

The background is a dark blue grid with various geometric elements. In the top left, there's a yellow semi-circle with a grid pattern. In the center, a teal circle is divided into four quadrants. In the bottom left, a large orange arrow points upwards and to the right. In the top right, a light blue arrow points downwards and to the left. There are also several faint, overlapping circles and lines in white and light blue.

Society
Inside



European Center for
Not-for-Profit Law

FRAMEWORK FOR MEANINGFUL STAKEHOLDER INVOLVEMENT IN THE DESIGN AND DELIVERY OF REGULATION AND GOVERNANCE

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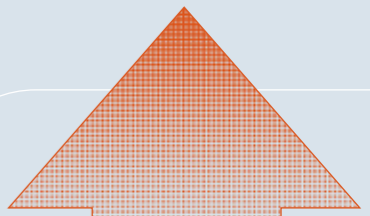
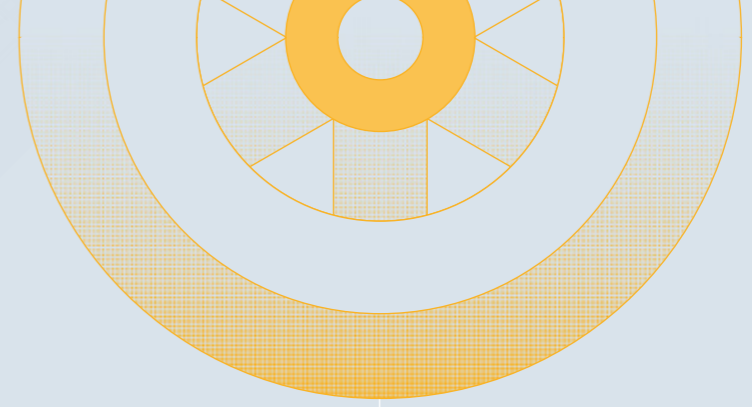
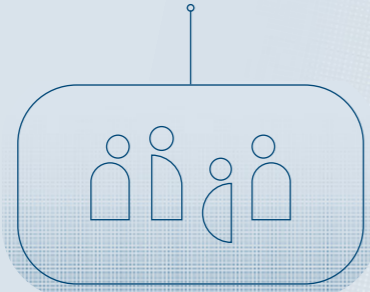
THE FRAMEWORK FOR MEANINGFUL ENGAGEMENT GUIDANCE FOR CONVENORS

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This menu is interactive

ABOUT THE FRAMEWORK



This Framework for Meaningful Engagement aims to underpin the findings of SocietyInside's work Trust and Tech Governance which identified the importance of the involvement of stakeholders in governance design as critical aspects of regulatory competence and societal trust.

It supports the three new proficiencies for governance identified by the research – 'Building a trusted environment for collaboration', 'Involving citizens' and 'Evidence of trustworthiness as a communications strategy'.

It is also part of SocietyInside's ongoing collaboration with Professor Chris Hodges to support his pioneering work on Outcome-Based Cooperative Regulation.

The framework was initially developed by SocietyInside and the European Centre for Not-for-Profit Law (ECNL) to support the Human Rights Impact Assessment of products and services using artificial intelligence (AI). It is an output of the Action Coalition on Civic Engagement for AI, part of a Danish Ministry of Foreign Affairs Tech for Democracy Initiative. The need for such a Framework was a finding of a separate project run by the ECNL and Mozilla Foundation with the aspiration of Making Trustworthy AI real (TAI).

Who is it for?

We created this practical Framework to help anyone seeking to deliver a more collaborative approach to the design and delivery of regulation and governance systems. You may be in a government department, a regulator, a business, a civil society group or multi-stakeholder initiative and want to understand more about the purpose and practicalities of involving stakeholders in shaping, designing and delivering governance.



How was it developed?

The initial Framework was the result of a co-creation and consultation process involving over 150 individuals and groups from civil society, business and public service across the globe.

Participants discussed the problems and barriers to engagement, and sought to capture broad ideals, existing knowledge and lessons from lived experiences from AI and elsewhere. This was supplemented by desk research (in part crowdsourced from participants) by SocietyInside and ECNL.

Engagement is not a new field and there are many examples of good practice in policy, regulation, healthcare, industry, academia and civil society to draw from and so we have consulted others working with other technologies, and engagement specialists who work in multiple sectors and disciplines. The distillation of this knowledge was presented for further deliberation with stakeholders during 2022.

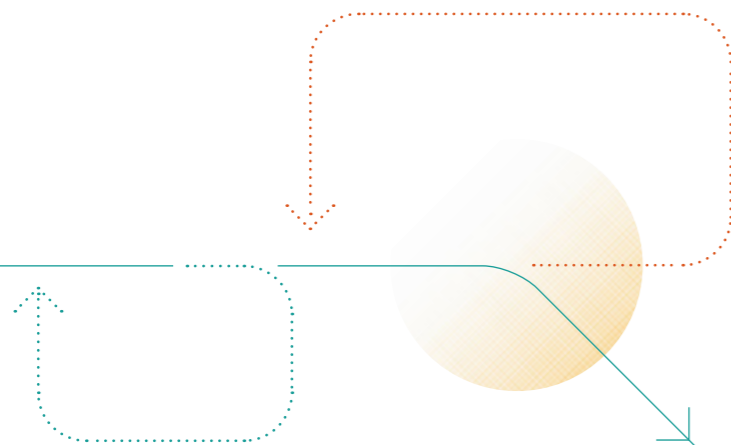
This adaptation for regulation will now go out to consultation among regulators and governance designers, companies being regulated in various sectors and civil society participating in regulatory design.

It is also being piloted by SocietyInside and ECNL and our partner organisations in different contexts and the lessons learned incorporated into final outputs and practical materials for convenors and participants.



About this document

It is designed to provide guidance for effective planning, delivery, action and feedback on stakeholder engagement.



The document addresses several points:

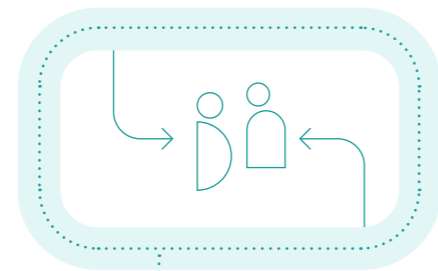
- Exploring what meaningful engagement might mean for convenors and participants.
- Providing guidance on how to design engagement to be meaningful for everyone – convenors, participants and those likely to be impacted by the product or service under design.
- Sharing insights and tools from our work and that of others for designing and delivering a Shared Purpose, Trustworthy Process and Visible Impact.

These toolkits will be refined following the pilot phase and the lessons learned will contribute to a final Framework and suite of online materials.

The next phase will also include additional tools:

- A prompt sheet for engagement participants exploring what questions to ask, what evidence to reflect on and what it may be reasonable to expect from convenors to ensure the engagement is meaningful for participants and those likely to be impacted by the product or service under design.
- An outline evaluation tool to help engagement participants assess whether a potential engagement they have been invited to will be meaningful, or not. It will also help them evaluate the success of an engagement in hindsight.
- We also hope to attract funding to make online canvases and accessible training materials using the Framework and toolkits.

Our aspirations for the Framework



For convenors

Our aspiration is that those seeking to involve stakeholders feel more confident about its purpose, process and outcomes and therefore are more motivated to involve them and take their contributions seriously.



For participants

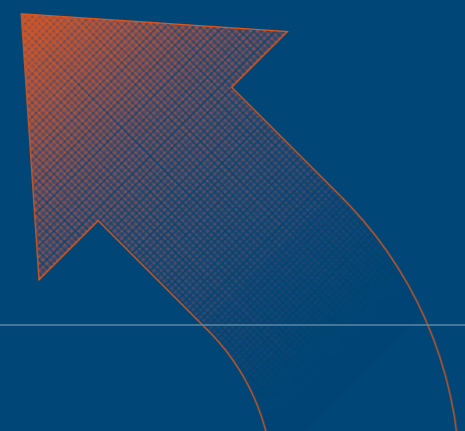
Our aspiration is that CSOs and citizens feel, and are, better equipped and empowered to shape and contribute constructively to engagement with regulators, governments, businesses, businesses, civic institutions and multi-stakeholder initiatives.



For all

Our aim is to design a Framework which is motivating and accessible without the process seeming either so onerous that no-one wants even to start, or too 'lite' to be impactful. We want to ensure the tools are empowering and constructive to support co-creation and positive collaboration rather than inflaming confrontation and entrenching existing positions.

ABOUT MEANINGFUL INVOLVEMENT OF STAKEHOLDERS WITH REGULATION AND GOVERNANCE DESIGN



The purpose of stakeholder involvement

Organisations of all types engage with their stakeholders usually for one of three purposes – to listen, to collaborate or to communicate.

Listening and collaboration aim to gain new knowledge, create shared learning and achieve a specific goal and outcome.

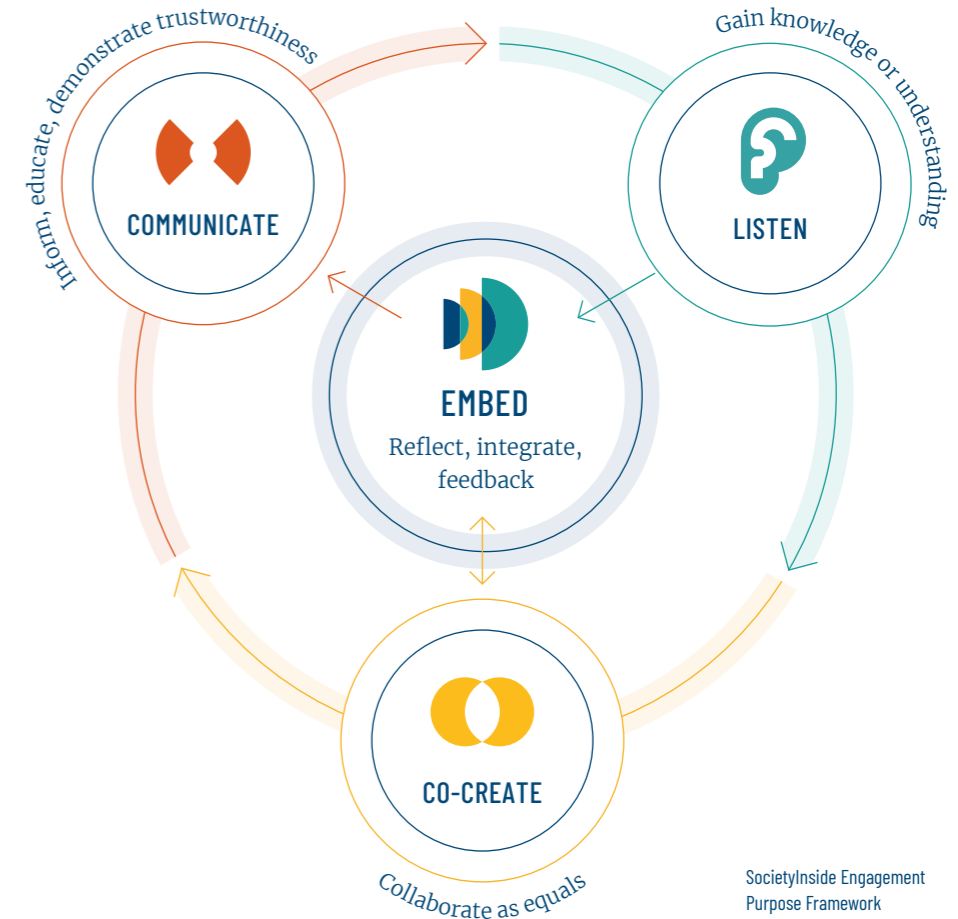
Communication is an important part of that too, especially to provide evidence of the trustworthiness of the process and outcomes.

The overall point of involving stakeholders is to enable the organisation to reflect, integrate and embed the knowledge gained to help it do what it does better.

Why involve stakeholders in regulation?

- To improve the evidence base for decision-making
- To increase understanding of implications and impacts
- To anticipate and minimise negative consequences
- To increase governance effectiveness and compliance
- To improve process legitimacy
- To increase trust in process and outcomes

(OECD Regulatory Policy Outlook 2022 & connected texts, [Outcome-Based Collaborative Regulation](#))



Who is a stakeholder?

‘Stakeholder’ is an umbrella term for anyone who is influenced by, or has influence on, your organisation, its processes and outcomes of its work.

For a regulator this may include those regulation is designed to protect, those being regulated, those more widely impacted by regulatory changes, including civil society, citizens, intermediaries and academic experts in law, social science and the sectors under discussion.

What makes involvement meaningful?

The dictionary defines ‘meaningful’ as something “significant, important or purposeful”.

Ensuring that engagement is meaningful in a regulatory setting must also take into consideration a regulator’s commitments to independence and avoidance of ‘regulatory capture’, in particular by the organisations being regulated, but also of other stakeholders who may have, or be perceived to have, undue influence on a process which subverts its adherence to the public interest and its stated goals.

Our research identified 3 key elements which make involvement meaningful for both convenors and participants and ensure the public interest is upheld – these are a Shared Purpose, Trustworthy Process and Visible Impact.



THE FRAMEWORK FOR MEANINGFUL ENGAGEMENT GUIDANCE FOR CONVENORS

Convenors of engagement and potential participants in our research asked for clear answers to three essential questions:

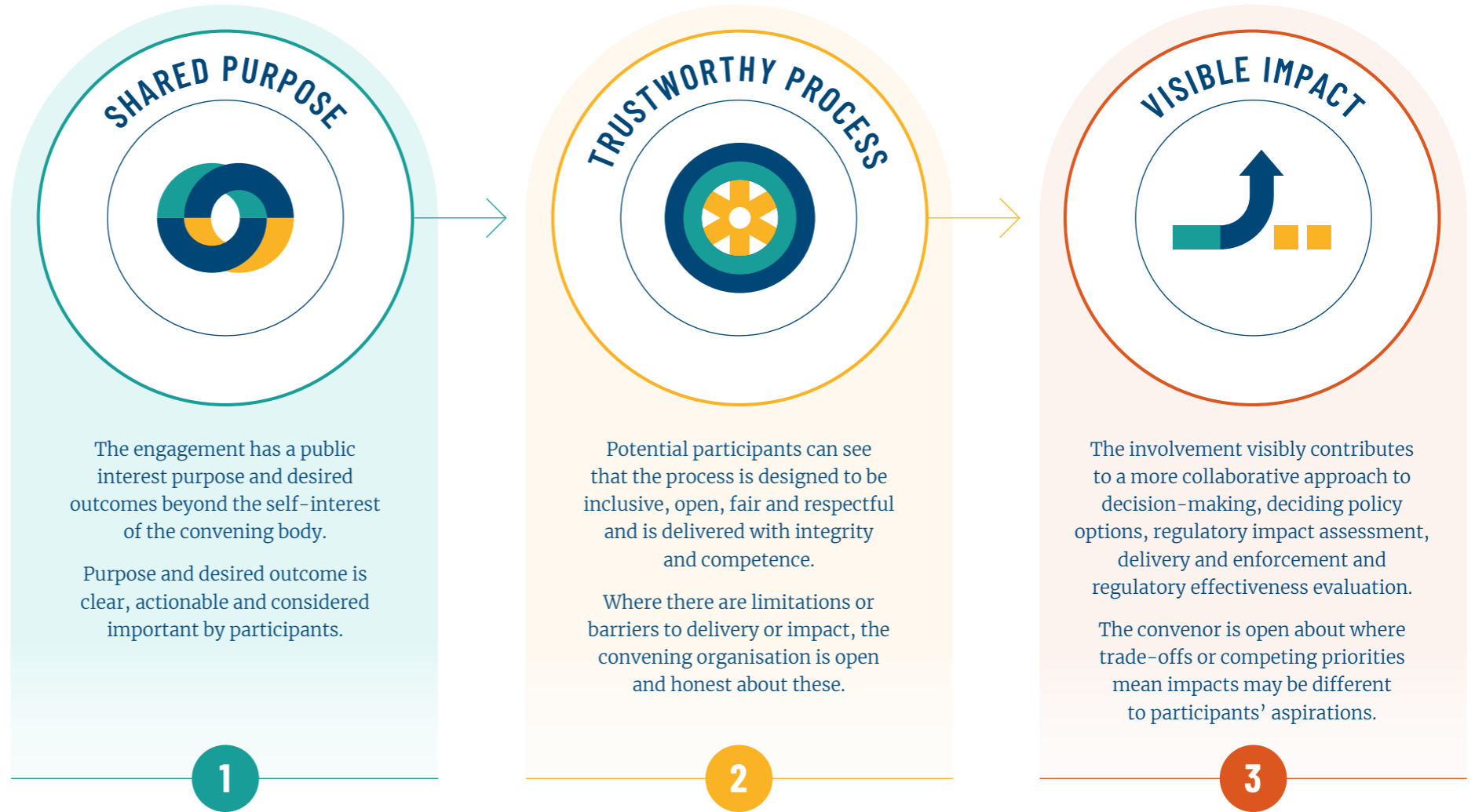
- 1 What makes engagement 'meaningful'?
- 2 What does a trustworthy engagement process look like?
- 3 How to distinguish the meaningful from the meaningless?

This Framework attempts to answer those questions in the context of regulation and governance design.

It assumes an organisation has identified a need to engage with its stakeholders but may wish for help to see what could be achieved, where to start, and how to do it. It encompasses engagement planning, delivery, action and feedback, interpreted within the three elements of meaningful engagement.

The three elements of Meaningful Engagement

Our research distilled the term to these three elements:





1 Creating a shared purpose

The engagement has a public interest purpose and desired outcomes beyond the self-interest of the convening body.

Purpose and desired outcome is clear, actionable and considered important by participants.





Why is a shared purpose important?

Having a clear purpose, which is also important to participants, is the basis for meaningful engagement. It is the anchoring intent through which others judge the potential for meaningfulness for themselves or the public interest.

Clarity of purpose also helps you understand more precisely who you will need to involve, internally and externally, the appropriate timing and effective methodologies. It is the basis for deciding on, and planning for, desired outcomes.

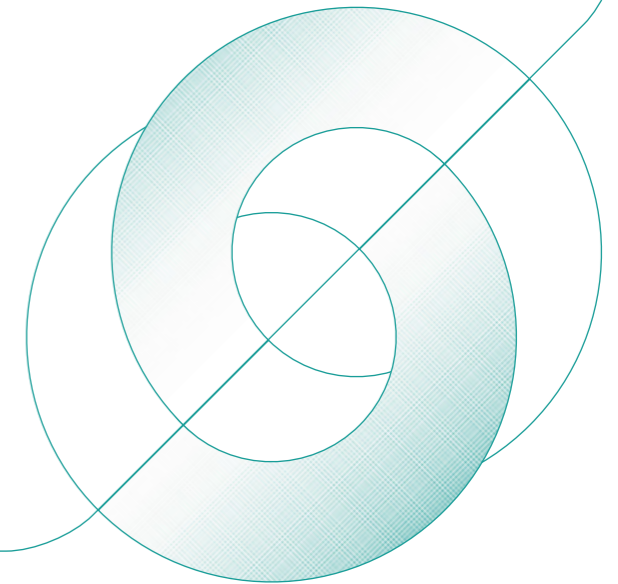


WHERE ENGAGEMENT FAILS FROM DISAGREEMENT ABOUT PURPOSE

There is not a shared view of the importance of the problem in the first place

The decisions were already made and the engagement was just a tick box

The focus is restricted - eg to technical risks ignoring wider social harms



Some purposes for stakeholder involvement

Stakeholder involvement in regulation occurs in four main phases:

- A** When exploring policy options including regulation
- B** As part of Regulatory Impact Assessment
- C** As part of regulatory delivery and enforcement
- D** As part of Regulatory Effectiveness Evaluation

(OECD Regulatory Policy Outlook 2022 & connected texts, [Outcome-Based Cooperative Regulation](#))

Exploring policy options

- Increasing knowledge and understanding for ‘evidence based decision-making’.
- Generate a shared understanding of the problem and scope of interventions
- Understand implications of change and of the status quo
- Deliver a more creative approach to potential solutions including regulation and other options
- Test plausibility of alternatives
- Understand who needs to be part of eventual collaborative solutions design

Delivery and enforcement

- Help testing of proposed regulation and feedback from all stakeholders
- Get a better real time understanding of how the regulation is working

Regulatory Impact Assessment

- Get a fuller understanding of potential costs, benefits and proportionality of the chosen path for those being protected, those regulated and wider society
- Get a better understanding of potential unintended consequences on those currently and potentially impacted, those being regulated and other stakeholders, including broader society.
- Increase understanding and effectiveness of complex ethical and rights decisions
- Better identification of preferred solutions which encompass all perspectives

Regulatory Effectiveness Evaluation

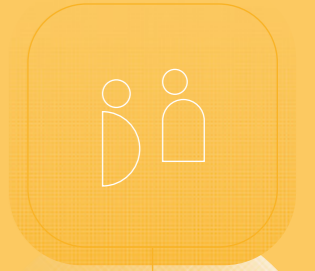
- Understand if the intervention is working as intended
- Understand why/why not
- Identify possible adaptations
- Design and deliver adaptations



2 Designing and delivering a trustworthy process

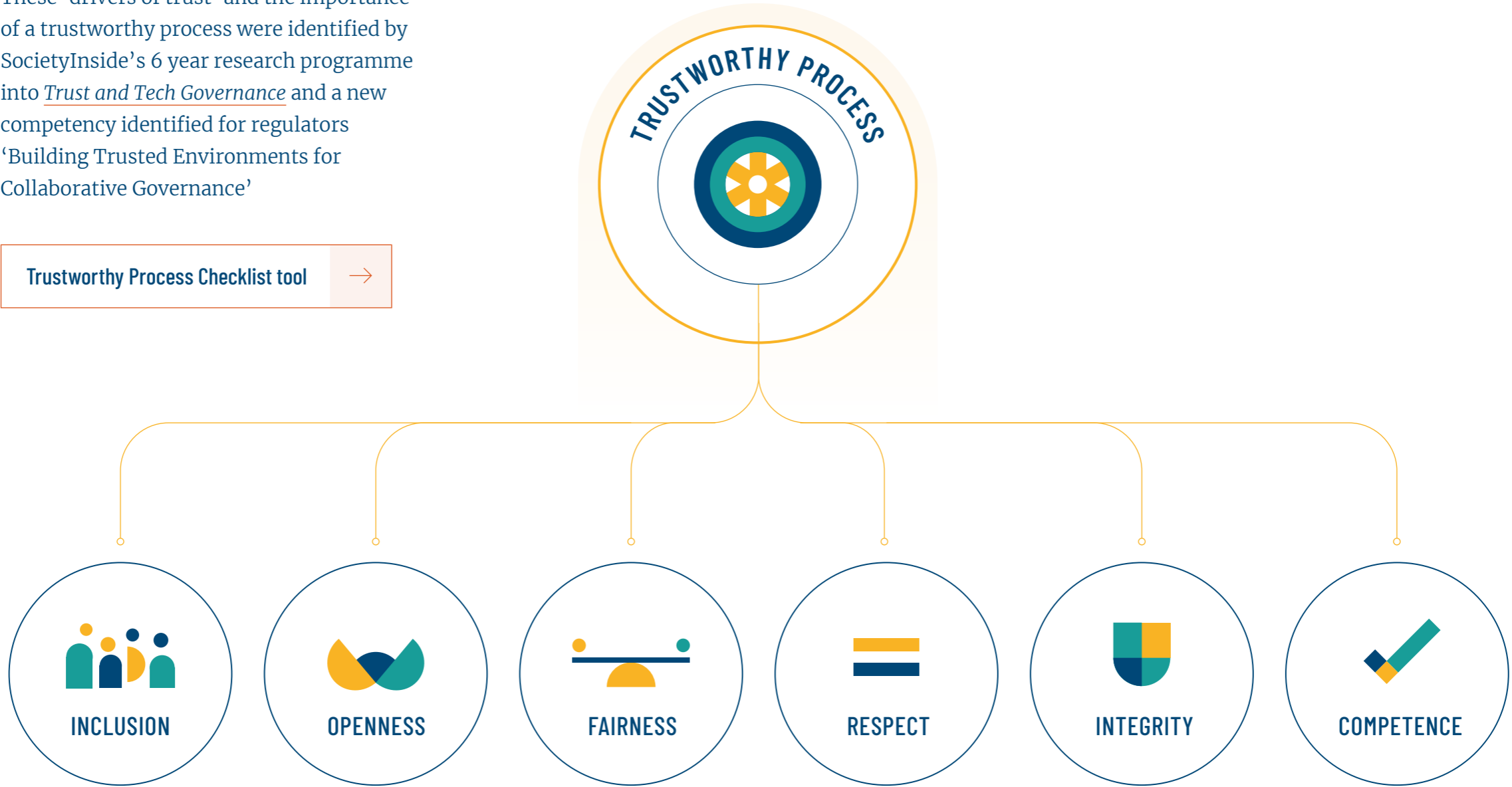
Potential participants can see that the process is designed to be inclusive, open, fair and respectful and is delivered with integrity and competence.

Where there are limitations or barriers to delivery or potential impact, the convening organisation is open and honest about these.



These ‘drivers of trust’ and the importance of a trustworthy process were identified by SocietyInside’s 6 year research programme into *Trust and Tech Governance* and a new competency identified for regulators ‘Building Trusted Environments for Collaborative Governance’

[Trustworthy Process Checklist tool](#) →



Step 1

Understanding barriers and limitations

There is no such thing as a perfect engagement process or outcome. Each will have its barriers and limitations, some of which may not be obvious, or even foreseeable.

These might be constraints on overall purpose or outcomes, funding, resources, capacity, competence, knowledge, expertise or concerns about policy conflicts. Or it may be that the trust of your potential participants has been lost for various historic reasons, which may influence their inclination to contribute constructively.

Identifying and being explicit about these limitations, including working with stakeholders to understand theirs, is helpful in designing a trustworthy process.

WHY ENGAGEMENT IS SEEN TO FAIL FROM LACK OF A TRUSTWORTHY PROCESS

Lack of openness, inclusion, fairness, respect, integrity or competence in process design

The process is late and reactive, not proactive or anticipatory

Stakeholders were left out when the real decisions were made





TOOL

Barriers and Limitations

Our research found that understanding and being explicit about potential barriers and limitations for all stakeholders was helpful in designing a trustworthy process.

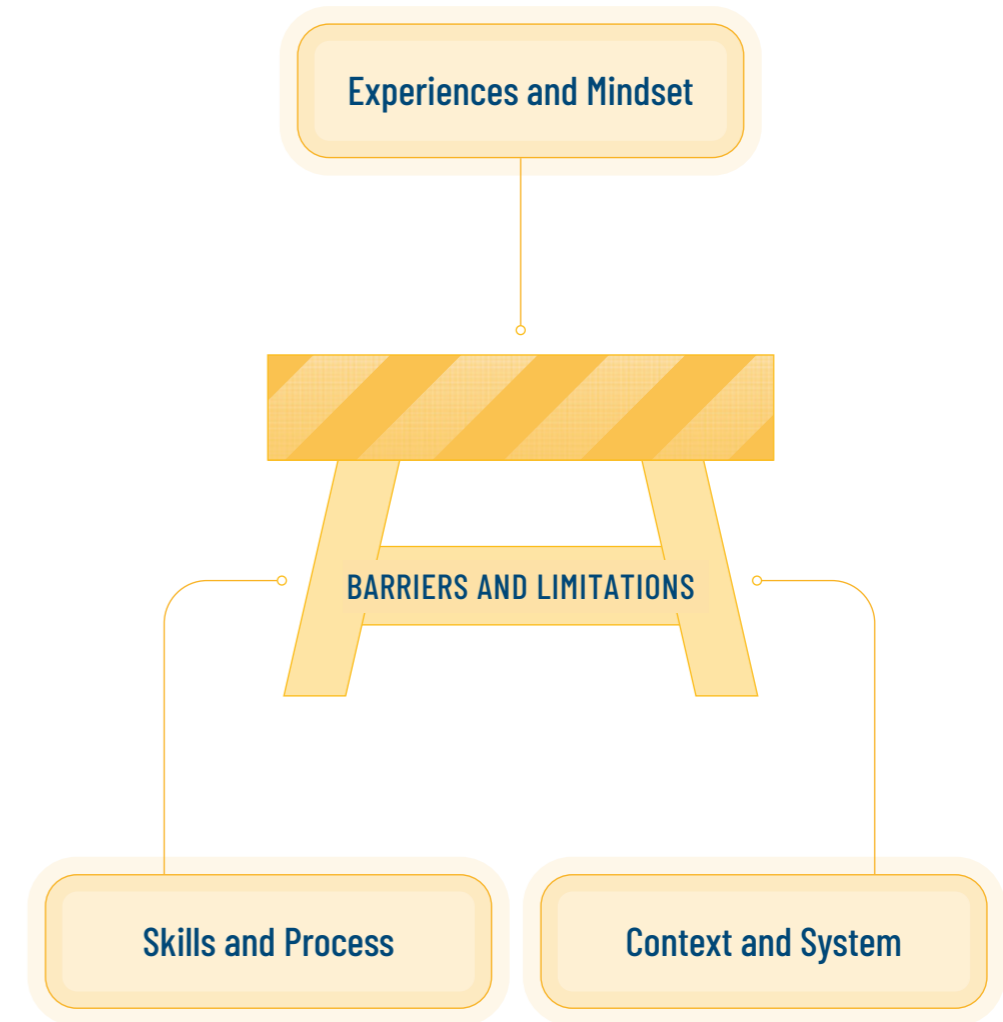
We have clustered them into three categories:

- A** Past experiences and current mindsets
- B** Concerns about skills and process
- C** Context and system issues

Use these or other prompts for internal brainstorming on barriers and limitations, even involve stakeholders to make these explicit as part of the process;

- Remember this is not about blame or shaming others for the current situation, or past issues, it is about surfacing problems, concerns and opportunities honestly as part of working towards a genuine meaningful outcome;
- Use them to underpin process design elements and process and impact commitments.

Please see the next page for examples.



EXPERIENCES AND MINDSET

Stakeholders

The decision will have already been made. This will be just be a tick box

They only care about business

They are so afraid of NGOs they don't listen to us

They will just use what we share against us later

Convenor

They will think they can influence everything, best not engage at all

We are just giving them more ammo to game the system

They are not experts, they don't know enough to be relevant

Everyone just shouts at each other, it doesn't work.



SKILLS AND PROCESS

Stakeholders

This isn't where the real decisions are made, why bother.

We haven't got the resources

I don't know enough about this area to contribute

They never seem to listen to us or act on what we say

Convenor

How can we be sure that they will take part in good faith and not try to derail or subvert the process?

It will just open a can of worms

We haven't got the time or the resources

I haven't got the skills for this sort of project



CONTEXT AND SYSTEM

Stakeholders

The government will have already decided what they want

The system is focused on only on helping business nothing else matters

This is complex with ethical and human rights issues, the system isn't set up to deal with this.

Convenor

The government has already decided what they want, there is no point

I haven't got the mandate to change to what they will want

This too complicated, the system isn't set up to deal with this.

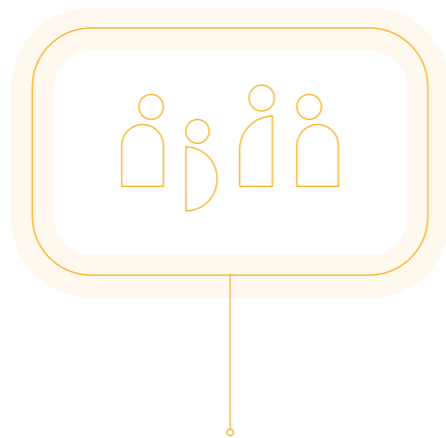
It conflicts with x priority, I don't know how to resolve that.



Step 2

Deciding when to engage

Involve stakeholders as early as possible and where it matters.

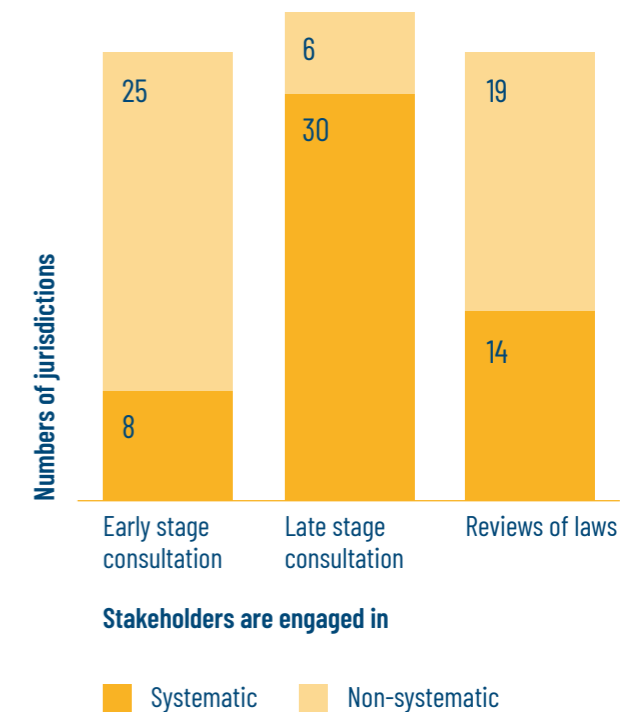


Whether you are exploring policy options, undertaking Regulatory Impact Assessment, designing and delivering regulation, or conducting Regulatory Effectiveness Evaluation involving business and civil society stakeholders is useful from the earliest stages.

Engagement is often seen as one-off event, but it may work best as a dynamic, iterative process that can have several objectives, involve different target groups and use different methods at different times. Once you have identified your purpose and objectives, you will be much clearer about when to engage different stakeholders.

When to involve stakeholders tool →

Governments can more systematically call for stakeholder input



Source: OECD Indicators of Regulatory Policy and Governance (iREG) Survey 2021

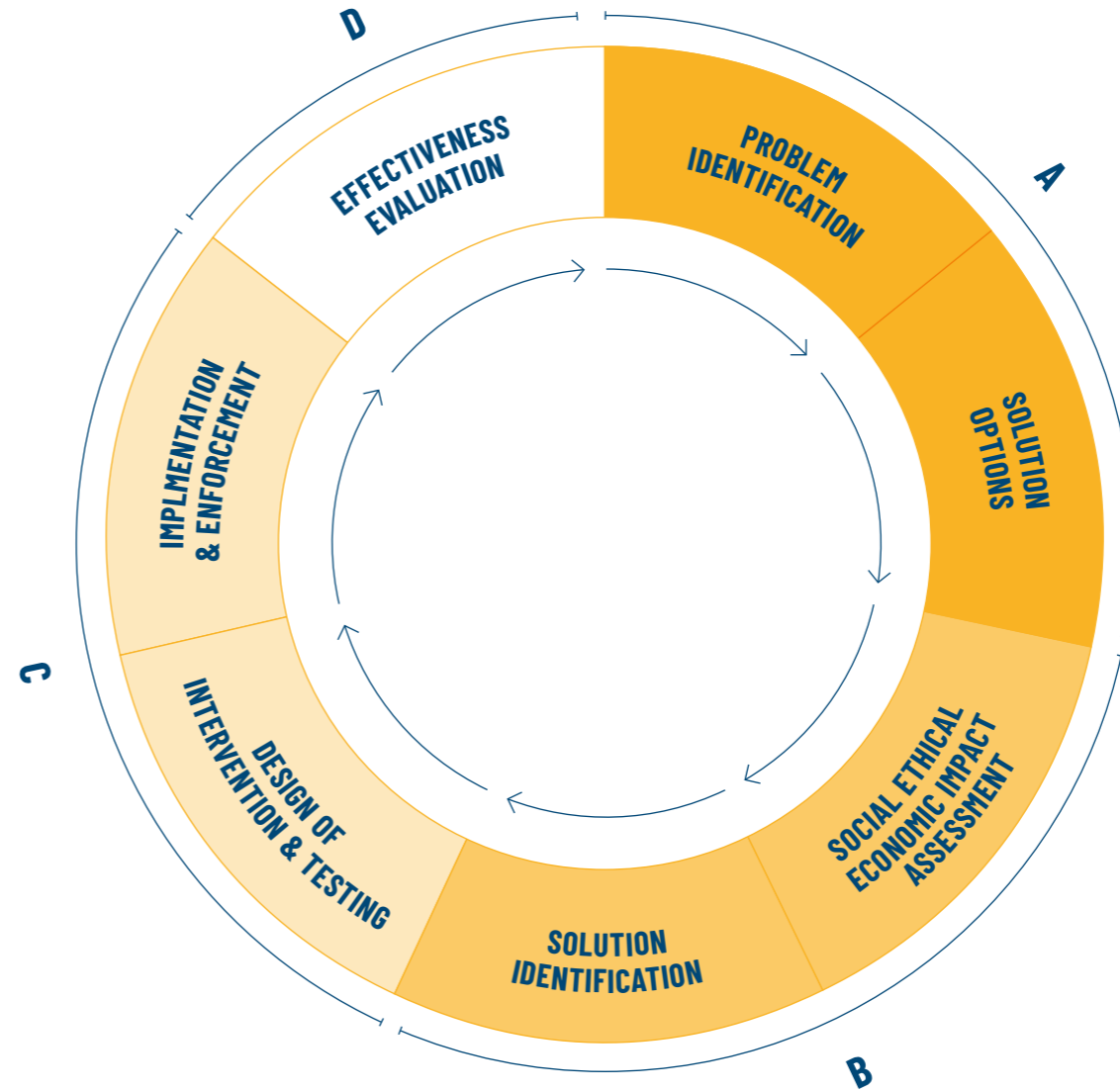
TOOL

When and why to involve stakeholders

Effective regulation involves stakeholders, including business, civil society, citizens and experts in four main phases:

- A** When exploring policy options including regulation
- B** As part of Regulatory Impact Assessment
- C** As part of regulatory delivery and enforcement
- D** As part of Regulatory Effectiveness Evaluation

([OECD Regulatory Policy Outlook 2022 & connected texts](#), [Outcome-Based Collaborative Regulation](#))



Step 3

Deciding who to engage

Six tests for Stakeholder Identification tool



Stakeholder mapping

There are many ways of mapping and prioritising the potential stakeholders you need to engage with – most often going down a list for example – government ministers, civil servants, business, insurers, trade associations, standards and certification bodies, NGOs, citizens, academics. But this can fail to identify hard to reach stakeholders who are often not considered important to regulatory design, and it doesn't help with prioritisation of who to engage and when.

An Impact and Influence model focuses the mapping on the most impacted first and works outwards. This is useful because it helps avoid generalisation, helps with problem identification, and issue and stakeholder prioritisation simultaneously.



TOOL

Stakeholder identification internal 'triage'

If you have identified in the Shared Purpose phase those internal groups who are essential to a meaningful outcome, engage with them to understand who may be important to them to engage with. Otherwise convene an Internal 'triage' brainstorm now of the relevant groups in your organisation, who may have the necessary expertise to identify stakeholders.

You could brainstorm potential stakeholders in many different ways. One useful approach could be to design prompts as the starting point for the brainstorm. As in other phases, prioritising members of marginalised groups should be the guiding principle.

For example, these may be useful, adapted from the ['Six Tests for Stakeholder Identification' tool](#) from The Consultation Institute.

Test 1: Who is directly impacted?

Whose lives will change if this regulation works or doesn't work as planned?

Who will have to change their behaviour as a result of this?

How and what may be the consequences of each?

Test 2: Who is indirectly impacted?

Whose daily lives will change because others have been directly impacted by this?

Who will gain or lose because of changes resulting from this?

Test 3: Who is potentially impacted?

In particular circumstances, who will have a different experience as a result of this decision?

Are there individuals or groups who will have to adjust their behaviour if particular conditions apply?

Test 4: Whose help is needed to make it work?

Who may understand the likely impact of this decision on other stakeholders?

Are there vital individuals or groups in the delivery chain whose help is needed?

Who if they obstruct the development will have a negative impact and why would they?

Test 5: Who has expertise on the subject?

Who has studied the subject and published views on it?

Who has detailed know-how that is needed for effective delivery?

Has anyone been campaigning about issues associated with positive and negative impacts and rights which may be affected?

Are there individuals or groups who are knowledgeable on the subject? Are there others in related worlds who may be perceived as knowledgeable - eg social media influencers

Test 6: Who has experience relevant to his subject?

Are there individuals or organisations who have direct or related experience relating to impact?

Who would support or help the individuals or groups impacted?



TOOL

Impact and influence mapping tool

You will be mapping different stakeholders by their Impact and Influence on this 2 x 2 map. You could have one large one, or a series by category which are later amalgamated.

For tips on using this tool, see next page.

From [Danish Inst for Human Rights Cross Cutting Stakeholder Engagement](#) – Figure adapted from Shift (2013) [Bringing a Human Rights Lens to Stakeholder Engagement](#). Shift Workshop Report No.3 New York: Shift P6



How to use

- Use the prompts from the Internal Triage process to think of the individuals or groups who may be affected. Plot them on the Impact and Influence Map.
- Map the individuals and organisations who are important for each of the stakeholders you seek to reach.
- Focus on those you believe to be the most negatively and positive impacted, especially those from marginalised and vulnerable groups such as women or racialised persons. Don't forget that the general public may be impacted as well as specific groups.
- Consider also those connected to these groups who might represent them or facilitate their engagement.
- You have initially thought through many potential positive and negative impacts. Who can help validate these and understand them better, as well as uncover new ones you haven't thought of?
 - Remember experience may be more important than expertise. So individuals with lived experience are also important, not only experts.
 - Don't think of stakeholders as potential blockers or barriers to be persuaded by your engagement, but as potential collaborators, or individuals with intel you desperately need. Remember negative views are gold dust, they may help you head off problems before they become disasters.
 - Proxies can be used to capture some stakeholder views. 'a Proxy' is a person or group of persons who can speak about the experiences faced by a particular group of people, but who are not actually these individuals or groups themselves. For example, proxies can include:
 - Representative organisations, which help a particular (and vulnerable) group;
 - Academics and researchers working on the particular topic;
 - Family members and carers;
 - More detail on considerations for including different types of proxies can be found [here in this document](#).
 - Individual citizens may be engaged for the expertise they have – eg their experience or context (as above). But when is it important to involve the public in general, even giving them agency in the decision?
 - When the technology may affect a large proportion of citizens;
 - When fundamental rights or societal values are challenged but the public interest may be served in using the technology;
 - When the technology potentially changes overall policy directions, eg policing, healthcare, etc.;
 - When a public policy decision is being made which requires the consent of citizens;
 - When understanding about societal values are needed to define what is acceptable and what is not.

For more on experience vs expertise see here: ['Why lived experience is a strength'](#)

Step 4 Choosing engagement methods

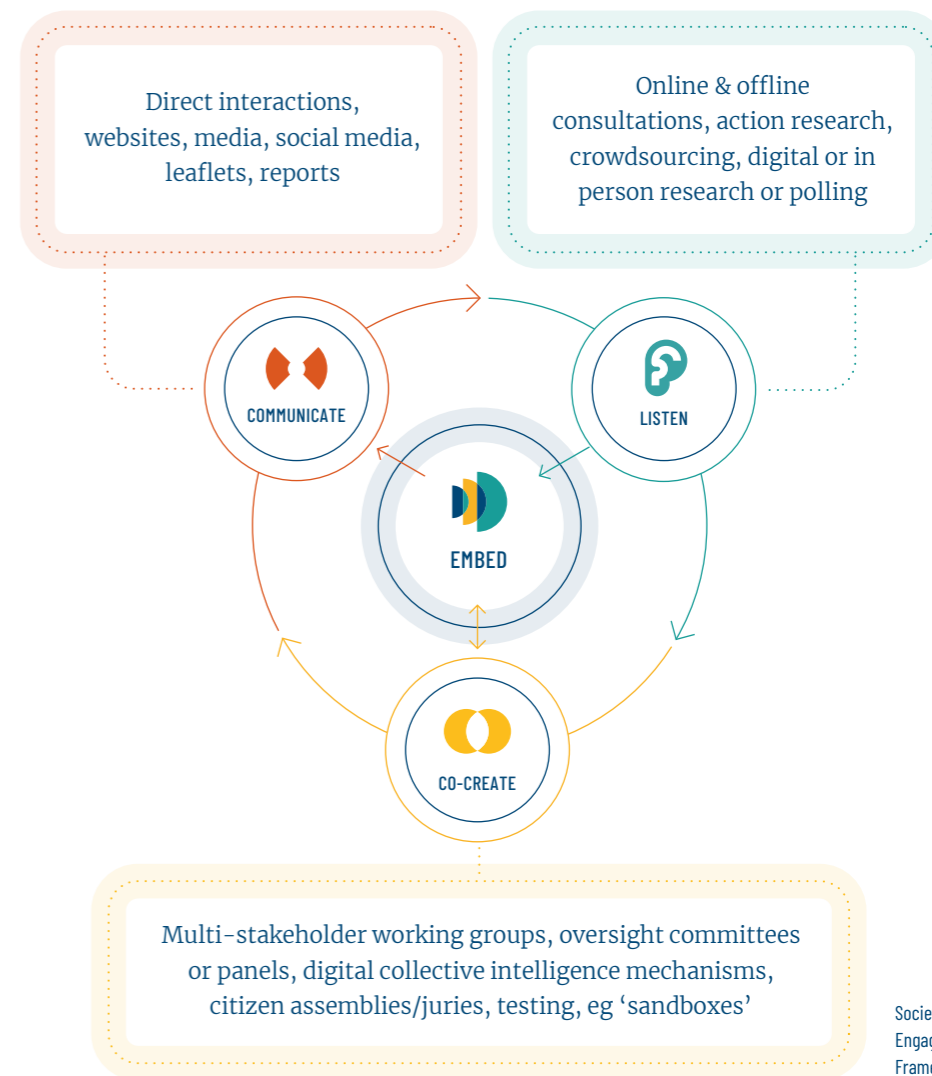
Stakeholder engagement with regulation often focuses primarily on engagement between the regulator and those being regulated – usually businesses – with civil society consulted in listening mode, through online consultation on draft documents. This often only takes place after proposed regulation has been drafted (OECD research).

The OECD guidance and OBCR approach advocates that a more systematic and

co-creative approach can be more effective, and not necessarily longer or more fraught. Greater openness and inclusion can avoid capture by vested interests and demonstrate process and outcome legitimacy in ways that piece-meal consultation and more confrontational processes cannot.

For example ‘vTaiwan’ an online and offline cooperative process of regulatory design involving citizens and other stakeholders agreed regulation on sales of online alcohol in just four months, following a deadlocked position after 4 years wrangling between different stakeholders in a more traditional process. It has since been used to develop laws in many other areas, including Uber, (See Appendix 1 – [vTaiwan evaluation using GovLab study against this Framework](#)) and Appendix 2 – further case study to come.

Some methodology examples



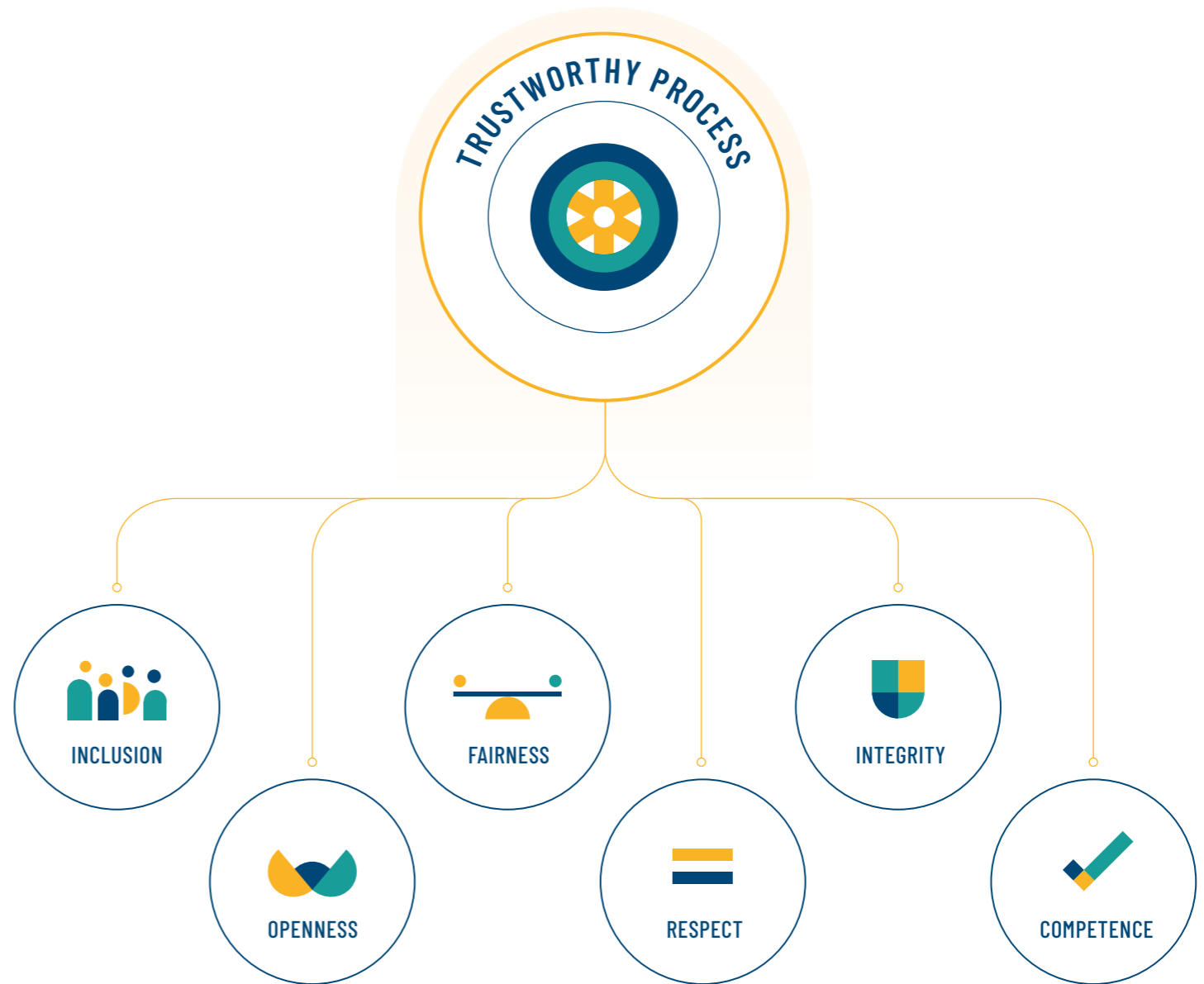
TOOL

Trustworthy Process Checklist tool

Critical to earning the trust of engagement participants and public trust in the outcomes is a trustworthy process design.

The importance of a trustworthy process and these important ‘drivers of trust’ was identified by SocietyInside’s 6 year research into [Trust and Tech Governance](#). The research identified the design of a trustworthy stakeholder engagement process is an important new competency for regulators – more here in [‘Building Trusted Environments for Collaborative Governance’](#)

The Framework and this Trustworthy Engagement Process Checklist Tool helps identify important aspects for regulators and governance designers.





Inclusion

Process design ensures the engagement is fully inclusive, particularly of those most likely to be negatively impacted and the marginalised.

- Are we broad in our inclusion of stakeholders, including those the regulation is designed to protect, those being regulated, those more widely impacted by regulatory changes, including civil society, citizens, intermediaries and academic experts in law, social science and the sectors under discussion, paying particular attention to those already marginalised and vulnerable?
- Are we clear that lived experience, not just expertise is valuable and are we seeking out contributions of all types?
- Some perspectives may be more difficult than others to obtain. Are we ensuring we just don't give up on a perspective because individuals may be hard to reach?
- Are internal and external stakeholders included in our deliberations about purpose, process and impact?



Openness

Process design defaults to openness, but is also mindful of the balance of ensuring safe sharing, whilst building trust in the process and outcome.

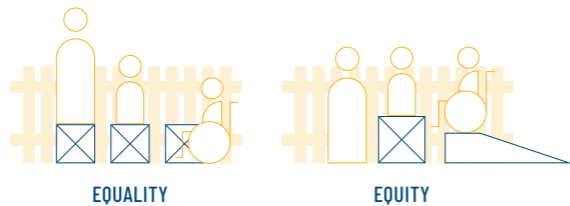
- Are we open and honest about the purpose and proposed outcomes of the process?
- Are we open in process design and communication about the barriers and limitations on process and outcomes?
- Do we have an open mind which is ready to listen and take seriously all perspectives, especially those we would not normally consider important to the process or who historically have had less power and influence?
- How are we ensuring the process is open, with enough information and knowledge sharing to inspire trust in the process and outcomes, whilst also ensuring safe sharing and psychological and physical safety of participants.
- Are we committed to being open about unanticipated problems which may occur during the process and open to cooperatively devising solutions?
- How are we documenting the process and making information available to build trust in process and outcomes.
- Are we ensuring we cut out jargon and use clear, plain language and provide materials which are accessible, without being patronising?



Fairness and Equity

Fairness and ‘procedural justice’ is considered throughout purpose, process outcome, impact.

- Do we have a process of ensuring a fair share of voice in design and facilitation ‘Weighting’ participation to ensure fairness and equity of representation?
 - Equity-focused design goes a step further than inclusive design. It asks designers to focus on the needs of groups that have been underrepresented or ignored in the past or are particularly hard to reach and elevate the perspectives of those previously excluded.
 - Equity means providing a different level of opportunity and support for each person to achieve fair outcomes.



- Are we ensuring a fair share of voice in the process and ensuring that certain perspectives or voices do not dominate – both in choice of participants and meeting facilitation?
- Are the materials we provide unbiased and fair?



Respect

Process is designed to respect and take seriously all concerns, views, rights, even those of critics.

- Are we involving people early enough for their perspectives to make a meaningful difference to issues which matter to them, or the people or issues they represent?
- Are we respecting people’s circumstances, by making the engagement at a time and place convenient for them, not just us? (This may also be about balancing the convenience for participants of online engagement with the perhaps higher quality of engagement which happens face-to-face.)
- Are we properly supporting and valuing people’s participation, eg with financial compensation for their time, travel to the venue, offers of childcare etc? Are we including civil society groups as well as individual citizens in remuneration policies?
- Is our approach and our materials culturally sensitive to the setting, context and individuals we are involving?
- Are we ensuring appropriate language support, eg translation in all its forms, facilitation which is impartial in its approach – eg facilitators and participants can be biased in terms of their responsiveness to those who share their race or language. How do we adjust for that?



Integrity

Honesty and accountability is embedded in process design.

- Are we honest about how all participants' feedback will and has contributed to policy options, regulatory design, impact assessment and effectiveness evaluation.
- Are we honest about where trade-offs and competing priorities mean that the impacts of the engagement may be different to some participants' aspirations?
- Recognising limitations related to confidentiality and intellectual property/trade secrets, do we answer tricky questions honestly and openly?
- Are we unbiased in the design of our materials, ensuring we are focused on the public interest and not promoting simply one perspective or emphasising only the positives of our preferred approach?



Competence

The engagement is resourced, designed and delivered competently.

- Do we have the resources and internal buy-in to deliver what we have proposed to participants?
- Do we have the necessary methodological design expertise? Do we know how to make our process interesting, culturally sensitive, involving and relevant, especially for non-experts in the area?
- Are we clear about what information and knowledge participants may need to have to contribute properly?
- Do we have the competence to listen and engage with those with diverse levels of expertise and values?
- Do we have competence in facilitation – would an independent facilitator be better to earn the trust of participants? Who might that be?
- What processes do we have in place to ensure participant privacy and physical and psychological safety? This is especially important for members of marginalised groups such as women and non-binary persons, racialised persons, migrants and refugees, as well as activists, political dissidents, and journalists. Useful resource includes consent forms for sensitive design.
- Do we have a process of evaluating success of the engagement by independent evaluators? Does this include evaluation by participants?

3 Demonstrating visible impact

The involvement visibly contributes to a more cooperative approach to decision-making, deciding policy options, regulatory impact assessment, delivery and enforcement and regulatory effectiveness evaluation.

The convenor is open about where trade-offs or competing priorities mean impacts may be different to participants' aspirations.





“A persistent issue in stakeholder engagement is that around three-fifths of policymakers do not provide public responses to comments received during consultations. This absence of feedback leaves stakeholders in the dark about whether, and to what extent, their input has helped to shape resultant rules. And it may dissuade stakeholders from participating in future consultations.” (OECD)

- Phase 1 Assessing internal and external support →
- Phase 2 Analysis of findings and evaluating effective response →
- Phase 3 Communication and engagement about impact →
- Phase 4 Reflecting and acting on stakeholder input →
- Phase 5 Evaluation →

WHY ENGAGEMENT IS SEEN TO FAIL FROM LACK OF VISIBLE IMPACT

If outcomes appear to favour one or more stakeholders perspectives, lack of explanation about how competing priorities and trade offs have influenced the final outcome erodes trust in process and outcomes.

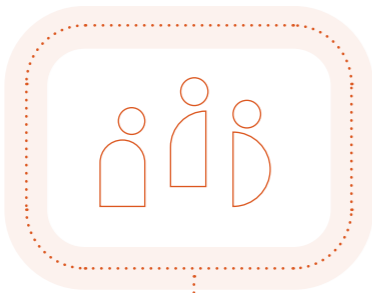
Lack of communication about how the perspectives of all stakeholders has been incorporated into decision making undermines trustworthy process efforts.

Lack of visible impact fuels assumptions about bias, capture and process corruption.

Lack of visible impact of how stakeholders perspectives have been incorporated is the biggest driver of non-cooperation in future processes.

Phase 1

Assessing commitment to sharing visible impact



OECD guidance and widespread regulatory best practice stresses the importance of providing reflections and responses to stakeholder on how perspectives shared in the engagement have influenced decision-making, but it is rarely systematically adopted.

The identification of barriers and limitations to engagement may have surfaced some concerns about the implications and process for providing responses and explanations, which will in part have been acknowledged and addressed through Trustworthy Process Design. But addressing the systemic issues and practical steps of who and how the process will demonstrate visible impact may require further inquiry and the identification of specific internal responsibilities and actions.

If internal concerns about implementing visible impact have not been investigated then they could be specifically prompted, or a separate internal consultation undertaken.

It may be helpful, for example, to identify those internal and external champions or sceptics, understand their reservations and consider how to respond to their concerns. Nobel prize winning economist Daniel Kahneman urges us “*don’t try to persuade, understand the source of resistance and address that*”.

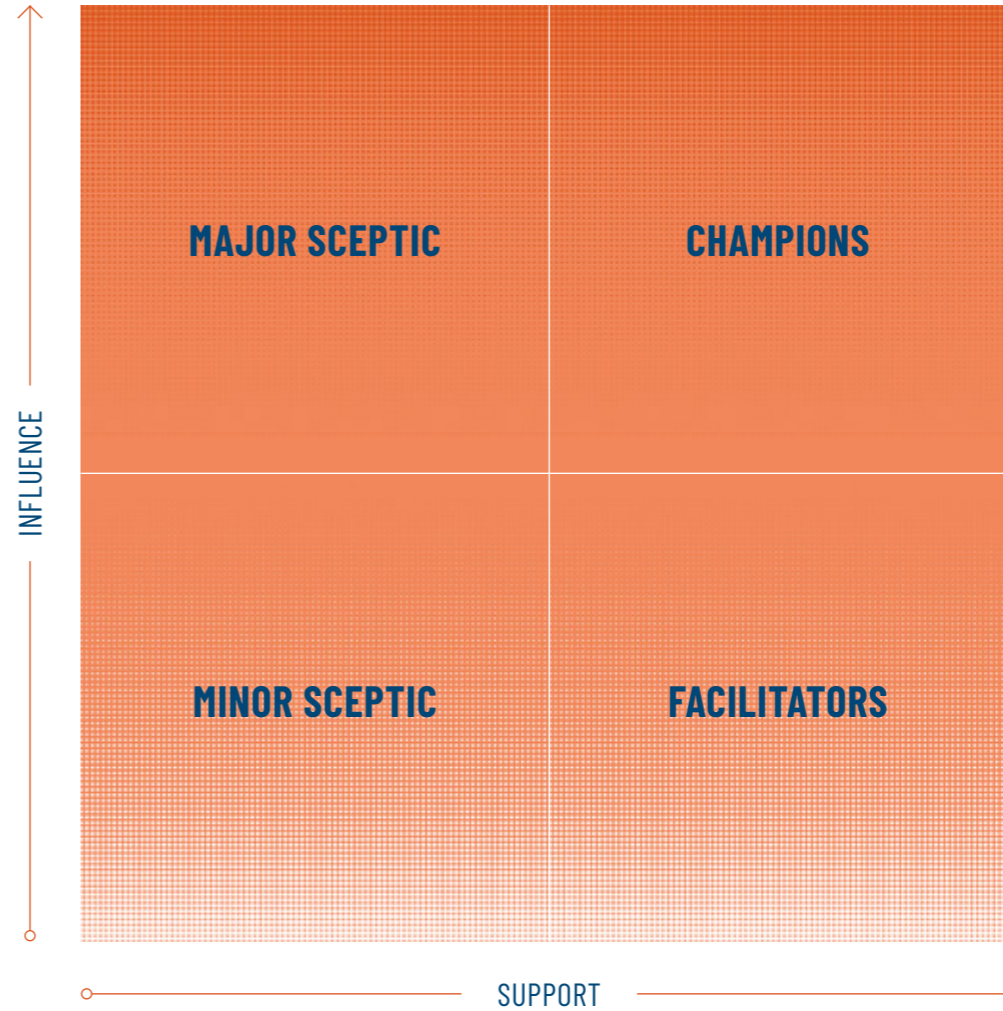
[Internal stakeholder mapping tool](#)



TOOL

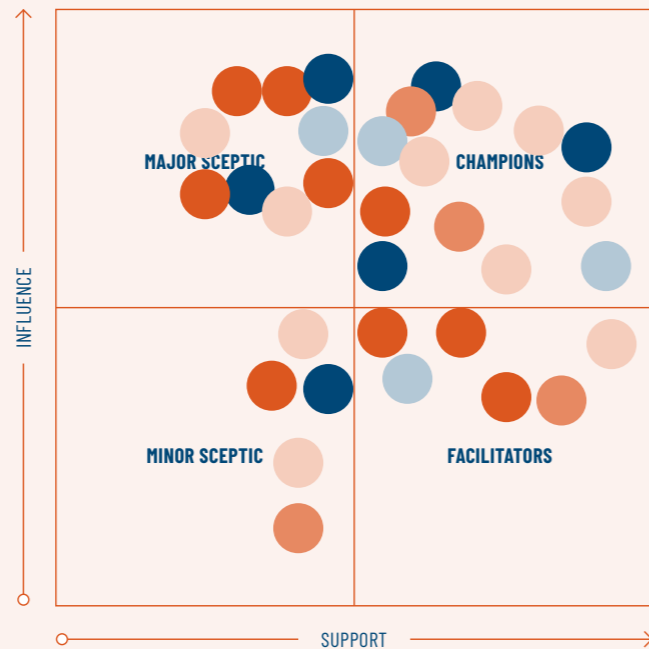
Internal and external support mapping tool

This tool helps give an indication of 4 change agent personas and helps you develop strategies and tactics for communication, planning, resourcing and facilitation needed to embed the needed changes, while also empathising and acknowledging people's organisational context.



i USEFUL TIP

Using a visual tool can help map these out and colour code them based on functions as in the example image:



Great care must be taken with populating this map in such a way that it is respectful of all individuals and their existing knowledge and experience, context and values. This exercise and any direct internal or external engagement must, as with any stakeholder engagement, listen to and take seriously all concerns and issues and respond openly and respectfully.

With this understanding in place from the start, responding to engagement and any findings becomes easier. By obtaining a better understanding of perspectives, listening and responding to concerns, you are able to design more effective processes and communications strategies to align internal and external stakeholders with a shared purpose, create a trustworthy process and demonstrate the visible impact of stakeholders perspectives on the eventual outputs and outcomes.

Phase 2

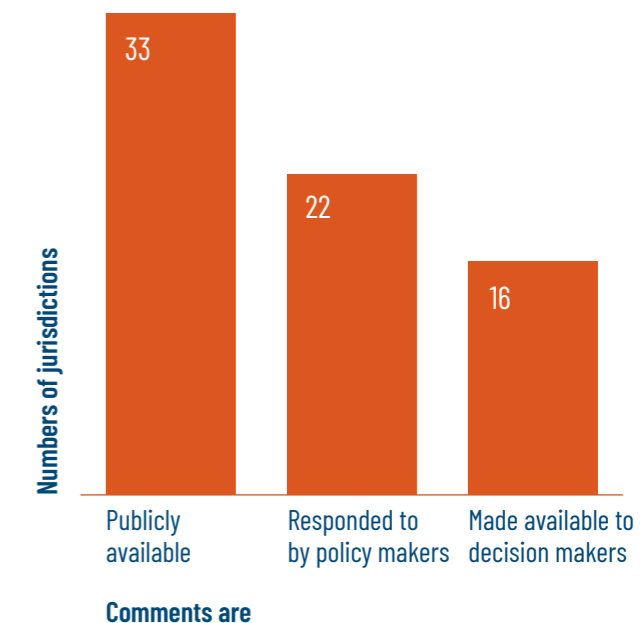
Analyse findings and evaluating response

How will findings be analysed and how will the organisation respond?

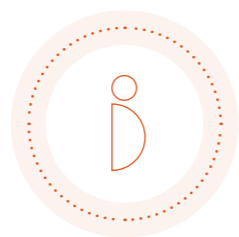
Analysing findings and evaluating effective responses is an iterative process. This process may form an official part of a multi-stakeholder working group remit, or it may be allocated internally to departments within the regulator.

A clear and open process will be designed to do the analysis and respond to stakeholders. This is likely to be shared or co-created with stakeholders (including parliament/ministers) as part of the Trustworthy Process.

What happens to comments received during stakeholder consultation?



Source: page 21, [OECD Indicators of Regulatory Policy and Governance \(iREG\) Survey 2021](#)



Phase 3

Communicating and engaging around impact

What makes engagement meaningful for participants is to know that their contribution has been taken seriously and their perspective has had an influence on the outcome of the initiative under discussion.

In particular that their participation has upheld the public interest and had a positive impact on those most likely to be negatively affected by the product or service in use.

Where trade-offs and competing priorities mean impacts are different to participants' hopes or expectations, the rationale is explained – e.g. when the product can't be modified to reflect recommendations from the stakeholder engagement because of competing priorities – the reasons for not acting on the recommendations will be explained.

Research shows that people don't expect their every view to be necessarily incorporated, but explanations as to why they are not incorporated are pivotal in building trust in the process and outcomes.

In developing your engagement and communications plan you may consider these questions:

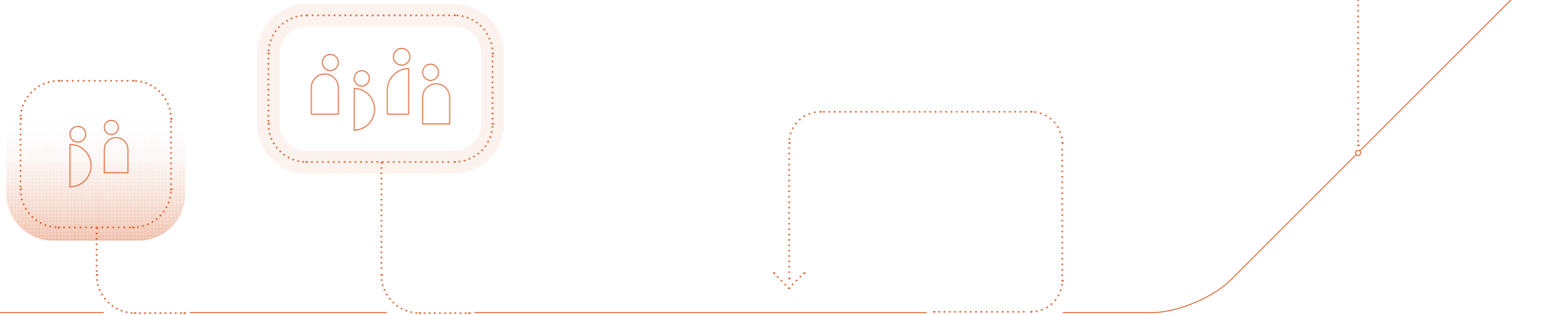
- How are you planning to give feedback to participants about your analysis and the impact of their contribution?
- Where this may be different to their expectations, how are you communicating the trade-offs and priorities behind these decisions?
- How are you planning to record and disseminate internally their response to your decisions? How will that further influence your decision making?
- How will this information be documented as part of the Trustworthy Process design?



Phase 4

Reflecting and acting on stakeholder input

- After you communicate information about their input, stakeholders will have further views about your response and about the changes you made and didn't make.
- Their feedback at this stage may also provide new insights and illuminate new courses of action.
- It is advisable that a second phase of internal communication and reflection be conducted at this stage to inform any changes needed before final deployment.



Phase 5 Evaluation

Draft Evaluation tool



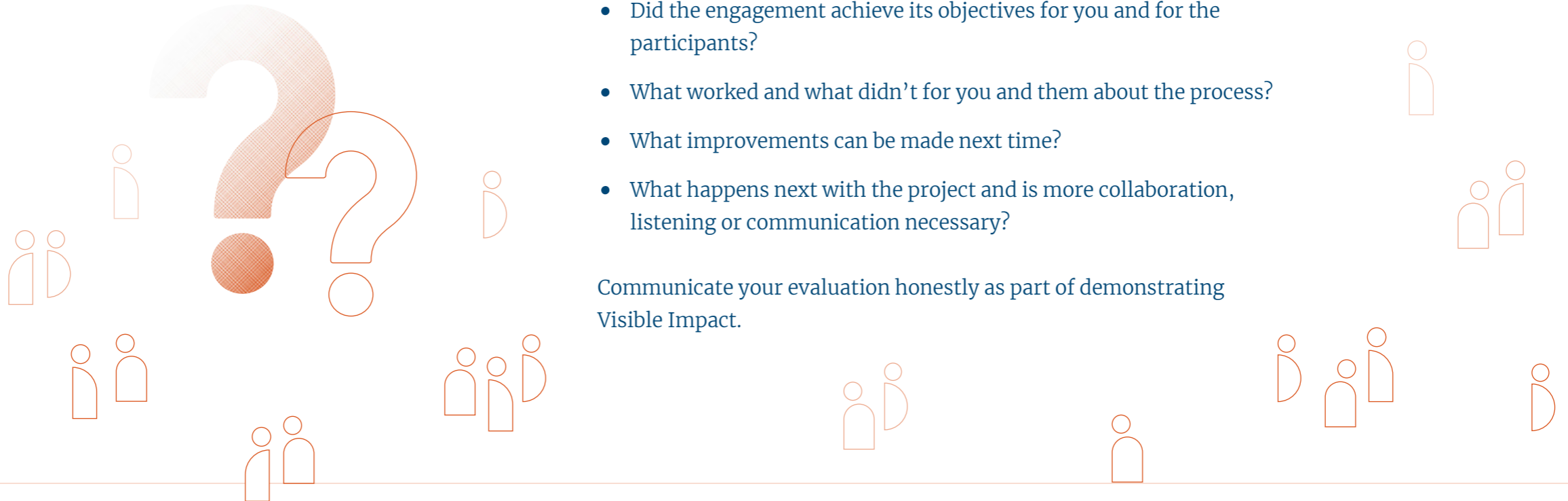
Possible evaluation questions

Meaningful engagement undertakes evaluation which includes evaluation by participants. Feedback forms are now ubiquitous and widely disliked – be creative about getting feedback from participants but keep it short. Ensure it can be anonymous, or not, if they desire it.

Consider:

- Did the engagement achieve its objectives for you and for the participants?
- What worked and what didn't for you and them about the process?
- What improvements can be made next time?
- What happens next with the project and is more collaboration, listening or communication necessary?

Communicate your evaluation honestly as part of demonstrating Visible Impact.



TOOL

Draft Evaluation Tool

The Framework can be used for evaluation in two ways:

- To help civil society to assess whether to collaborate in an engagement initiative in the first place;
- To evaluate its effectiveness and success retrospectively.

Figure shows a possible mapping tool and process for evaluating success in a deliberative approach.



Appendix 1


Pilot evaluation for SocietyInside/ ECNL Framework for Meaningful Involvement in Regulation

Info summary – based on in depth case study on vTaiwan provided by [GOVLAB](#):

[Crowdlaw for Congress report vTaiwan, using digital technology to write Digital laws](#)

WHERE IT UPHOLDS THE PRINCIPLE

WHERE FURTHER WORK NEEDED

 **Shared Purpose**
The purpose is for the public good. Purpose and desired outcome is clear, actionable and considered important by participants.

The issues put to the process are initiated by civil society. No issue is put to the full process without the agreement of government to accept accountability for the issues and commit to take action in line with the recommendations of the process.

Regulation of technology for the public good is central to all the proposals.

 **Trustworthy process**
Process design and delivery considered trustworthy by all participants.

Process design framework designed by CSOs – proposal, opinion, reflection and legislation.



Inclusion

Process design ensures the engagement is fully inclusive, particularly of those most likely to be negatively impacted.

WHERE IT UPHOLDS THE PRINCIPLE

The community itself identifies relevant stakeholders. Stakeholders are defined as any person or group affected by and/or with knowledge about the given issue. Stakeholders are also asked if they can recommend others with knowledge and/or experience relevant to the issue.

The vTaiwan community creates an online forum on which anyone, not restricted to Taiwan residents, can ask questions, comment on ideas or choose to “agree”, “disagree” or “pass” on others’ ideas, and that forum is open for a designated period of time. Each round of opinion collection lasts for at least one month, but there is no limit to the number of rounds.

Face to face consultations are also part of the process. Though as 85% of population online and 90% on Facebook citizens are comfortable with on-line consultation.

WHERE FURTHER WORK NEEDED

It is mainly online, and so misses those not able to directly contribute online – though early engagements did both.



Openness

Process design defaults to openness, but is also mindful of the balance of ensuring safe sharing, whilst building trust in the process and outcome.

The respondent has the option to either keep their responses confidential within the vTaiwan community or to publish their opinions publicly.

A proposed issue will not initiate the vTaiwan process without a government authority agreeing to become accountable for it and a facilitator taking charge of the issue.

The ‘focused conversation method’ used is iterative and open.

Once the opinion process is closed, all interactions are reviewed, analyzed, and curated by the vTaiwan community. They are used to publish two reports (“raw and second-hand”) on the results of the opinion collection stage that are viewable by the public and also submitted to the relevant government authority. The reports are used as materials to set the agenda and as a topic of discussion for the upcoming mini-hackathon and consultation meeting.

What are the ones that are not chosen, is there an issue with those which are and aren’t?

WHERE IT UPHOLDS THE PRINCIPLE

WHERE FURTHER WORK NEEDED

**Fairness**

Fairness and 'procedural justice' is considered throughout purpose, process outcome, impact.

Fairness of process is central to the design and delivery of the vTaiwan project. Stakeholders are defined as any person or group affected by and/or with knowledge about the given issue.

The Polis software is specifically designed to ensure that no single individual or group has unfair advantage in the process or the voices of some dominate. It is designed for fairness and consensus.

There is no set policy in place to decide when an issue advances from one stage to the next. Rather, the vTaiwan community decides this when they reach a "rough consensus" at any given point based on the situation at the time. According to PDIS Co-founder Shu-Yang Lin, "every case is different, and should be treated differently."



**Respect**

Process is designed to respect and take seriously all concerns, views, rights, even those of critics.

The vTaiwan community launches the opinion collection process and produces the description of the case in a form digestible by stakeholders and the general public. This includes publishing any documents, research and/or presentations, relevant to the proposal. If there is terminology that is difficult to understand, it is compiled into an open dictionary, where everyone can contribute to make things clearer.

The Polis software is designed for consensus building and to avoid polarisation and dominating voices. The process is specifically designed to respect all perspectives and expertise, and privacy considerations are considered essential to design.

Process can be done at any time by participants.

	WHERE IT UPHOLDS THE PRINCIPLE	WHERE FURTHER WORK NEEDED
 <p>Integrity Honesty and accountability is embedded in process design.</p>	<p>Government funded, but volunteers from CS run process at arms length. It is independent of government and government is accountable to the process.</p> <p>Government accountability is built into the process.</p>	<p>Unclear about any problems in this area, capture by other agents outside of the process.</p>
 <p>Competence The engagement is resourced, designed and delivered competently.</p>	<p>It is resourced effectively by government though community volunteers deliver.</p> <p>Flexibility embedded to ensure effective outcomes where path of idea deviates from the model.</p> <p>The case study by GovLab proposes that the vTaiwan process does more than merely collect opinions; it provides a method for genuinely improving legislation.</p> <p>Discourse is a discussion platform which allows users to tag competent authorities who, in turn, are obliged to respond to comments within seven days.</p>	<p>Unsure of limitations of the voluntary model or whether they get paid out of the government cash.</p>



Visible Impact

The involvement visibly contributes to a more collaborative approach to decision-making, deciding policy options, regulatory impact assessment, delivery and enforcement and regulatory effectiveness evaluation.

The convenor is open about where trade-offs or competing priorities mean impacts may be different to participants' aspirations.

WHERE IT UPHOLDS THE PRINCIPLE

Commitment is clear by government to 'use opinions gathered by process to shape legislation'. Government authority agrees in advance to become accountable for the issue proposed.

Discourse is a discussion platform which allows users to tag competent authorities who, in turn, are obliged to respond to comments within seven days.

Final outcomes are agreed to take one of two forms:

In some cases, the issue is resolved with a guideline, policy, or statement from the competent government agency. This often includes a point-by-point explanation of why legislation is not being enacted.

Although many public officials are still reluctant participants, mandatory public engagement is beginning to create a culture of mutual trust.

Participants can clearly see the outcome of the engagement enacted in law, or explanations given for trade offs and different responses by government.

WHERE FURTHER WORK NEEDED

Unsure if there are concerns where this has not happened.

Unclear about redress where stakeholders disagree with outcomes.

Appendix 2

Framework development process

- 1 [Initial mapping](#)
- 2 [Identifying barriers and challenges to meaningful engagement](#)
- 3 [Consolidating input on understanding and addressing barriers part 1](#)
- 4 [Consolidating input on understanding and addressing barriers part 2](#)
- 5 [Live development canvas including references to others' work](#)
- 6 [Initial draft framework](#)

Acknowledgments

We thank a wide variety of individuals and groups who participated in providing input and suggestions for this Framework, in particular, those taking part in the Mozilla Foundation Trustworthy AI Working Groups and Action Coalition on Civic Engagement for AI, part of a Tech for Democracy Initiative and those contributing to SocietyInside's research on Trust and Tech Governance.



Need some support in taking this
Framework from intent to action?
Reach out.



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