

Exploring Options

So you have identified a problem or opportunity, gained relevant experience, and identified all the necessary facts and opinions. What policy options are at your disposal?

Put shortly, the Government can do one or more of four things if it wishes to change behaviour:

- it can exhort;
- it can tax;
- it can spend – which also implies taxing or borrowing; or
- it can legislate and regulate.

Exhortation means deploying all possible presentation skills, including getting key stakeholders on side, working with the media, leaflets, advertising, speeches and so on. As noted earlier, presentational issues should be considered early in any policy development process and effective presentation can sometimes achieve significant policy objectives on its own. All too often, however, you need to move on and add one of the next three options if you really want to have an impact. But then you will find that Ministers have a strong aversion to raising taxes or spending money (which are two sides of the same coin), so they prefer you to offer new legislation or regulations – until they realise that this route too can lead to huge resentment amongst those who are to be regulated, and can also have a large impact on the economy. There is much to be said, therefore, for genuinely open consultation, seeking views on the true scale of the problem and on a wide variety of ways in which it might be tackled. And don't forget to consult on the 'do nothing' option. It is often the best one!

Consultation is therefore such an important process that it is worth looking at it in some detail.

Consultation

There used to be a time, apparently, when the Government could simply tell the public what decisions it had taken. It then became necessary to explain why the decision had been taken, which in turn led Ministers to consult in advance of decision-making. Best practice is now to go even further and involve the public and key stakeholders at all stages of the policy process.

There are lots of different ways to do this and you should not simply duplicate what someone else has done before you. In particular, don't limit yourself to written communications. Discussion groups, large formal meetings, informal meetings with individuals and the Internet all have a part to play. And even when preparing formal written consultation, there are a number of choices. Have a look at the detailed advice that is available on consultation procedures, and also look at a range of previous consultation documents and choose a format which best suits your needs. Above all,

remember that you are in policy-formulation or policy-implementation mode, so there is no need to be defensive. Indeed, you should positively encourage respondents to point out your mistakes and possible pitfalls. If your process is effective, and you take the responses seriously, you will find that you then avoid a very large number of traps that you would not have spotted by yourself.

You should also strongly encourage those who seem to be able to take a wider view. Cultivate those who say unexpected things or comment candidly upon their organisation. Such people shine unaccustomed light on issues and can be invaluable contributors to the policy making process. Above all, talk to those who are unhappy with your policies. They often have a good reason, which you need to bear in mind whether or not you can change the policy, or its detail, as a result. And don't hesitate to let your Minister have short note of what you have learned. It might just make him or her think twice.

If the subject of your consultation is particularly controversial, or if you are to meet a potentially hostile audience, or hostile media, you should remember the following basic rules:

- P** Actions speak louder than words. The vast majority of your audience will respond wholly or mainly to the way in which you deliver your message. 'Organisational body language' is important. Do you act, write or sound patronising, worried and harassed? Or do you act and sound calm, sympathetic and in control?
- P** Do not dismiss concerns, however silly you think they sound. If it appears that you do not respect basic human concerns, how can you then be trusted to come up with sensible policies?
- P** Instead, listen carefully and emphasise your own concern. Then commit to continuing speedy enquiries, taking proper advice and reaching an early sensible conclusion on the best way forward. Stress that the process will be participative and open, and that you will publish any scientific or other expert advice and the assumptions upon which it is based. Remember that the public will trust you much more if you admit to uncertainty, and that the public may well be less concerned about the problem than the media.
- P** Explain the benefits of your proposed approach. Stress that your reaction to any problem will not be 'knee-jerk', and you will not patronise or nanny the public. If regulation might be needed, explain how this will protect the public and why other options would not work. If regulation is likely to be unnecessary, stress that you believe it right that the public should be allowed to make their own assessment of the problem, and the associated costs, risks and benefits, and react as they wish.
- P** A small but crucial minority in your audience will be opinion formers who will want to understand the underlying issues and will analyse your response very carefully. Get the majority of them to accept your credibility, and respect your openness, and they will sustain you against much unfair comment.
- P** Do not say that a particular option would be 'too expensive'. Who are you to say

that?

- P** Do not express concern that action to protect the public would harm industry, for this will reinforce any concern that a risk is being transferred from those who are benefiting from it onto those who are not.
- P** Membership of advisory groups should be broadly based, and not confined to scientists and other professionals.
- P** When dealing with risks to health and safety, remember that nothing in this world is entirely 'safe'. The Government's job is to ensure that everything is 'safe enough'.

Finally, remember that there is a crucial difference between releasing information and informing the public. The wholesale release of vast amounts of data does not of itself inform anyone. There should of course be no question of hiding or distorting information, but care should be taken to ensure that the overall effect of the release of information is to improve recipients' understanding of the issues (and the uncertainties) rather than simply to add to the confusion.