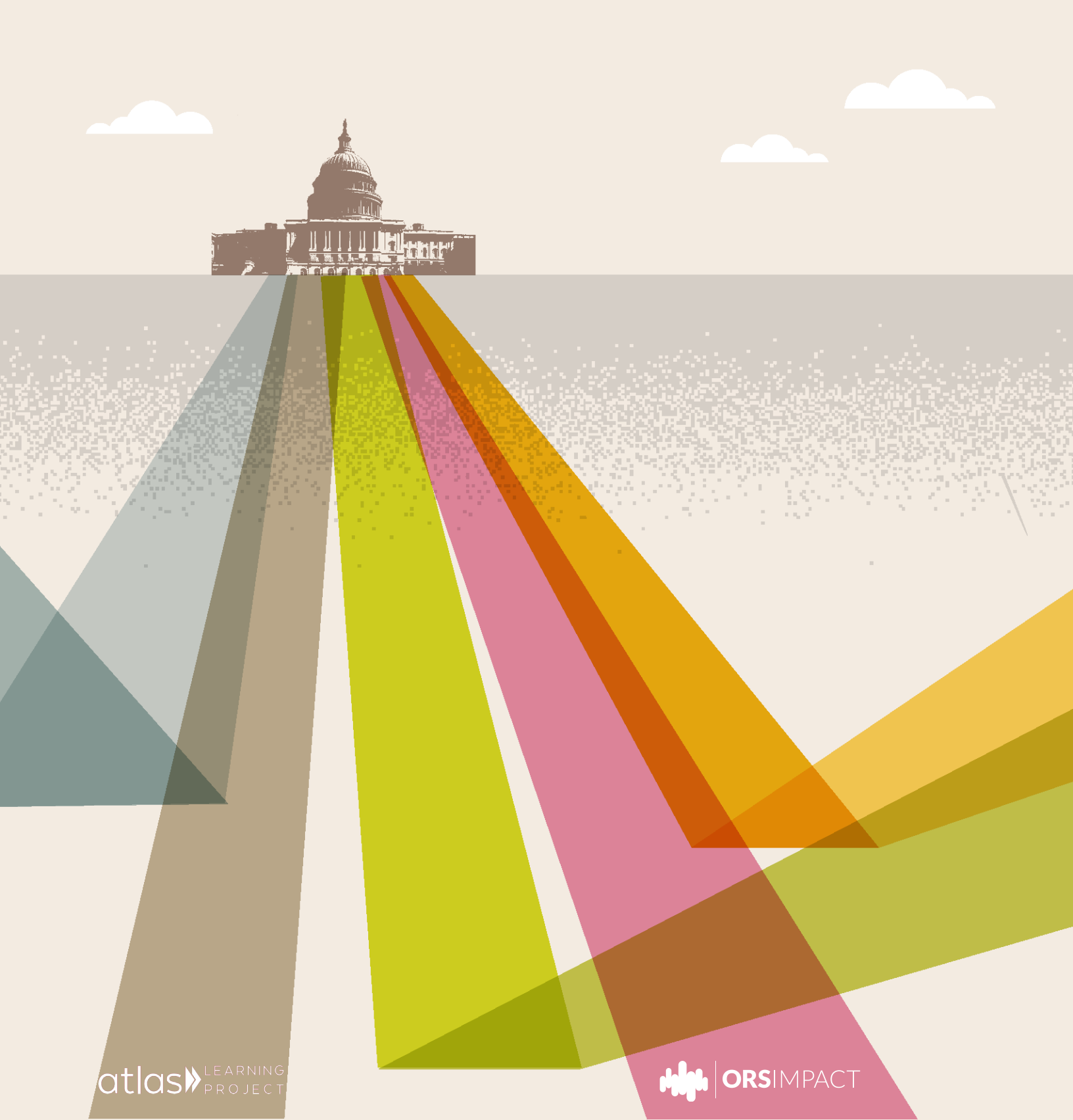


Sneak Preview of upcoming publication!

BEYOND THE WIN: Pathways to Policy Implementation





ORS Impact is a consulting firm that helps foundations, nonprofits, businesses, and government agencies clarify, measure, and align around their social impact outcomes, stay accountable to success, and learn along the way. We do this by creating theories of change; developing strategic plans; conducting complex and multi-stakeholder evaluations; and creating measurement, learning, and evaluation systems. By making social change measurable, we help clients make meaningful social change possible. Visit orsimpact.com for more.



The Atlas Learning Project is a three-year effort coordinated by the Center for Evaluation Innovation to synthesize and strategically communicate lessons from the advocacy and policy change efforts that The Atlantic Philanthropies and other funders have supported in the U.S. The project's goal is to help push philanthropy and advocacy in bolder and more effective directions. To learn more, go to atlaslearning.org.

Introduction

When it comes to policy, a lot of attention is given to “the win.” Whether it is something new and big like the Affordable Care Act, a piece of legislation in a large federal omnibus bill, or inclusion of critical language in a state policy, seeing the fruits of advocacy efforts put into law makes advocates and champions feel that their hard work, often many years in the making, has paid off.

But, in reality, “the win” is just the beginning—a necessary first step in a much longer and equally as fraught process of policy implementation. Once a policy is created, there are numerous factors that shape and determine how that policy is implemented—and ultimately, the impact it will have—regardless of how well the policy is formulated. Some of these factors include rulemaking, funding, capacity of local implementing agencies, and fights to repeal or modify wins, among many others.

Interestingly, while the role of advocacy in agenda setting, policy formulation, and policy adoption has been widely explored, the role of advocacy in the policy implementation process is far less well understood.

To learn more about the role of advocacy at the policy implementation stage, ORS Impact spoke with a number of organizations that engage in, or provide funding for, advocacy efforts at the state and/or federal level. We focused on the following questions:

- When had advocates played a positive role in policy implementation?
- When had implementation not gone as well as expected, and what did advocates take away from that?

Our conversations yielded a range of stories that illustrated various kinds of advocacy strategies and unique characteristics of policy implementation work, including the following two scenarios.

Scenario 1

Policy Win with Little Implementation Advocacy and Limited Impact

State advocates developing legislation to address barriers to food assistance saw an eleventh-hour opportunity. They successfully advocated for \$70,000 in state start-up funding to provide nutritious meals to children during the summer months. This new revenue was appropriated to purchase equipment and supplies, promotional materials, and other one-time expenses to expand programs in low-income areas. Advocates did not fully follow up with the education agency to ensure that the rules for the grant-making process carried out the intent of the legislation. In the end, the rules were poorly written, making it difficult for school districts and community organizations to access and take advantage of the available funds. For example, school districts that applied could only fund half of the equipment or materials they needed because they would be not be solely used for summer meals, but also for meal preparation during the school year. Advocates realized that while getting a little money late in the legislative session had seemed like a win; in hindsight, there was not enough thought given to the support built within the agency and engagement in the rulemaking process to contribute to successful implementation.

Scenario 2

Policy Win with Strong Advocacy Support Post-Legislation

In another state, advocates contributed to a win for an early learning program to be implemented by school districts to help targeted four-year-olds enter kindergarten better prepared for school. Advocates saw an opportunity to support effective larger-scale implementation. They had more-than-typical content knowledge and were able to play an effective role in regulation development. Outside of the rulemaking process, advocates built support and fostered quality implementation by identifying early adopters to provide strong examples for other districts and launched communities of practice across the state to address implementation issues. They also engaged private funders early on to support a more robust monitoring and evaluation study to capture evidence about what was and was not working. In addition to these implementation advocacy efforts, there were a number of other contextual factors that facilitated the program's success: the program was phased in by the state over several years, the bill was cost neutral, and one of the state's largest districts was already piloting a similar program.

In the first scenario, a last-minute policy win that lacked clear strategy or intervention in the implementation stage resulted in little of the desired impact. In the second scenario, a direct advocacy strategy addressing several implementation processes—rulemaking, funding, and stakeholder engagement—was better positioned to achieve the desired outcomes. In addition to illustrating less-ideal and optimal results, these examples also show very different roles for advocates to possibly engage in, with different actors and approaches.

As part of The Atlantic Philanthropies' Atlas Learning Project,¹ the Center for Evaluation Innovation commissioned ORS Impact to explore the question of how effective pivots can be made from policy change to policy implementation. Building from our prior work, *Pathways for Change: 10 Theories to Inform Advocacy and Policy Change Efforts*,² we describe a few key theories and frameworks to help advocates, funders, and evaluators think strategically about how to impact policy implementation. This brief includes the following sections:

- *Setting the Stage*: Situating policy implementation within the policy lifecycle, we explore how policy implementation differs from campaign advocacy, and what forms implementation advocacy work can take.
- *Exploring Relevant Frameworks and Theories*: Drawing on political science and public administration literature, we examine key frameworks that can help elucidate relevant contexts, strategies, and areas of focus for advocates. These include:
 - Understanding Bureaucracy
 - Understanding Policy Implementation
 - Understanding Public Engagement
- *Putting Theory into Practice*: We describe how these frameworks can be used by advocates, funders, and evaluators; provide initial thoughts on measurement and evaluation questions; and identify some questions that warrant further attention.

1 The Atlas Learning Project is a three-year effort supported by The Atlantic Philanthropies to synthesize and strategically communicate lessons from the advocacy and policy change efforts that Atlantic and other funders have supported in the U.S.

2 Sarah Stachowiak, *Pathways for Change: 10 Theories to Inform Advocacy and Policy Change Efforts*, Center for Evaluation Innovation and ORS Impact, 2013. http://orsimpact.com/wp-content/uploads/2013/11/Center_Pathways_FINAL.pdf

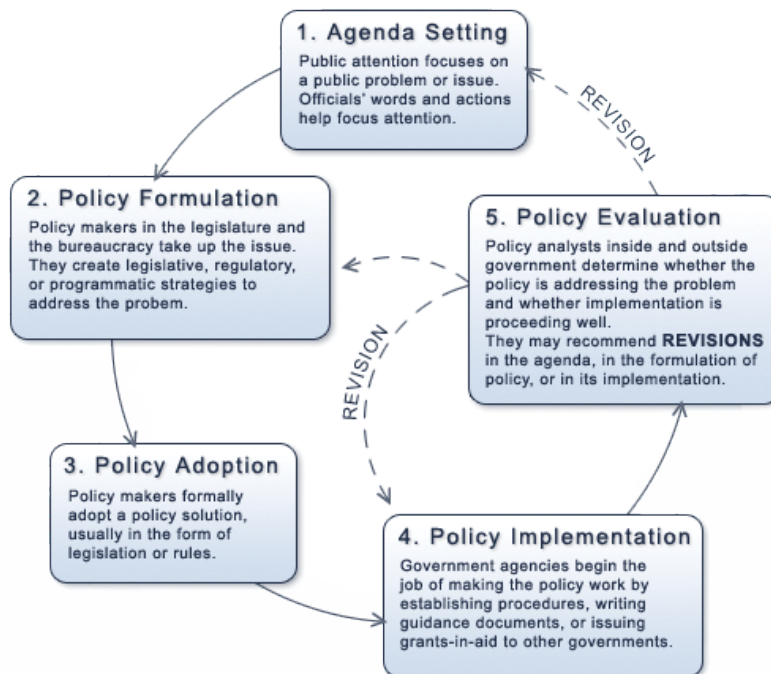
Through exploration of these topics, we hope to:

- *Provide a Common Language:* By naming this area and differentiating types of advocacy efforts, we hope to help advocates, funders, and evaluators better communicate about their work in this stage.
- *Offer Perspectives to Guide Strategy:* We recognize that implementation advocacy is already being undertaken effectively in the field. By providing high-level information on relevant theories, we hope to support players in this space to strengthen the strategies and tactics they deploy.
- *Enhance Measurement and Learning:* As advocates deploy different strategies and tactics in given implementation scenarios, aligned measurement and evaluation that “asks the right questions” can help assess progress and support learning along the way.

Note: Policy work and advocacy occur in incredibly diverse circumstances, with meaningful differences depending on the political venue (e.g., state versus federal versus global), the policy change vehicle (e.g., ballot measure versus international treaties versus legislative advocacy versus legal advocacy), the issues areas being addressed (e.g., education versus zoning versus immigration versus human services), and more. While some aspects of this brief may be applicable to a broader set of scenarios, we focus on the context of U.S.-based legislative advocacy efforts at the state and federal levels.

Setting the Stage: Advocates and Implementation

There are many different conceptualizations of the lifecycle or stages of policymaking. The general consensus is as follows: (1) problem identification and agenda setting, (2) policy formulation to address the identified problem, (3) policy adoption, (4) policy implementation, and (5) evaluation of policy impact. While the lifecycle appears straightforward, it is often iterative and dynamic, with the possibility of steps backward at any stage.^{3,4}



3 Additionally, focusing solely on policy adoption may falsely limit thinking that only new policies adopted is the primary policy victory, while other outcomes like policy blocking and policy maintenance can be equally important in achieving social impact goals.

4 "A Diagram of the Policy Making Process," from The Texas Politics Project. http://texaspolitics.utexas.edu/archive/html/bur/features/0303_01/policy.html

To date, much of the work on advocacy and policy change evaluation has focused on articulating clearer theories of change for policy change efforts and the identification of interim outcomes that can be assessed along the way.⁵ This means that the focus has largely been on advocates' roles with regard to agenda setting, policy formulation, and policy adoption. When we talk about "implementation" in this brief, we mean both the more immediate step of administrative rulemaking and regulations as well as the actual implementation work carried out by administrative agencies or other intermediaries as mandated through policy.

While exploring existing policy implementation literature, we found that the subject has received a good deal of academic attention in the political science and public administration fields. This is particularly true in relation to understanding the degree to which agencies are implementing policies in accordance with the original policy intent or the degree to which policies are having their intended impacts on direct beneficiaries. However, little attention has been paid to the role of advocates related to the policy implementation stage of the lifecycle.

Because of the paucity of existing information in this area, we began this work with exploratory interviews with advocates and funders of advocacy who focused on state and/or federal policy in the United States.⁶ Through these conversations, we began to conceptualize advocates' work related to policy implementation and identified considerations related to the following:

- *Unique characteristics and factors* related to implementation that differ from legislative campaigns
- *Specific categories of advocacy tactics* and approaches used to support successful policy implementation

These are described in the following sections to provide a context against which to apply other theories and frameworks.

⁵ Jane Reisman, Anne Gienapp, and Sarah Stachowiak, "A Guide to Measuring Policy and Advocacy," *The Evaluation Exchange* 13 (2015): 22-23. Julia Coffman and Tanya Beer, "The Advocacy Strategy Framework: A Tool for Articulating an Advocacy Theory of Change," Center for Evaluation Innovation, 2015. Kendall Guthrie, Justin Louie, Tom David, and Catherine Crystal Foster, "The Challenge of Assessing Policy and Advocacy Activities: Strategies for a Prospective Evaluation Approach," Blueprint Research and Design, 2005.

⁶ These findings emerged from our conversations with 11 individuals from 9 organizations that engage in or support advocacy at the state or federal level. While not an exhaustive effort, we believe these considerations and resulting categories will be a good starting point for further building this part of the advocacy and policy change field.

Unique Characteristics of Policy Implementation Advocacy Work

One of the first questions we considered was what roles advocates played in policy implementation and if those roles are distinct from their better-documented work associated with legislative advocacy campaigns. Through our conversations, a series of themes emerged that illuminate key differences in policy implementation-related work.

Technical expertise matters. A lot. The advocates we spoke with all expressed the need for those working in rulemaking or with administering agencies to have a high degree of technical knowledge. Technical knowledge is critical to conveying the intent or spirit of the original policy to implementing agencies, to building knowledge of the research that informs policy development, and to helping administering agencies understand the implications of different approaches to implementation. The implementation advocacy conversation is a very different one than trying to get a yes/no vote from a legislator who will vote on many different topic areas. One interviewee described the difference for federal-level advocacy as such: at the committee level, you need to be able to say, on page 4, paragraph 2, line 3, you need to have the minimum standard be “three,” whereas at the department level, you need to be prepared to talk about the original intent behind why the minimum standard was set to “three” and the myriad factors that need to be considered for the minimum standard to be rolled out from the federal level to states.

Who’s interested differs. In many cases, the set of actors involved in policy adoption is limited to elected officials and other interested advocates. However, when policies are passed, new stakeholders emerge, such as administrative agencies, intermediary organizations, and ultimate beneficiaries. These new voices—who may be for or against the policy—as well as continued efforts among those who “lost” in the legislative arena can have a strong influence on the policy through rulemaking. Failing to account for new parties who may have an interest at this stage can result in rulemaking that does not fully capture the intent of the policy, indifferent implementation, or strong repeal efforts post-win.

Those interested have different interests. In legislative advocacy, advocates are working with elected officials and their staff, who have many different motivations and incentives, but include those related to their electability and other political aspirations. Advocates we spoke with generally saw differences in motivations among bureaucrats and political appointees compared to their elected counterparts, often relating to their specific expertise in a topic area and greater likelihood of being risk-averse.⁷

Oppositional approaches are often less useful. In almost all cases, advocates spoke of the need to work in partnership with administrative agencies rather than in opposition. Advocates often talked about their role in providing additional content expertise, connecting with community or other stakeholders, and participating as a member of processes where a collaborative approach was more likely to result in the desired outcome. They also spoke of the importance of developing and maintaining relationships to be able to play formal and informal roles in the process as key. In fact, initially we expected to hear that serving as a “watchdog” would be an important role of advocates in support of effective policy implementation. Instead, we found that almost everyone we spoke with had a very negative view of the term watchdog and associated it with an adversarial “gotcha” role that did not support collaboration.

Venues can change. One acknowledged challenge among advocates we spoke with was the fact that success in one venue (e.g., state or federal legislature) often leads to implementation that happens in another (e.g., local or state implementers, newly developed commissions). Relationships and political capital that are developed to help advance an agenda in one arena may not have currency in another, or the influence of an organization may not extend beyond typically state- or federal-focused boundaries.

It's not a “pivot.” We entered into conversations with advocates and funders with the intention of exploring what the pivot from a campaign to implementation looked like, and quickly found that this conceptualization of advocates’ role created a false sense of sequencing of advocates’ activities. Savvy advocates largely see this work as part of a continuum, where strategies must be developed and mobilized in parallel process to advocacy for adoption, rather than sequentially. As shared earlier in the cautionary tale of the first policy win scenario, not laying the groundwork to have implementing agencies or stakeholders on board can stymie implementation of well-intentioned policies.

⁷ One of our interviewees noted that this trend holds less true at the federal level where individuals over time sit in various seats (elected, appointed, and bureaucratic positions) and may more often still operate with a political agenda.

Three Types of Advocacy Activities Related To Policy Implementation

Beyond understanding the unique characteristics of advocates' work in this phase of the policy continuum, we also came to understand there were three distinct types of advocacy work that they undertake to support post-campaign success:

- Administrative Advocacy
- Implementation Advocacy
- Ongoing Capacity Maintenance

Administrative Advocacy

Administrative advocacy is the work to influence rules and regulations that an administrative body is interpreting and applying to a law. Advocates with whom we spoke referenced tactics such as providing research and technical expertise to administrators, organizing support in known process windows (e.g., public comment periods), and convening and organizing stakeholders who will be impacted by the rules (e.g., implementing non-profit agencies, beneficiaries, etc.). Within this kind of advocacy, advocates may be trying to ensure that key components of the passed policy stay in place through rulemaking; alternately, when disadvantageous policies have made it through, administrative advocacy is an opportunity to continue to try to mitigate against rules that are seen as especially deleterious or to try to leave policies open to different amounts of interpretation.

Implementation Advocacy

When we asked advocates about success stories, many revolved around work they have undertaken to ensure successful implementation of policies they have sought. This took the form of ensuring funds were spent by administrative agencies in expected timeframes, communicating to organizations or individuals about the new services available, providing technical assistance to implementing agencies, and shoring up philanthropic resources to ensure that sufficient monitoring, research, and evaluation occurred. Often the advantage of these activities was described as showing the benefits of successfully implemented policies to protect against future withdrawal of funds or attacks from other interests.

While some of these activities fit neatly into expected roles of advocates (e.g., advocating for specific agency-level actions), others can be dependent on different kinds of capacities within an advocacy organization for training or technical assistance provision and more

direct connections with on-the-ground implementers. In some cases, advocates talked about the need for an effective hand-off to different kinds of supporting non-profit agencies to take on these roles. They expressed some trepidation about the expanded expectations these kind of activities could have for what advocates need to take on. For some, an advocate's role is to maintain the momentum of a win by tackling new or additional wins. These advocates felt strongly that the role of advocacy organizations is to keep minimal staffing to protect against an immediate loss of the win and to focus their unique skills on the next legislative battle.

Ongoing Capacity Maintenance

While it is easy to focus on the new and different kinds of efforts that advocates undertake to support successful implementation of a policy (or to mitigate the effects of an undesired policy), advocates also described the need to keep relationships and connections in the legislative sphere "warm." Because of changes from elections and the vagaries of the political environment, failing to maintain interest and some degree of championing among legislators increased the risk that desired wins could be rolled back or seen as vulnerable for those with different agendas. While this work is somewhat indirectly related to the quality of implementation, its role in the suite of activities that advocates juggle warrants acknowledgment.

We found these three designations of advocacy work useful in informing how advocates strategize to impact implementation, who they would target, and the aspects of policy implementation. Most advocates consider all three types of advocacy efforts to be part of their toolkit and use them simultaneously or variably, depending on the policy, the politics of the situation, and their content expertise and capacity, among other factors.

Given the unique and specific attributes identified previously, there is meaningful ground to explore in the intersection of policy implementation and advocacy. In the following sections, we examine existing frameworks and theories that consider the contexts in which policies are implemented and how they can strengthen the strategies and tactics deployed by advocates.

What's to come . . .

The full brief will go on to discuss relevant theories and frameworks, as well as how to put those theories into practice.

Here is a peek at what we'll be delving into:

Understanding Bureaucracy: Much of policy implementation happens in administrative agencies. Government agencies are unique organizations shaped by different logic than standard private sector organizations. Using James Q. Wilson's seminal book, *Bureaucracy*, we outline the specific contexts in which government agencies operate, the specific types of bureaucratic organizations and how they influence agency process and behavior, and the levels and motivations of actors within those agencies. Together, these theories help to inform strategies for framing and engaging with government agency actors.

Understanding Policy Implementation: The field of political science has a robust discourse which explores how policies are best implemented with regard to the level of centralization or decentralization within a government agency—among which actors, through which kinds of regulations, through what level of public engagement, and many other factors. In many circumstances, the best choice can be contingent on the levels of conflict and ambiguity of the policy and its context. These theories help advocates assess the characteristics of the policy and policy environment to identify which model provides the most effective framework, strategies, and tactics. These include top-down, bottom-up, and hybrid approaches.

Understanding Public Engagement: The public can play a significant role in implementation advocacy; yet, there are very different conceptualizations of how the public operates and how their voices can be most effectively leveraged. We explore two theories of democracy to help advocates strategize about how to most effectively engage and mobilize the public in implementation advocacy efforts. These include deliberative democracy and stealth democracy.

For each framework or theory listed previously, we provide a summary, identify key assumptions, describe applicable contexts for advocacy, document key criticisms, and outline relevant questions for assessing progress and learning.

Following each area of exploration, we provide an overview table showing how to consider advocacy strategy and tactics differently depending on the framework applied as well as the type of advocacy that may be used (e.g., administrative, implementation, ongoing capacity maintenance).

