

Quality and Qualifications Ireland

CONSULTATION FRAMEWORK

Introduction

1. The Qualifications and Quality Assurance (Education and Training) Act 2012 places a legislative responsibility on QQI to consult with providers, professional recognition bodies, staff and learner representatives, the Higher Education Authority (HEA), the National Council for Curriculum and Assessment (NCCA), the State Examinations Commission (SEC), Fáilte Ireland and other persons or bodies the Board considers appropriate in the development of new policies and processes. Regardless of the statutory obligations it is intended that much of QQI's work will be developed and conducted through consultation with a wide range of stakeholders in order to ensure that the organisation meets its organisational objectives in the most effective manner. This document proposes a framework for consultation that will apply to initiatives on which formal input and feedback from stakeholders is sought. In the development of this framework, national and international practice and guidelines on establishing effective consultation have been evaluated.

Consultation

2. The *Guidelines on Consultation for Public Sector Bodies*¹ define consultation as a structured public engagement which involves seeking, receiving, analysing and responding to feedback from stakeholders. A structured consultation process entails defining the purpose and subject of the consultation, identifying the audience whose views are to be sought, framing the questions to be asked, providing information, receiving and analysing the responses. Consultation involves putting the people who are affected by a policy/issue in the picture and seeking their views and input into the decision making process.
3. It is important to distinguish between on-going consultative mechanisms, such as a standing Consultative Forum, which may form part of Governance, and once-off formal consultation exercises which may be undertaken as part of new policy initiatives or when reviewing existing policies. The consultation framework is intended to underpin and inform the latter but will also inform the manner in which the former is conducted.

¹ Department of An Taoiseach (2005), *Reaching Out: Guidelines on Consultation for Public Sector Bodies*

Legislative Requirements

4. The Qualifications and Quality Assurance (Education and Training) Act 2012 requires QQI to consult with named providers and stakeholders. Section 9 (2)(e) requires that QQI in the performance of its functions *shall*:

“consult as it considers appropriate with providers, professional recognition bodies, staff and learner representatives, An An tÚdarás um Ard-Oideachas, the National Council for Curriculum and Assessment, the State Examinations Commission and any other persons or bodies the Authority considers appropriate”.

5. The Act also requires QQI to consult with specific named providers and stakeholders in the development of *specific* policies and procedures. Section 27(1)–(3) states that QQI *shall consult with*;

- *the National University of Ireland,*
- *relevant providers and*
- *linked providers*

before issuing quality assurance guidelines and establishing effectiveness review procedures.

6. Section 27(4) requires that where quality assurance guidelines and effectiveness review procedures apply to providers and any or all of those providers are institutions of higher education, QQI *shall consult* with the Higher Education Authority. Section 42(2) requires that QQI *shall consult* with the Higher Education Authority in carrying out a quality review, where the review relates to an institution of higher education.

7. Under a joint awarding arrangement where programmes lead to a joint award of the Authority and that of an awarding body, Sections 27(5) states that the Authority “*may consult with an awarding body before issuing quality assurance guidelines and establishing effectiveness review procedures*” and Section 43(4) states that the Authority “*may consult with an awarding body before establishing policies and criteria for validation of programmes.*”

8. The key external stakeholders QQI is required to consult with are;

- providers (relevant and linked) professional recognition bodies
- staff and learner representatives

- An An tÚdarás um Ard-Oideachas, (HEA)
- the National Council for Curriculum and Assessment (NCCA)
- the State Examinations Commission (SEC)
- National University of Ireland (NUI)
- awarding bodies; and
- other persons or bodies considered appropriate; this may include other national agencies, industry and employment groups

National and International Guidelines

9. A review of international and national practice has been undertaken by the executive,² this coupled with the guidelines from both national and international sources, has informed the proposed consultation framework for QQI. The key reference points identified are as follows:

10. The Government White Paper on Regulating Better³ commits Government (and public regulatory bodies) to consult more widely with stakeholders in line with the principle of transparency. The subsequent guidelines on consultation for public sector bodies identify consultation as a crucial element in the design, implementation and improvement of public policies and processes and a crucial part of the process of providing evidence-based policy-making. QQI is committed to the Government's public services reform plan in the development and implementation of its policies.⁴

11. The OECD cites effective engagement of citizens and other stakeholders in policy making as being at the core of good governance within public management.⁵ In *Transforming Public Services* the OECD refers to the need for Ireland's public services to⁶ deepen citizen engagement with emphasis being placed on the use of information and communication technologies. The OECD handbook on consultation and public participation in policy making refers to the need for a co-ordinated approach to consultation, noting this enhances knowledge management, ensures policy coherence and avoids duplication. Importantly, the OCED notes that a co-

² Internal Discussion Document: *Developing an Organisational Approach to Consultation* (Jan 2013), Cross Sectional Consultation Working Group

³ Department of An Taoiseach (2004) *Regulating Better*

⁴ (Nov 2011), <http://per.gov.ie/wp-content/uploads/Public-Service-Reform-181120112.pdf>

⁵ OECD (2001) *Citizens as Partners; Handbook on Information, Consultation and Public Participation in Policy Making*.

⁶ Department of the Taoiseach (2008) *Transforming Public Services*

ordinated approach reduces the risk of ‘*consultation fatigue* – ‘negative reactions because of too much overlapping or poorly done consultation.’⁷

12. In its White Paper on European Governance, the European Commission⁸ confirms the need for open and transparent consultation processes. The Commission also notes the need to be consistent establishing a set of principles and minimum standards for its consultation processes⁹.

13. This approach is further supported by the European Standards and Guidelines for Quality Assurance in Higher Education, which proposes that in order to ensure clarity of purpose and transparency of procedures, external quality assurance agencies should develop and design processes for external quality assurance methods through a process involving key stakeholders and higher education institutions.

⁷ OECD (2001) *Citizens as Partners; Handbook on Information, Consultation and Public Participation in Policy Making*

⁸ European Commission (2001) *European Governance, A White Paper*

⁹ European Commission (2002) *Minimum Standards on Consultation*

Consultation Framework

14. The consultation framework for QQI is structured into distinct phases which are adapted from the Department of An Taoiseach guidelines. Each phase identifies actions which should be carried out whilst enabling flexibility to manage different consultation processes in different ways, to suit different section/project needs and objectives within the organisation. The phases of the consultation framework are;
- i. Planning
 - ii. Execution
 - iii. Feedback and Analysis
 - iv. Evaluation

Planning – Devising a Consultation Plan

15. Planning will involve an identification of the aims of the consultation exercise, the length of time the consultation should last, the relevant stakeholders whose feedback is sought on a particular policy/procedure, the methods to be used, and the mechanisms for analysing, summarising and responding to feedback received. A *consultation plan* will be devised for each formal consultation process to be undertaken by QQI. The consultation plan will address the following:

Subject, Purpose and Objectives

16. A clear outline of the purpose and objectives of the consultation will be provided in the plan; this will help determine who should be consulted. Most consultations in QQI will likely aim to elicit feedback on a proposed policy or set of policies, but there may be supplementary aims, for example, QQI may require assistance in carrying out an implementation impact analysis or in identifying the benefits/costs/challenges of implementation of new procedures.

Stakeholders who should be consulted

17. QQI will operate an open and transparent process to consultations internally as well as externally.
- *Internal Stakeholders*
As part of the process of policy development, internal stakeholders will be identified early and their views actively sought as part of the development process. The consultation plan should therefore identify the mechanism/process by which internal consultation will be undertaken; this could include through

internal policy development groups and circulation of drafts to colleagues for comment/feedback.

- *External Stakeholders*

In identifying external stakeholders consideration will need to be given to the statutory obligation to consult with specific stakeholders as identified in section 8 above. QQI currently maintains an external stakeholder list; this list contains information and contact details on a range of key stakeholder groups. The stakeholder list is a valuable resource which should be drawn upon each time a formal consultation is being undertaken. QQI will ensure the list is continually reviewed, updated and expanded as required and in compliance with data protection requirements.

- *Hard to Reach Groups*

The consultation plan should consider less visible and hard to reach groups that may not currently have a direct relationship with QQI. The Department of An Taoiseach guidelines suggest making use of tools such as Regulatory Impact Analysis to identify hard-to-reach groups. A list of all the groups, organisations and representative bodies to whom consultation invitations have been issued should be appended to all consultation documents, accompanied by a general invitation to invitees to identify additional relevant organisations who may be interested in the consultation.

Pre-consultation

18. Part of the planning stage may involve pre-consultation. In some instances it may be beneficial to elicit views from some stakeholders prior to the commencement of the formal consultation phase, perhaps to identify gaps in the proposed approach, additional issues and to sound out general interest in the areas. This may be necessary where the policy is specialised and technical in nature. Pre-consultation can allow for exploration of conceptual and technical information and may enable the early identification of issues and constraints; it could be undertaken with a standing consultative group of key stakeholders.

Resources and Costing

19. An estimate of resource requirements and costing will be undertaken for all formal consultations in advance of the consultation taking place. An assessment of the resources available will influence the methods chosen and the manner in which the consultation is carried out.

Methods

20. The consultation plan will outline the proposed methods to achieve the objectives of the consultation and to reach the stakeholders identified. In line with national and international guidelines QCI will adopt a mixed-method approach to consultation as this increases the likelihood of effective engagement and eliciting responses from a diverse range of stakeholders. Appropriate methods of consultation will be identified and internal supporting guidelines developed.

Timing

21. The consultation plan will outline the proposed timeline for the consultation process. QCI recognises that stakeholders may need to seek a range of views from within their own organisation or sector and that adequate time must be allowed for this with consideration for the nature and complexity of the documents. The timing of consultations will also take account of the time of year; this may be particularly relevant for groups of providers who have additional demands at specific times of the year. The timings will consider other consultations being undertaken by the organisation so as not to burden respondents. Whilst ensuring sufficient time for stakeholders to provide a considered response, QCI is also mindful of the expectations and needs of stakeholders in terms of policy implementation and delivery and these needs must be balanced in determining consultation duration.

Execution

In the execution of a consultation the following actions will be taken:

Consultation Document

22. A consultation document will be prepared for all consultations. It is acknowledged that consultation documents will vary in complexity, but QCI commits to the following minimum standards:
 - the document will include a brief background to the subject, purpose and objectives of the consultation exercise and the key questions on which feedback is sought

- the authors of consultation documents will aim to avoid the use of jargon or technical language, unless intended for a specific target stakeholder group. Where technical terms and language are necessary, meanings will be clarified and definitions provided.
- documents will clearly indicate a deadline for responses, what will be done with feedback/inputs and where possible an outline of the proposed timetable for decision-making
- consideration will be given to making the consultation document available in more than one format to address the needs of specific audiences
- documents will note that feedback is subject to freedom of information requirements.

Publishing the Consultation

23. A dedicated consultation section will be established on the QQI website and all consultation documents/activities will be published here. Stakeholders who have been identified in the consultation planning stage will be informed directly by email of all of the relevant details of the consultation process.
24. Fullest use will be made of information and communications technology to draw the attention of, and engage with, potential interested groups and individuals on the consultation process. Details will be published on how submissions can be made and will include contact details, where appropriate, of persons who respondents can contact if they have further queries. In providing responses to consultation, respondents will be requested to identify who they are and who they represent. All written submissions will be acknowledged by email receipt.

Feedback and Analysis

25. Once the formal consultation phase ends, feedback received will be collated and analysed. To ensure openness and transparency, a final report on the outcomes of the consultation process will be published. The report will summarise the key findings from the submissions received and the proposed follow-up to be taken in the context of the decision making process.
26. The consultation findings/summary of the feedback received will be published and available on the consultation section of the QQI website and may be communicated directly to stakeholders who submitted responses.

Evaluation

27. An evaluation of the effectiveness of consultation exercises will be undertaken on a periodic basis to establish whether the consultation achieved its objectives and provided an equal opportunity to all participants to take part. The learning from running individual consultation exercises will inform what can be improved in future consultations on an ongoing basis.



PLANNING – THE CONSULTATION PLAN



EXECUTION



REVIEW OF PROCESS / FEEDBACK AND ANALYSIS