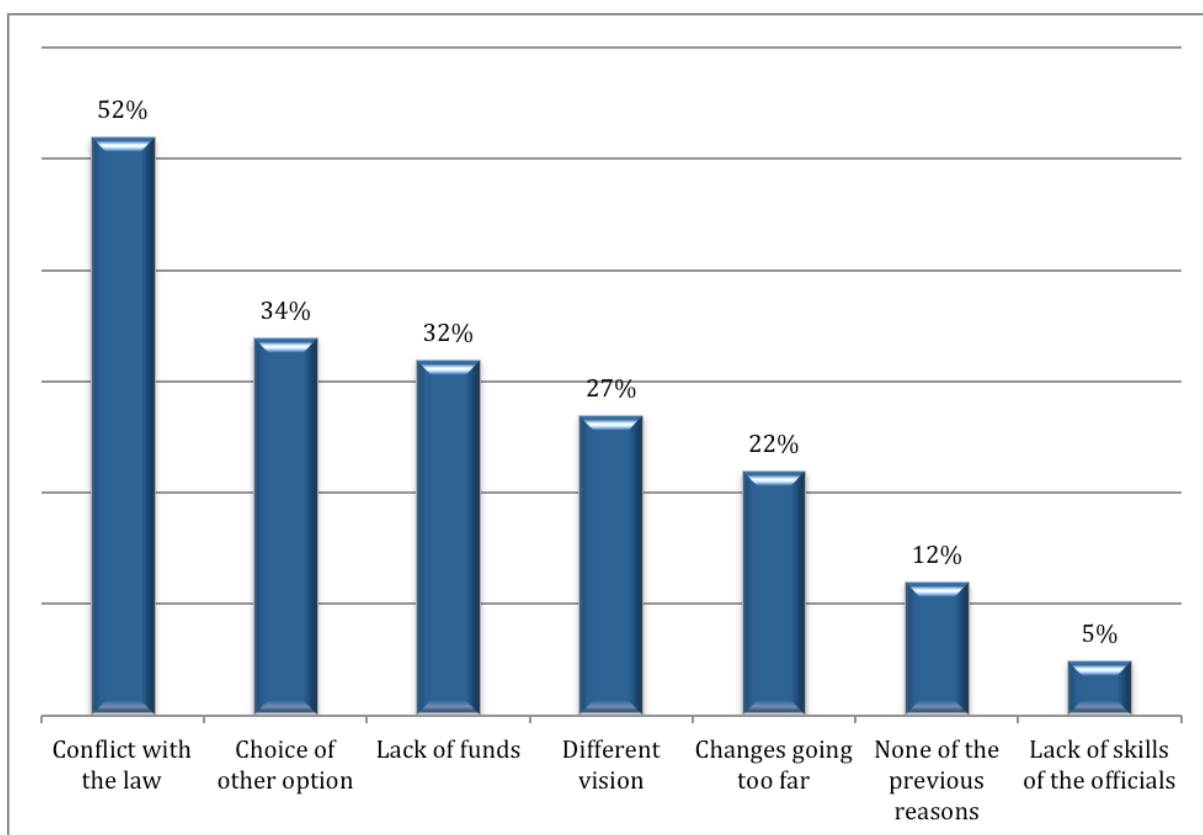
#### **Feedback**

- **Often, there is no feedback at all (about 30% of officials say they never provided any feedback)** - the participants perceive it as an **instrumental and non-partnership treatment** on the part of officials.
- Informing about the results of public consultation, usually **without justification of acceptance or rejection of individual comments** (54%), with a list of proposals (39%), with the list and full justification (33%).
- As a reason for the absence of feedback the officials state: no obligation, no need to inform the participants about the outcome, belief that citizens themselves should be interested in the follow up of the issue they presented opinions on.

#### **Use of the results**

- Using the results of public consultation and their ultimate impact on the decision made is very different depending on the process or administrative unit. **Predominant however is a rather low use of proposals** (25% - no impact on the decision, 38% - the impact on secondary issues).
- **Officials only moderately appreciate the proposals submitted by citizens; often, they proposals are discarded.**
- Reasons for not taking account of comments:

### Reasons for rejection of proposals (N=515)



#### Evaluation of public consultation

- **Conducted quite rarely** (50%-never/rarely, 12% -in half of the number of processes, 12% - in ¼ of processes, 16%-always)
- **Little monitoring of consulting processes on the part of state institutions**

#### Expenditure incurred in conducting public consultation

- **Financial expenditure is none or little** - 62% of offices do not allocate any resources to them or not more than PLN 1000 per year
- According to the officials, **public consultations require primarily staff and time expenditure**

## BARRIERS TO PUBLIC CONSULTATIONS

### Fundamental barriers to the consultation on the part of the organizers

- time and budget constraints, which are manifested in such aspects of the consultation process as the available time of a consultation officer, who deals with the consultation only on a part-time basis, and his consultation activities are secondary or tertiary versus his other duties; rigid rules of law not allowing for any deviation from the routine

- being witness to low commitment of participants and potential participants in the consultation process, which de-motivates officials showing good will and commitment to participatory processes, causing a lack of desirable actions for the benefit of public consultation after hours
- specific interests of participants (interest groups instead of concern for the public good), which are manifested in the appropriation of the consultation processes and concentrating them in the areas unrelated to the subject of the consultation
- lack of communication channels which would allow to establish contact and build a civil dialogue between officials and citizens
- insufficient practical knowledge about conducting of consultation, which causes that the consultations lack communication interfaces needed for establishing of contact and building a civil dialogue between officials and citizens
- public consultations are unintelligible or not attractive for the participants; lack of skills to use the outcome of such consultations
- lack of knowledge and competence on the part of participants, which would allow to conduct consultation and discussion on a partnership basis with respect for knowledge and experience of the partners; too little knowledge of participants about the skills and way of functioning of the office pushes the subject of the consultation off the main track and hampers reaching the consensus
- inconsistent position of the office on the consulted matter; this happens when the internal (official) public consultation process does not end with the consensus shared by all the actors; officials who do not believe in fairness of such arrangements find it themselves difficult to defend and explain them to their social partners
- lack of knowledge about experts and organizations to be involved in the consulted issue (it is not really known who should be brought into consulting of the issue)

#### **Fundamental barriers to the consultation on the part of the participants**

- short period of consultation, which does not allow one to get acquainted with the subject of consultation and prepare of a substantial position that would be shared by the entire organization participating in the consultation
- lack of belief that officials will find the opinions submitted by the organization as valuable feedback, which affects the attendance in public consultation, discouraging the involvement of potential participants
- lack of communication channels to establish contact and build a civil dialogue between officials and citizens
- inviting to consultation of the same participants (narrow range of recipients), limiting of consultation to the institutions and lack of concern for the opinions of individuals; officials rarely update the list of the recipients relying on persons and organizations already known to them; officials do not try to actively look for and update the knowledge about potentially interested participants
- conducting public consultation at too late a stage of decision-making process which results in fairly frequent preventing of the use of public consultation to change and improve the quality of the decision

- fear of sanctions for expressing of unpopular opinions, which is caused by a lack of confidence in officials, fear that unpopular opinions preached mainly by representatives of NGOs will not affect other areas of contacts of the organization with officials
- lack of consultation on the matters remaining within the sphere of genuine interest of citizens; generally consultations relate to documents subject to mandatory public consultation, which citizens and organizations do not understand or which are outside of the sphere of their interests.

## RECOMMENDATIONS

### **Definition of the notion and promotion of public consultation**

- clear description and promotion of the notion of public consultation and civic participation (new term?/public consultation versus traditionally used social consultation?)
- better/clear formal definition of consultation
- wide cooperation with the media in the area of civic education
- clear definition of NGOs as a separate entity participating in public consultation

### **Regulations – legislation**

- formal (preferably legal) legitimacy of the requirement and procedures for carrying out public consultation and, in a broader sense, civic participation
- embodiment of requirements of consultation in local government laws
- consolidation/reduction of the number of strategic documents

### **Institutional and organizational arrangements (1)**

- establishment, within public administration, at the central level, a "host" of all efforts to promote participatory models of governance
- embodiment of the issue of civic participation in the Better Government Strategy and the Social Capital Development Strategy
- promotion at the level of self-government of arrangements involving individual citizens or their informal groups in decision-making processes
- creation, within central administration units and major local governments, of specialized cells (having their own budget) responsible for supporting the public consultation process
- running of "flagship" public consultation processes at the national level
- launching of systematic efforts to develop programs of cooperation with NGOs at the level of central administration units
- creating in the public domain of a web site dedicated to public consultation
- monitoring and organizing of various types of consultative and advisory bodies
- launching of a dedicated program to support local councils for public benefit activities

### **Strengthening the powers of the organizers and participants of consultations**

- inclusion of the issues of civic participation to training of public officials - a component indicating the benefits of the use of public consultation and broader involvement of citizens into public affairs
- preparation of experts in the field of participation ("participation corps")

- improving the coordination of activities in this area with programs financed by the European Union
- launching of the "centres of excellence" in the field of public consultation for the needs of public administration
- strengthening of non-government infrastructure supporting the development of participatory models of governance
- institutional strengthening of NGOs statutorily representing the opinions of the third sector

#### **Monitoring, supervision, standards**

- determining which body is ultimately responsible for technical and substantial supervision over the quality of consultation processes
- reacting to the cases of conducting consultations ("pseudoconsultations") conducted with a clear violation of principles, as well as cases of abandoning consultation
- introduction of basic standards for "emission" of consultative documents, including requirement to formulate questions, requirement to disclosure additional documents, clear definition of the time needed for consultation (e.g., not less than 10 weeks), obligation to reply, enclosure of a glossary explaining the jargon, etc.

#### **Monitoring – research**

- carrying out of comprehensive and regular (e.g., every 2-3 years) representative research dedicated to the issue of civic engagement
- launching of regular inventory and monitoring research
- deeper quantitative field research of practices used by local governments, conducted as needed (at intervals of 3-4 years)
- research of NGOs related to public consultation at the nationwide level as an additional module within the regular study of the Non-Government Sector Status
- research of local NGOs, organized separately as commissioned by local government
- research of local residents, carried out "topically" as commissioned by local government
- promoting of the so-called social audit standards
- running of evaluative research dedicated to specific consultation processes
- preparation of the basic tools that would verify the correctness of consultation



## KEY PRODUCTS OF THE STUDY

- **Main report**
- **Partial reports – annexes**
  - Detailed description of the methodology of the study
  - Reports on the *desk research (legal framework, review of foreign practice, review of existing studies, review of activities of national institutions in the field of participation)*
  - Public consultation with NGOs and citizens at the central level. Report on the study of 17 ministries by Piotr Frączak and Katarzyna Sadło
  - Partial report on the IDEABLOG qualitative research (Millward Brown SMG/KRC)
  - Partial report with the results of the OMNIBUS study (Millward Brown SMG/KRC)
  - Partial report with the results of the "inventory" research (Millward Brown SMG/KRC)
  - Partial report with the results of field research conducted in public administration bodies at county and community levels (Millward Brown SMG/KRC)
- Partial report with the results of the study of NGOs (Millward Brown SMG/KRC)
- Conclusions from the analysis of consultative and advisory bodies at central, county and community levels. Report by Artur Celiński with attached descriptions of selected bodies.
- Descriptions of selected consultation processes at local, regional and national levels. Case studies
- Review of Polish and foreign examples of interesting consultation processes
- Synthetic reports for specific documents covered by the study
- Research tools

Besides in the framework of the project the website [www.mamzdanie.pl](http://www.mamzdanie.pl) was established. It is a prototype of on-line tool to conduct public consultations.

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**More information about the study and its products will be available on the [www.partycypacjaobywatelska.pl](http://www.partycypacjaobywatelska.pl), and some results are visualised on maps on the [www.mojapolis.pl](http://www.mojapolis.pl).**