

TIPS FOR DELIVERING POLICY AT PACE



ALLEN+CLARKE

Understanding Policy at Pace

Developing policy at pace without compromising on quality can be tricky. This guide contains some of the most important questions to ask when gearing up to deliver policy at pace, plus top tips, advice, and other considerations, so that your team is always ready to tackle the challenges of fast-paced policy.

What is policy at pace and why is it needed?

Policy development requires a substantial investment of resources and time. Often, policy development will take between 12 to 18 months from conceptualisation to implementation, and, in many cases, much longer.

However, certain situations may require the development of policy in a much shorter time-frame. This includes emergency situations, such as natural disasters, health crises, biosecurity risks, and other unexpected events. But policy at pace can also be motivated by political factors, including a change in government – especially when a new government wants to implement their immediate priorities, such as part of their 100-day plan, or change policy priority. Other circumstances include the need to respond to statutory deadlines (including sunset clauses), or when a new deadline has been set by a Cabinet or Ministerial report.

Policy at pace might be needed due to:

- Natural disasters
- Health crises
- Emergency situations
- Changing priorities
- Political requirements

How is kicking off new policy different to the rapid speed-up of existing work?

The critical difference when developing policy at pace is that you're working backwards – you're starting with an external deadline and having to work your way back, rather than starting at the beginning with a policy initiation. Additionally, developing policy at pace means working to much shorter time-frames, and as a result, the policy process needs to be adapted to fit the allocated time. This involves making conscious and informed decisions about what parts of the process can be squeezed, and what parts can't.

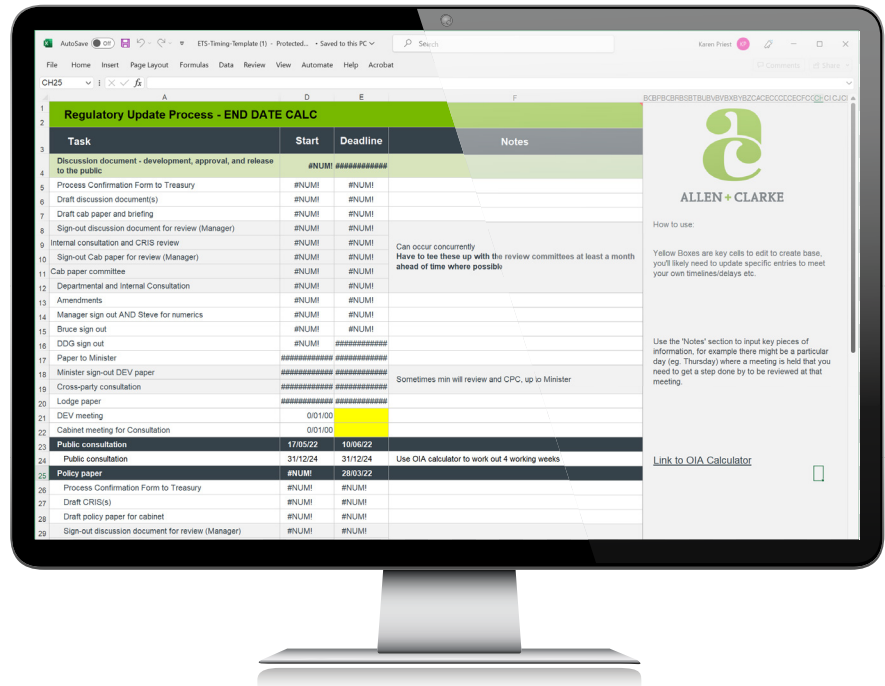
Two key differences with policy at pace:

- 1) Starting with a specific deadline
- 2) Squeezing timelines, or choosing not to proceed with parts of the process

To do this effectively, it's essential to plan and take a programmatic approach. Planning is crucial to delegating roles and responsibilities and making sure everyone knows what's expected of them. Additionally, establishing from the get-go what your desired outcome is and how you wish to achieve it can help to get everyone on the same page about the end point, but also how you are going to work together to get there.



Clicking here will download our Policy at Pace Timing Template



Working at pace means there is less room for error, so it's essential to build a structured approach with clear-cut milestones and deliverables.

Thorough planning means everyone is aware of who the decision-makers are, the basis on which they are making decisions, any relevant priorities or outcomes that need to be considered, and what information they need to make a good decision. Thorough planning also makes it easier to ask for more resources when you need it, as you can easily identify areas where resources are needed and know exactly what they're needed for.

What should you take into consideration when gearing up to deliver policy at pace?

It's important to keep in mind that the expectations, tactics, and team capability needs are vastly different when developing policy at pace. You need to have the right team on board – people who can deal with the inevitable ambiguity that comes with developing policy under urgency, and who have already-existing connections with key stakeholders to speed up the consultation process.

Looking after staff is also a top priority when working at pace; here, practical measures like providing meals when staff are working overtime and ensuring staff take proper breaks goes a long way in keeping up morale and preventing burnout.

If the policy being developed at pace is the result of changing priorities, be aware that you won't be working from a blank slate: options will have already been ruled out, consultations will have occurred, stakeholders will have specific expectations, and the key decision makers – whether that's Cabinet, Council, or someone else – will have made initial calls that you'll need to consider. These factors can be complicating, but they also provide a valuable opportunity to utilise work that's already been done in the space and thus speed up the process.

Is policy sometimes better done quickly?

All policy is done best when it's done with care. Policy development needs to be thorough and meticulous. The complexity of developing policy at pace means that trade-offs must be made, and an imposed deadline can encourage faster decision-making and acceptance of these trade-offs.

There are benefits to developing policy at pace, which can be seen with the significant and timely implementation of COVID-19 policy that utilised the best available evidence. This was also a great example of different sectors and policy makers coming together to achieve a desired outcome. There were strong lines of communication by necessity, and this approach can be very effective in policy development. Once again, this highlights the importance of establishing your agreed outcome from the get-go, and that everyone is clear on what decisions and trade-offs need to be made to implement effective policy.

Establishing your agreed outcome from the get-go is critical to effective decision-making

Part of developing successful policy at pace is drawing on previous analyses and stakeholder consultation to inform your current process. Seeing how other bodies have consulted on the same or similar issues before can guide the way for your own consultation process, and helps you identify who you should consult with.

Does being fast mean sacrificing being thorough?

Being fast means having to adapt and tighten the policy process, but it doesn't have to be a trade-off with thoroughness. While some things can't be done rapidly – like the building of infrastructure or the establishment of new organisations – you will still have hard process requirements to meet, such as statutory consultation, Cabinet requirements, and adhering to (or applying for an exemption from) the 28-day rule. You should build these factors into your planning from the outset.

Developing policy at pace requires flexibility to cope with rapid change, and to understand that not everything will be perfect.

Review processes are often under-resourced when time-frames are tight, but building a review process into your policy allows for changes and improvements to be made once the urgency from the situation is removed.

If you're developing legislative policy, try to keep the drafting as flexible as possible within the parameters of the rule of law. This allows for adaptations and amendments to be easily made as time goes on and circumstances change.

Consultation is another step in the policy process that is usually the first to drop when working at pace. However, consultation is a critical component in the delivery of successful policy, and it shouldn't be skipped. Consultation with key stakeholders from the outset builds a crystal-clear picture of your objective, and the earlier you can build trust with your stakeholders, the easier it will be for you to get the work done – and the less time you'll need to spend on communications. This is why it's paramount to have the right team behind you who can leverage their already-existing connections to key stakeholders, so that strong relationships can be established early.

Consultation is a critical component in the delivery of successful policy

In the consultation process, you need to establish with your decision-makers what information they want to see when you report up, but regular consultation should also be carried out with key stakeholders from the community at large. Targeted consultation with the groups who will be affected by policy decisions allows for informed and strategic decision-making, establishing trust and ensuring you're implementing helpful and effective policy.

Is 'reporting up' done differently depending on who is driving the policy?

When policy is done at pace, it will often have a higher level of governance – the policy is far more likely to be ministerial-led rather than led from within the policy unit.

This means that reporting can be more frequent and less formal. For example, regular situation reports and daily stand-ups have previously been utilised by Ministries when developing policy at pace. Because of the nature of having higher governance overseeing the policy-making process, leadership will be checking in frequently, which allows for any issues to be known by senior leadership straight away. While there is higher risk when senior leadership is involved, this brings the opportunity for things to be done quicker – provided that communication is transparent and trust is built early.

Keeping Te Tiriti o Waitangi commitments

The ideal is always to uphold kāwanatanga, and this is done by inviting Māori to the top table to participate in the decision-making process. Part of your planning should be devoted to exploring how Te Tiriti can be honoured in your policy, and understanding how policy decisions affect Māori stakeholders.

Additionally, it can be helpful to check with other teams within your organisation to see whether they have completed engagement with Māori stakeholders on relevant topics. You can also look at whether the Waitangi Tribunal, the Law Commission, or other organisations have completed work on the same or similar issues. You can search on their website for research reports and other resources that can provide guidance for grounding your policy in Te Tiriti.



See our 10 tips to improve your engagement with Māori webinar for more information and suggestions

**10 TIPS TO IMPROVE YOUR
ENGAGEMENT WITH MĀORI**



What are the most valuable lessons for developing policy at pace?

1.

Don't skip consultation – it's key to transparency, communication, and trust-building. Also keep in mind that different population groups will be impacted differently by policy decisions, and different approaches may be needed when consulting with these groups. Be aware of what you already know and what you need to find out for a more strategic consultation process.

2.

Pre-planning can support the development of policy at pace and help you get ahead. Develop policy templates that can be quickly deployed when needed. These may take the form of drafted scenario-based model policies, which can be quickly adapted when the need arises. These templates, though not prescriptive, should highlight key aspects to be considered when formulating and/or implementing policies. You can download our free Policy at Pace Time-line Template here <https://www.allenandclarke.co.nz/policy-at-pace/>

3.

Review is an important part of the lifecycle of a regulatory system and provides an opportunity to assess that the policy is working as intended. Establish regular reviews and evaluation feedback loops further down the line, once the urgency is over.

4.

Rapid policy development needs to be accompanied by transparent and effective communication. While there is a focus on 'reporting up' to senior management, you also need to communicate with those responsible for implementing the policy, as well as those on the ground being impacted by the policy.

5.

Go back to come forward – when developing your policy, look to what has been done before, what has worked in the past, and what hasn't.

6.

Always talk about the limitations and risks with your policy, and identify and communicate these early.

7.

Decision-making needs to be based on robust 'real time' information, and this includes information gathered from the consultation process.

8.

Establish multi-disciplinary and cross-agency groups that can mobilise rapid policy responses when required.

9.

For a smoother and more efficient process, **ask yourself** what the best way to give effect to the necessary change is, and whether legislative amendments can be avoided to achieve this change.

10.

Keep an eye out for long-term opportunities from short-term policy. COVID-19 has taught us that creating policy under urgency can provide opportunities for more significant changes in the long run.