Area 2: Policy Development and Co-ordination

Principle 11	Policies and legislation are designed in an inclusive manner that enables the active participation of society
Principle approach	The approach to the monitoring of this principle entails a focus on external consultation processes and leaves out the internal (intra-governmental or cross-ministerial) coordination and consultation processes. The approach is, on one hand, based on available data collection, and on the other, perception-based, given that SIGMA already conducts an in-depth legal and expert assessment.

INDICATOR 1	Inclusiveness and openness of policymaking
Indicator focus and general methodological remarks	The indicator measures the extent and the quality of involvement/contribution of the public and civil society to the policy making process through public consultations. Public consultations referred to in this indicator include all types of consultations normally used in practice such as face-to-face consultations (public debates, roundtables), online consultations (sending comments via email, participation in online discussions on proposals) as long as they are organised specifically for the purpose of consulting public in the development of legislation and other policy documents.

Measurement of elements of this indicator is based on 1) collection and insight into available public consultation reports and other relevant data, but also means of communication towards external stakeholders and 2) perception of CSOs through a widely disseminated online survey. The survey is performed on a sample which aims to ensure a representation of CSOs working in as many research areas as possible, so the sample is as representative as possible.

Focus groups are used to inform the narrative report with qualitative findings in parts related to perceptions, but not for the calculation of indicator values. They |

	are conducted on a sample of 3 policy areas in each country where a substantial number of CSOs/think tanks actively work and perform research and analyses, ensuring that policy areas where institutes and think tanks are active are picked.

INDICATOR ELEMENTS			
Element #	**Element formulation**	**Weight**	**Element data source**
E.1	Scope of public consultations on policy documents in central administration	2	• Government website • E-consultation portal (where applicable) • Websites of ministries
	Element methodology		**Point allocation**
	Scope of using public consultations on policy documents is measured by identifying how many consultations took place expressed as a percentage of **all policy documents adopted (strategies, programmes, action plans and similar) during defined time period**. Public consultations will refer to any form of consultations that took place during policy development (early or late) with external stakeholders (citizens, businesses, CSOs). In cases where more than one consultation process took place for a single policy document (early, and later in the process), it will be considered as single public consultation for the purpose of this element. Time period of measurement is **second half (6 months) of the year preceding the year of monitoring**.		0 if less than 50% 1 if between 50 and 90% 2 if more than 90% *Maximum points: 4*
Element #	**Element formulation**	**Weight**	**Element data source**
E.2	Scope of public consultations on legislation in central administration	2	• Government website • E-consultation portal (where applicable) • Websites of ministries
	Element methodology		**Point allocation**
	Scope of using public consultations on legislation is measured by identifying how many consultations took place expressed as a percentage of all legal proposals adopted by the government during defined time period, and that are subject to public consultations. Public consultations will refer to any form of consultations that took place during policy development (early or late) with external stakeholders (citizens, businesses, CSOs). In cases where more than one consultation process took place for a single piece of legislation (e.g. early, and later in the process), it will be considered as single public consultation for the purpose of this element. Time period of measurement is **second half (6 months) of the year preceding the year of monitoring**.		0 if less than 50% 1 if between 50 and 90% 2 if more than 90% *Maximum points: 4*
Element #	**Element formulation**	**Weight**	**Element data source**

E.3	Availability of reporting on public consultations on policy documents by central administration	2	• Government website • E-consultation portal (where applicable) • Websites of ministries
	Element methodology		**Point allocation**
	For public consultations on policy documents identified in E.1, it is calculated how many public consultations reports are made publicly available upon finalisation of the process out of total number of completed consultations. For the purpose of this element, if public consultation process was implemented in stages (e.g. early, and later in the process), and resulted in more than one report, the most final report will be taken into account.		0 if less than 50% 1 if between 50 and 90% 2 if more than 90% *Maximum points: 4*

Element #	Element formulation	Weight	Element data source
E.4	Availability of reporting on public consultations on legislation by central administration	2	• Government website • E-consultation portal (where applicable) • Websites of ministries
	Element methodology		**Point allocation**
	For public consultations on legislation identified in E.2, it is calculated how many public consultations reports are made publicly available upon finalisation of the process out of total number of completed consultations. For the purpose of this element, if public consultation process was implemented in stages (e.g. early, and later in the process), and resulted in more than one report, the most final report will be taken into account.		0 if reports are sporadically available (with less than 50% out of total) 1 if reports are sporadically available (if between 50% and 90%) 2 if more than 90% are publicly available *Maximum points: 4*

Element #	Element formulation	Weight	Element data source
E.5	Basic functionality of a national public consultation portal	2	• National e-consultation portal
	Element methodology		**Point allocation**
	National public consultation portal is an online portal run by a government authority with the purpose of online informing and participation of citizens in public consultation processes. Alternatively, public consultation module can be a part of a wider portal such as e-participation or e-government in general. Functionality for the purpose of this element considers: - Searchable database of consultations for at least 2 years back, with all the information (such as announcements, dates, responsible authorities etc.) relevant for fully identifying each consultation process, past and present;		0 if not more than one criterion is met 1 if two listed criteria are met 2 if all criteria are met *Maximum points: 4*

	- Searchability allows using following categories as minimum: year, policy areas, institution, type of document (strategy, law, bylaw etc.). - Each public consultation entry contains a public consultation report; If no public consultation portal exists, the element is automatically zero.		
Element #	**Element formulation**	**Weight**	**Element data source**
E.6	Advanced functionality of a national public consultation portal	1	• National e-consultation portal
	Element methodology		**Point allocation**
	National public consultation portal contains advanced functionality options aimed at enhancing the user experience and facilitating the process of participating in consultations. For the purpose of this element, advanced functionalities of the portal are considered to entail: 1. Option to be notified if a public consultation is opened by a certain institution or in a certain sector (ability to subscribe to one of these options); 2. Option to submit comments directly in the text of the proposal; 3. Option to be notified that the feedback to comments that were submitted was given (by direct reply or publishing of the final consultation report); 4. Option to see the comments submitted by other participants in the public consultation process; 5. Comprehensive documentation published for each public consultation process, apart from the text of the proposal (e.g. RIA sheet, programme of public consultations) If no public consultation portal exists, the element is automatically zero.		0 if not more than two criteria are met 1 if more than two listed criteria are met 2 if all criteria are met *Maximum points: 2*
Element #	**Element formulation**	**Weight**	**Element data source**
E.7	Proactiveness of informing on public consultations	2	• National e-consultation portal • Websites of authorities • Websites of government offices • Social media of the government institutions • Online media
	Element methodology		**Point allocation**

	Informing on public consultation considers ways and channels government authorities use to disseminate information on holding public consultations and to engage external stakeholders in these processes. For all the **ongoing consultations** on policy document and legislation during the period of measuring this indicator *(max. two months)*, it is monitored whether following means for informing were/are used: 1. Webpages of authorities holding consultations; 2. Websites of relevant government offices (e.g. for cooperation with civil society) 3. Social media of the government institutions (of an individual CoG institution, or of individual institutions); 4. E-consultation portals; 5. Media.		0 if three or fewer channels used for 50% of ongoing consultations or more 1 if four channels used for at least 50% of ongoing consultations 2 if five channels used for more than 50% of ongoing consultations *Maximum points: 4*

Element #	Element formulation	Weight	Element data source
E.8	Embeddedness of early public consultations in practice	1	• Government website • E-consultation portal (where applicable) • Websites of ministries
	Element methodology		**Point allocation**
	In this element, it is determined how many consultations from E.1 and E.2 were held in an early phase, before production of a first draft of documents, regardless if early consultations are legally required or not. Baseline documents, policy or legislative evaluations, impact assessments, annotations or other materials published as ex ante preparatory materials are not considered as draft legislative or policy documents.		0 if less than 50% 1 if 50% or more but less than 90% 2 if at least 90% *Maximum points: 2*

Element #	Element formulation	Weight	Element data source
E.9	Quality of reporting on public consultations	1	• Government website • E-consultation portal (where applicable) • Websites of ministries
	Element methodology		**Point allocation**
	Publicly available reporting on legislative and policy proposals, identified in E.3 and E.4, is used to assess the quality of reporting on public consultations. The report on public consultations is considered to be of good quality if the following conditions are met: 1. The report contains all the comments and proposals submitted during public consultation process listed individually, without aggregating the inputs. 2. The report contains clear information on the feedback to each individual proposal - i.e. if the proposal is accepted, rejected or partially accepted. For partially accepted comments,		0 if more than half of reports meet no criteria or only criterion 1 1 if at least half of reports satisfy at least two criteria 2 if 2/3 of the reports satisfy all 3 criteria *Maximum points: 2*

	clear information needs to be given on which part is accepted and which is not. Ambiguous answers such as we will consider this comment, or comment is taken into consideration or similar, is not accepted as clear information on feedback.		

3. The report contains rationale for the rejection, or partial approval and rejection, of each individual proposal submitted in the course of consultations.

In case of sporadic availability of reports with less than 50% out of total (0 points allotted in both E3 and E.4), **this element is automatically zero**.

Element #	Element formulation	Weight	Element data source
E.10	Impact of public consultation results on policy making	1	• Government website • E-consultation portal (where applicable) • Websites of ministries
	Element methodology		**Point allocation**
	For public consultations from E.1 and E.2, it is determined how many comments were rejected. High rejection indicates low degree of impact and potential to penetrate policy making, and vice versa. Publicly available reporting on legislative and policy proposals, identified in E.3 and E.4, is used to determine number of comments. In case of sporadic availability of reports with less than 50% out of total (0 points allotted in both E3 and E.4), **this element is automatically zero**. Also, if the score in E.9 is zero, with low quality of reporting preventing the comprehensive evaluation of impact on policy making, this element is automatically 0 as well. In the point allocation, partially considered comment will be interpreted as half rejected and half accepted, i.e. 0.5 for the purpose of identifying share).		0 if 2/3 or more comments are rejected 1 if more than 1/3 but less than 2/3 of comments are rejected 2 if not more than 1/3 is rejected *Maximum points: 2*
Element #	Element formulation	Weight	Element data source
E.11	CSOs consider formal consultation procedures create preconditions for effective inclusion of the public in the policy-making process.	1	• Survey of CSOs
	Element methodology		**Point allocation**
	For this element, the extent of agreement with statement *"Formal consultation procedures provide conditions for an effective involvement of the public in policy-making processes"* is analysed. The percentage of respondents that answered, "Strongly agree" or "Agree" on a verbal five-point scale is measured.		0 points for 0 - 29.99% 1 point for 30 - 59.99% 2 points for 60 - 100% *Maximum points: 2*

	Scale used: 1 – Strongly disagree; 2 – Disagree; 3 – Neutral; 4 – Agree; 5 – Strongly agree.		
Element #	**Element formulation**	**Weight**	**Element data source**
E.12	CSOs consider formal consultation procedures are applied consistently	1	• Survey of CSOs
	Element methodology		**Point allocation**
	For this element, the extent of agreement with statement *"Government institutions consistently apply formal consultation procedures when developing policies within their purview"* is analysed. The percentage of respondents that answered, "Strongly agree" or "Agree" on a verbal five-point scale is measured. Scale used: 1 – Strongly disagree; 2 – Disagree; 3 – Neutral; 4 – Agree; 5 – Strongly agree.		0 points for 0 - 29.99% 1 point for 30 - 59.99% 2 points for 60 - 100% ***Maximum points: 2***
Element #	**Element formulation**	**Weight**	**Element data source**
E.13	CSOs consider that they are consulted at the early phases of the policy process	1	• Survey of CSOs
	Element methodology		**Point allocation**
	For this element, the reported frequency at which the following statement occurs *"Relevant government institutions consult CSOs at the early phases of policy and legislative processes (before any draft documents are produced)"* is analysed. The percentage of respondents that answered "Always" or "Often" on a verbal five-point scale is measured. Scale: 1 – Never; 2 – Rarely; 3 – Sometimes (in about half of the situations); 4 – Often; 5 – Always.		0 points for 0 - 29.99% 1 point for 30 - 59.99% 2 points for 60 - 100% ***Maximum points: 2***
Element #	**Element formulation**	**Weight**	**Element data source**
E.14	CSOs consider consultees are timely provided with information on the content of legislative or policy proposals	1	• Survey of CSOs
	Element methodology		**Point allocation**
	For this element, the extent of agreement with statement *"In the public consultation processes, government institutions timely provide information on the content of legislative or policy proposals"* is analysed. The percentage of respondents that answered "Strongly agree" or "Agree" on a verbal five-point scale is measured. Scale used: 1 – Strongly disagree; 2 – Disagree; 3 – Neutral; – Agree; 5 – Strongly agree.		0 points for 0 - 29.99% 1 point for 30 - 59.99% 2 points for 60 - 100% ***Maximum points: 2***
Element #	**Element formulation**	**Weight**	**Element data source**
E.15	CSOs consider consultees are provided with adequate information on the content of legislative or policy proposals	1	• Survey of CSOs
	Element methodology		**Point allocation**

	For this element, the extent of agreement with statement " *In the public consultation processes, government institutions provide adequate information on the content of legislative or policy proposals*" is analysed. The percentage of respondents that answered "Strongly agree" or "Agree" on a verbal five-point scale is measured. Scale used: 1 – Strongly disagree; 2 – Disagree; 3 – Neutral; 4 – Agree; 5 – Strongly agree.		0 points for 0 - 29.99% 1 point for 30 - 59.99% 2 points for 60 - 100% *Maximum points: 2*

Element #	Element formulation	Weight	Element data source
E.16	CSOs consider sponsoring ministries take actions to ensure that diversity of interests is represented in the consultation processes (women's groups, minority rights groups, trade unions, employers' associations, etc.).	1	• Survey of CSOs
	Element methodology		**Point allocation**
	For this element, the reported frequency at which the following statement occurs *"Relevant ministries ensure that diverse interest groups are represented in the public consultation processes (e.g. women, minorities, trade unions, employers' associations etc.)"* is analysed. The percentage of respondents that answered "Always" or "Often" on a verbal five-point scale is measured. Scale: 1 – Never; 2 – Rarely; 3 – Sometimes (in about half of the situations); 4 – Often; 5 – Always.		0 points for 0 - 29.99% 1 point for 30 - 59.99% 2 points for 60 - 100% *Maximum points: 2*

Element #	Element formulation	Weight	Element data source
E.17	CSOs consider ministries (sponsors of policy and legislative proposals) provide written feedback on consultees' inputs/comments.	1	• Survey of CSOs
	Element methodology		**Point allocation**
	For this element, the reported frequency at which the following statement occurs "*Relevant ministries provide written feedback to consultees on whether their inputs are accepted or rejected*" Is analysed. The percentage of respondents that answered "Always" or "Often" on a verbal five-point scale is measured. Scale: 1 – Never; 2 – Rarely; 3 – Sometimes (in about half of the situations); 4 – Often; 5 – Always.		0 points for 0 - 29.99% 1 point for 30 - 59.99% 2 points for 60 - 100% *Maximum points: 2*

Element #	Element formulation	Weight	Element data source
E.18	CSOs consider ministries (sponsors of policy and legislative proposals) accept consultees' inputs/comments	1	• Survey of CSOs
	Element methodology		**Point allocation**
	For this element, the reported frequency at which the following statement occurs "*In the consultation process, relevant ministries accept the feedback coming from my organisation*" is analysed. The percentage of respondents		0 points for 0 - 29.99% 1 point for 30 - 59.99% 2 points for 60 - 100%

	that answered "Always" or "Often" on a verbal five-point scale is measured. Scale: 1 – Never; 2 – Rarely; 3 – Sometimes (in about half of the situations); 4 – Often; 5 – Always.		*Maximum points: 2*
Element #	**Element formulation**	**Weight**	**Element data source**
E.19	CSOs consider ministries (sponsors of policy and legislative proposals) hold constructive discussions on how the consultees' views have shaped and influenced policy and final decision of Gov.	1	• Survey of CSOs
	Element methodology		**Point allocation**
	For this element, the reported frequency at which the following statement occurs "*Relevant ministries conduct additional consultations with CSOs outside of the formal scope of public consultations*" is analysed. The percentage of respondents that answered "Always" or "Often" on a verbal five-point scale is measured. Scale: 1 – Never; 2 – Rarely; 3 – Sometimes (in about half of the situations); 4 – Often; 5 – Always.		0 points for 0 - 29.99% 1 point for 30 - 59.99% 2 points for 60 - 100% *Maximum points: 2*

TOTAL POINTS	0-9	10-17	18-25	26-33	34-41	42-50
FINAL INDICATOR VALUE	0	1	2	3	4	5