SCOTTISH GOVERNMENT
CONSULTATION GOOD PRACTICE GUIDANCE

Contents

STARTING OFF

Consultation is a very valuable, but time and resource intensive process. Before you start it is best to be really clear about why you are consulting; whose views you are seeking; what new/unique perspective they can add to what is already known; and how you can best obtain those views in a way that is appropriate and convenient for both you and your audience. Each consultation exercise is unique. A traditional written consultation may be part of your solution <u>or it may not</u>. The guidance will help you to work out the best way forward for your policy.

The guidance provides step-by-step advice to take you through each of the 8 steps of a Consultation process. We recommend you read through the first two steps carefully so that you scope and plan your consultation properly. You can then dip in and out of the rest of the guidance whenever you need specific help.

At each step you should record your decisions and be able to justify them when asked. Parliamentary Committees, audit processes and stakeholders may all wish to scrutinise whether an appropriate and proportionate consultation exercise was undertaken.

In the UK, Government Consultation exercises are increasingly being subject to legal challenge. Keeping a record of your decisions, and following the best practice principles in this guidance will help ensure that your consultation exercise is, and is seen to be, fair, effective and high quality.

THE EIGHT STEPS TO A GOOD CONSULTATION

Step 1 – What are your goals?

- Why do you want to consult and is a **formal consultation** the best option for you?

Step 2 – Planning your consultation

- Who is your **audience**? What **methods** should you use? What **resources** are available? How will you **analyse** and **report** the results?

Step 3 – Identifying your consultation methods

- What do you need to keep in mind when planning a **written consultation**, **face-to-face** event, or **social media** engagement?

Step 4 – Running your consultation

- Consultations need to be live for an appropriate time. Standard practice is around **12 weeks**. During this time you can gather and **record views** through written responses, social media, roadshow events of face-to-face meetings. You can also seek to capture missing voices.

Step 5 – Handling your responses

- All responses need to be **recorded**, **receipted**, **screened** for offensive language and defamation and **published** in line with the respondents instructions.

Step 6 – Analysing and publishing your responses

- Consultees have taken time and effort to respond. Make sure you consider **what they have said**. Analysis can be done **internally** by the policy team or you can commission and pay for an **external contractor** for large, complex or highly sensitive consultations.

Step 7 – Reporting back

- It is important that consultees can see that their views have been taken into account in developing the policy. Show the consultation results have **impacted your policy**.

Step 8 – Evaluate your consultation

- Evaluating your consultation is good practice, especially for large or sensitive subject matter. Has the consultation been **delivered as intended**? Did it reach its **target groups** and what **lessons** can be learned?

STEP ONE – SETTING YOUR GOALS

1.1 Why should I engage?

Engaging with citizens and stakeholder organisations **in order to influence** your policy making is a key part of the Scottish Approach and fully supported by Ministers.

Traditionally, Scottish Government has tended to do this through a written consultation paper. But this is only one of many ways that policy makers can ask, listen to, and act on, the views of citizens and stakeholders.

This guidance will help you decide whether a traditional written consultation process is the right one for you at this point of your policy making, and if it is, to support you to do it well.

If you think other methods might be appropriate you can refer to the Participation Framework as well as Steps 3 and 4 below. The Participation Framework was developed as part of the 2018-2020 Open Government Action Plan, but is still being improved – feedback is always welcome! It is designed to support you to think about engagement as an integral and ongoing part of any work. The Framework contains information to help you identify where there are opportunities for participation at all stages of the Policy / Decision Making Process, and where wider participation can add most to your own work. It can be accessed through Saltire, and the Open Government or Digital Engagement Teams would be happy to talk you through making use of it in your work. One of the key aims of the framework is to get colleagues thinking about the whole range of engagement methods out there.

Whenever you engage with citizens you need to be careful about the framing and ethical basis of your engagement; understanding what the engagement can and can't tell you and ensuring that a breadth of views are considered.

A key part of developing good policy relies on high quality impact appraisals to make sure that you are aware of the full range of consequences and outcomes (intended and unintended). For many of these appraisal you need to understand the views of stakeholders so thinking about this as you develop your participation or consultation approach will improve your policy formulation and save time later on.

1.2 What is a consultation and what can it be used for?

Consultation is defined as:

> **A time-limited exercise, when specific opportunities are provided for all those who wish to express their opinions on a proposed area of work to do so in a way which will inform and enhance that work.**

When done well a consultation can provide valuable evidence of a **range** of opinions and perspectives on a given issue. This is particularly the case when a variety of approaches are used to encourage people with an interest in the policy outcome to participate. However, whether people get involved or not is up to them – they selfselect. And this creates one of the major issues with consultation and indeed all types of participation.

A consultation process cannot be used to indicate levels of public support for a proposal or represent the views of the wider public.

It can be tempting to think that if your consultation is large enough, if you have thousands of responses, that it will be representative of the wider population. This is absolutely **not** the case. Consultation should not be equated with opinion polls. Respondents to consultations are a self-selecting group. Often those with strong views will choose to respond but these strong and often polarised views are not necessarily representative of the wider views of the people of Scotland. In contrast, robust opinion polls and surveys can provide a robust and representative picture of public opinion. The following example clearly shows this problem.

Same Sex Marriage: Consultation responses vs. survey data

On 2nd September 2011 the Justice Directorate of the Scottish Government launched a public consultation on the possibility of allowing religious ceremonies for civil partnerships and the possible introduction of same sex marriage.

The consultation received a lot of responses. A total of 77,508 responses were received. The majority of responses (62,608 or 81%) were submitted by people living in Scotland, although many were received from people living in other parts of the UK (13,741 or 18%).

Across all consultation respondents, a clear majority (67%) opposed changing the law to allow same sex marriage. 64% of respondents from Scotland were opposed to changing the law to allow same sex marriage.

Does that mean that public opinion in Scotland was opposed to changing the law to allow same sex marriage?

Scottish Social Attitudes Survey interviews are conducted each year . This survey of a representative, random sample of adults across Scotland showed a different picture, with 61% of people in Scotland in favour of same sex marriage in 2010 and 68% in favour in 2014.

Scottish Ministers were able to use the information provided by both the consultation responses and the Scottish Social Attitudes Survey data, when deciding whether to change the law to allow same sex marriage.

On 27 June 2013, the Scottish Government introduced the Marriage and Civil Partnerships Bill (Scotland) in the Scottish Parliament. It received royal assent on 12 March 2014, and the same sex marriage law came into effect in Scotland in December 2014.

1.3 What principles must I meet when consulting?

The Gunning Principles are the legal standard that consultations must meet, originating in a UK legal case[1]. If these principles are not met the Scottish Government could face a judicial review.

The Gunning Principles:

- Consult when proposals are at a formative stage.
- Give enough information for intelligent consideration.
- Give adequate time for response.
- Explain how consultation results have been taken into account in policy/legislation.

These principles consider legal issues but there are also principles around good practice in process to remember. The following 11 principles set out by the UK Government include and expand on the Gunning principles[2]: If you keep these in mind they will help you make appropriate and justifiable decisions about your consultation exercise.

A. Consultations should be clear and concise. Use plain English and avoid acronyms. Be clear what questions you are asking and limit the number of questions to those that are necessary. Make them easy to understand and easy to answer. Avoid lengthy documents when possible and consider merging those on related topics.

B. Consultations should have a purpose. Do not consult for the sake of it. Take consultation responses into account when taking policy forward. Consult about policies or implementation plans when the development of the policies or plans is at a formative stage. Do not ask questions about issues on which you already have a final view.

C. Consultations should be informative. Give enough information to ensure that those consulted understand the issues and can give informed responses. Include validated impact assessments of the costs and benefits of the options being considered when possible; this might be required where proposals have an impact on business or the voluntary sector.

D. Consultations are only part of a process of engagement. As noted above you should consider whether informal iterative consultation is appropriate, using new digital tools and open, collaborative approaches. Consultation is not just about formal documents and responses. It is an on-going process.

E. Consultations should last for a proportionate amount of time. Judge the length of the consultation on the basis of legal advice and taking into account the

[1] Law Wales *What are the requirements for any consultation that is carried out?*. Accessed 23 Nov 2018.

[2] Summarised from UK Government principles of consultation https://www.gov.uk/government/publications/consultation-principles-guidance

nature and impact of the proposal. We usually advise 12 weeks. Consulting for too long will unnecessarily delay policy development. Consulting too quickly will not give enough time for consideration and will reduce the quality of responses.

F. Consultations should be targeted. Consider the full range of people, business and voluntary bodies affected by the policy, and whether representative groups exist. Consider targeting specific groups, if appropriate. Ensure they are aware of the consultation and can access it. Consider how to tailor consultation to the needs and preferences of particular groups, such as older people, younger people or people with disabilities that may not respond to traditional consultation methods.

G. Consultations should take account of the groups being consulted. Consult stakeholders in a way that suits them. Charities may need more time to respond than businesses, for example. When the consultation spans all or part of a holiday period, consider how this may affect consultation and take appropriate mitigating action, such as prior discussion with key interested parties or extension of the consultation deadline beyond the holiday period.

H. Consultations should be agreed before publication. Seek collective agreement from Ministers before publishing a written consultation, particularly when consulting on new policy proposals. Consultations should be published on gov.scot and the consultation hub, consult.gov.scot.

I. Consultation should facilitate scrutiny. Responses should be published according to respondent preferences and moderated in line with policy. Information should be available so that respondents can find out how many people responded, what they said and how responses have informed policy.

J. Government responses to consultations should be published in a timely fashion.
Publish responses within 20 working days of the consultation closing or provide an explanation why this is not possible and a timescale for completion. Allow appropriate time between closing the consultation and implementing policy or legislation. Where consultation concerns legislation, wherever possible publish responses before or at the same time as the legislation is laid.

K. Consultation exercises should not generally be launched during local or national election periods. Please check with legal colleagues launching a consultation during an election period. Guidance is published prior to election periods[3].

1.4 How much time do I need?

Consultations often include a traditional written consultation. This process take a minimum of 4 months but in most cases at least 6 months should be allowed. If you do not have enough time then you need to carefully consider options. You may need to renegotiate your deadlines and/or use different (quicker) methods to obtain views.

[3] If a consultation is ongoing at the time an election is called, it should continue as normal for the standard, 12-week period. See guidance for the 2021 Scottish Parliament elections.

Quick written consultations can be done, by exception, but they can be open to challenge if they are not considered to have followed due process. As noted above, when thinking about this also think about your impact assessments which again may require stakeholder engagement.

The following table gives rough approximations of time required in an ideal situation.

Steps	Rough Timescales
Step 1 – think about what the purpose of a consultation would be. Ensure formal consultation is needed.	1 week
Commitment made to do a consultation.	
Step 2 - Plan the consultation. Think about what evidence you already have. Think about your impact assessments. Write up your Consultation Project Plan. Appraise senior officials and minister of plan, time and resource commitment and get consent.	2-3 weeks
Step 3 – Register with Citizen Space. Write your consultation document and any other materials depending on the chosen methods. Check your questions. Organise any events. Inform APS. Get ministerial sign-off to consultation document.	4 weeks
Step 4/5 – Run your consultation and events. Receipt all responses and get them ready for publication. While running your consultation put your plans in place for analysing responses especially if you wish to commission the analysis.	12 weeks
Step 6 – Analysis. This will depend very much on the number and complexity of responses and whether you are doing it in-house or externally commissioned (Procuring analysis will take 6 weeks).	3-16 weeks depending on size of consultation response.
Step 7 – Reporting back should be done within 12 weeks of a final agreed analysis report. This includes publishing responses, your analysis and a statement of how this is impacting on policy.	Max of 12 weeks after report has finished but preferably within 12 weeks of consultation closing.
Total time	**21 weeks for a small consultation; 30+ weeks for a large consultation**

Steps	Rough Timescales
Step 8 – Evaluation	Best to do a wash-up within the first 4-6 weeks so that people have good recall.

1.5 What are the risks?

When you commit to a consultation process, especially a traditional written consultation, you are also committing to being open and transparent about the responses you receive. You should aim to produce a final report/paper providing a statement of what was asked; how people responded; what has been done as a result or is going to be done and why. This might be uncomfortable if responses have not supported your Minister's favoured position. You should be prepared and prepare Ministers for this risk.

There are also reputational risks if the consultation exercise is seen to be of poor quality, rushed, closed to new ideas and unwilling to reach a wide range of citizens and stakeholders including diverse and marginalised voices. Poor quality consultations have been subject to legal review.

1.6 Whose responsibility is consultation?

The policy team will have **overall responsibility for their consultation through all 8 steps**, scoping, planning, preparing, running, handling responses, analysing, reporting back and evaluating.

However, there are other people/ areas that you will need to involve at certain stages, or whose advice you might want to seek. **Remember to engage with other teams as early as possible and let them know your timescales**. A short meeting or conversation at the start of the process can ensure that you are heading in an appropriate direction and will get buy-in from people who can help.

Digital Engagement's interest in consultations is closely aligned with making written consultations digital by default. All consultations are published on Citizen Space and the Digital Engagement team will be critical in the technical aspects of your consultation. They can also help you scope out the best process for your needs and guide you through alternative digital approaches.

Likewise, if you have a large, controversial, difficult or complex consultation, or you are inexperienced in consultation work, you might want to speak to your analytical division (each policy area is supported by an analytical team) and especially someone from the Social Research profession to get their opinion on the most appropriate consultation options. They may advise you of other ways to meet your needs including if social research might be needed instead of, or as well as, consultation. They can also help you develop good consultation questions, set up appropriate analysis frameworks and if work is done internally, read and quality assure your draft and final reports.

Corporate Communications can help you think about the presentation around the launch of the consultation, timing, media, promotion and sensitivities. If your consultation is likely to be of interest to the general public, the Social Content Hub can help you promote your consultation across the SG Social Media platforms, such as Twitter and Facebook and direct people to your consultation page.

Equalities, Human Rights and Third Sector Division can help you think about how to target specific groups and ensure your consultation is accessible to different groups. For some consultations it will be obvious that particular equality groups will have a particular interest but you should aim to make all general or mass consultations as accessible as you can.

Depending on the nature of the consultation you may need to seek help from Scottish Government Legal Directorate (SGLD).

APS provide Scottish Government design, print, publishing and a number of other related associated services. Their role in the consultation process is to design, format and make ready consultation documents for on-line (including the Respondent Information Form) and, where necessary, provide/procure print services.

If you intend to externally commission your analysis (or any other part of your consultation, such as running events) you will need someone with Delegated Purchasing Authority (DPA) to procure this for you. There will normally be someone within each business area who has DPA but if not Scottish Procurement Directorate, can provide advice and this guidance links to the appropriate templates.

1.7 Does legislation require a written consultation?

In some cases legal obligations to undertake a formal consultation are set out in specific legislation, in particular, in some areas of health and social care and town and country planning; or under circumstances where legislation must be changed due to a judgement in the Supreme Court or a judicial review. This legislation can be prescriptive in the ways in which consultation must be conducted so please check. However for the vast majority of legislation there are no such prescriptions.

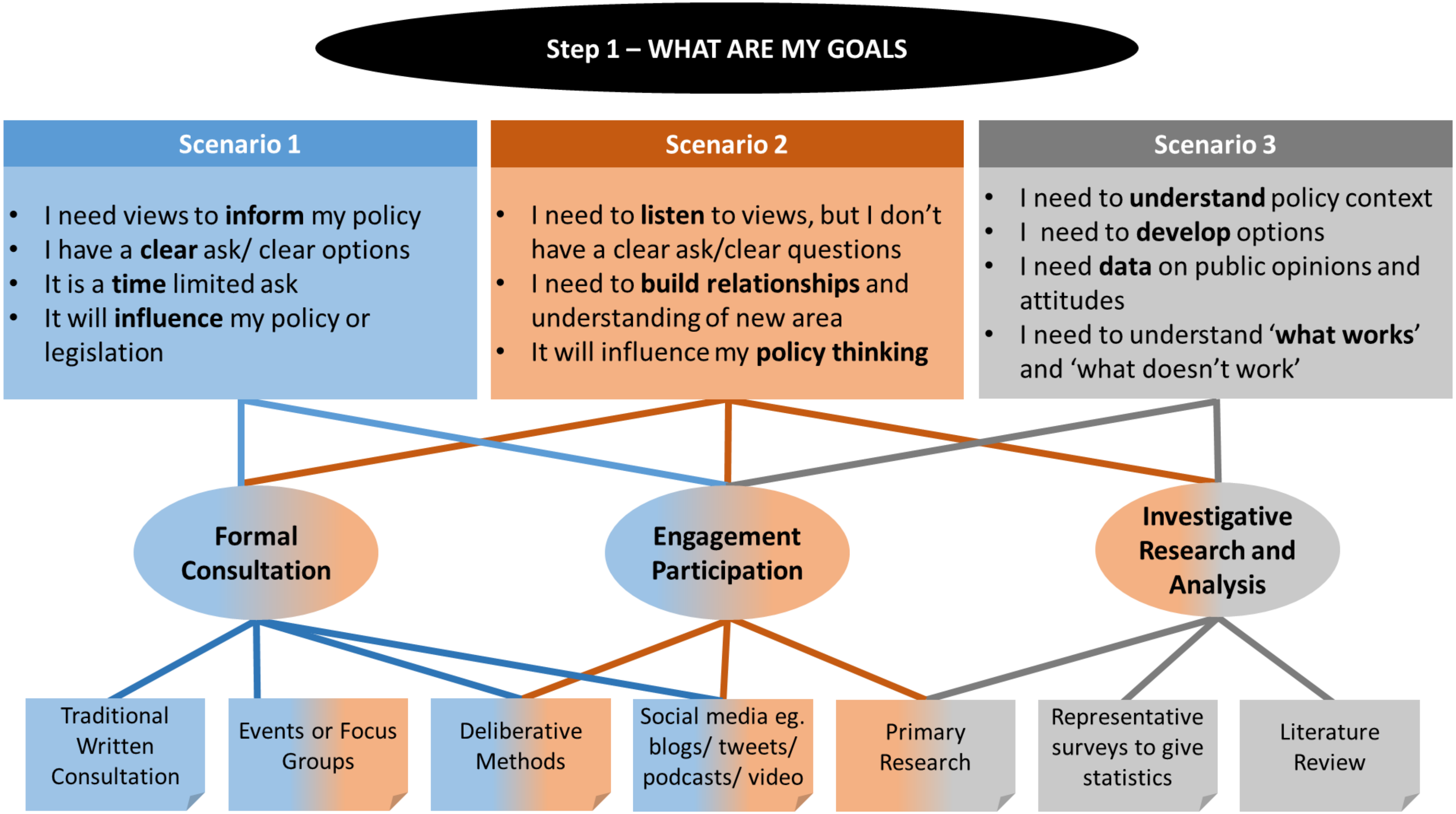
The **Bill Handbook** includes section 7 on ‘Consultation and Stakeholder Engagement’. Section 7.4 starts with the following statement: “*It is normally expected that a formal consultation process will be conducted as part of the Bill’s development”.* However it goes on to state that “*written consultation is only one of a number of consultation methods that can constitute a consultation process*”.
It cites work on Open Government, and system-wide reform to provide a framework for effective and proportionate citizen involvement in the work of Government in Scotland.

Saltire’s Engaging with People page links to the Participation Framework. The section ‘Our Commitment to Participation’ discusses the role of traditional written consultation. It notes the reference, in the Scottish Parliament’s Standing Orders, to consultation on a Bill. However it highlights that they "*do not specify a certain level or method of consultation", but simply that the Government informs the Parliament of* *what consultation, if any, has taken place i.e. an overarching requirement to demonstrate how people have been able to contribute to the process*".

It is also worth being aware that in law, the **doctrine** of **legitimate expectation** is a judicial innovation[4] that provides control over the exercise of a decision-maker's powers where a person does not have a legal right, but does have an **expectation** of a public authority behaving in a certain way. In the UK this can be used to question whether consultation has been undertaken appropriately, for example, in a case where the public could have been expected to be consulted on a matter.

So, you are advised to consider Steps 1 and 2 of the Eight Steps very carefully to be clear what type of consultation and engagement will be appropriate to enable people to contribute to the process for your policy or Bill.

[4] https://www.out-law.com/en/articles/2017/june/legitimate-expectation-as-a-ground-for-judicial-review-/


Step 1 – WHAT ARE MY GOALS
Scenario 1
I need views to inform my policy
I have a clear ask/ clear options
It is a time limited ask
It will influence my policy or legislation
Scenario 2
I need to listen to views, but I don't have a clear ask/clear questions
I need to build relationships and understanding of new area
It will influence my policy thinking
Scenario 3
I need to understand policy context
I need to develop options
I need data on public opinions and attitudes
I need to understand 'what works' and 'what doesn't work'
Formal Consultation
Engagement Participation
Investigative Research and Analysis
Traditional Written Consultation
Events or Focus Groups
Deliberative Methods
Social media eg. blogs/ tweets/ podcasts/ video
Primary Research
Representative surveys to give statistics
Literature Review

1.8 Example consultation scenarios

The following 3 scenarios may help you think about the type of consultation that might be appropriate in your situation.

SCENARIO 1 – Clear and time-limited ask

- I need views to **inform** my policy
- I have a **clear** ask/clear options
- It is a **time** limited ask
- It will **influence** my policy or legislation

In this case you have a clear need to gather information in order to develop your policy or legislation. You have time to do this (around 6 months) but it is a time limited exercise driven by a policy or legislative commitment. You are in a position where you have a clear ask with clear options for people to consider, and there is a genuine need for information: that is a commitment that people's views will make a difference to the policy.

Options for engagement

This is a classic consultation which will often include:

- a traditional written consultation
- events or focus groups
- deliberative methods
- social media engagement

The next steps of the guidance helps you think through your audiences and methods.

Occasionally you will be in a position where you would like to get views but you have a deadline of less than 4 months. In this case you probably do not have time to undertake, analyse and integrate findings into policy from a traditional written consultation but you could consult using other methods.

If it is necessary to run a compressed traditional written consultation process then be clear about the timings. The reasons should be able to stand up to Committee or legal scrutiny.

Scenario 1 Examples:

- Equality Unit's work to develop a British Sign Language (BSL) National Plan for Scotland. A formal written consultation was used, which was available in both English and BSL. Technology was used to allow consultees to respond in BSL through uploading videos, and additional support was provided through the Deaf Sector Partnership to help people respond. In addition, a large number of consultation events were held in partnership with Deaf People's Organisations to supplement the written consultation.

- The National Planning Framework consultation. The chosen approach here was to do a traditional written consultation but to supplement this with roadshow events in shopping centres, public meetings and discussions with stakeholder organisations.

SCENARIO 2 - New policy direction, no clear policy proposition

- I need to **listen** to views but I don't have a clear ask/clear questions
- I need to **build relationships** and **understanding** of a new area
- It will influence my **policy thinking**

The second scenario is if you are working on a new policy area or an old policy area moving into a new direction. In this case you are unlikely to have a specific set of proposals but you will be looking to build relationships with stakeholders and to understand a wide range of views to help shape the policy.

Options for engagement

This is an area where traditional written consultation could be used as part of a package of approaches but in many cases it is better to get out to listen to people using the following methods:

- events, focus groups or workshops
- deliberative methods
- a call for evidence
- social media engagement
- primary research

Guidance below and the Participation Framework will give further details.

If time allows you may wish to supplement this with primary investigative research to help develop a deeper understanding of people's views. Speak to your local analytical services division to help you think through your approach.

Scenario 2 Examples:

- My goal is to collaborate with citizens or stakeholders to create something new

  Example: The Scottish Social Housing Charter was created collaboratively between landlords, tenants and the Scottish Government. They used a series of discussion workshops to develop their Charter.

- My goal is to generate some ideas on how to reform something

  Example: Fishing for wild salmon in Scotland used a crowdsourcing platform, to obtain views from people on how to introduce a licensing system for the killing of wild salmon. The ideas were used to inform the introduction of the licensing system.

- An example that combined a number of methods was the Unconventional Oil and Gas (UOG, or “fracking”) consultation

  The goal in this case was to offer people the chance to consider evidence and give views on an issue where SG had no preferred policy position. The Unconventional Oil and Gas (UOG, or “fracking”) consultation was a highly controversial and challenging policy area. The consultation did not set out or advocate a preferred Scottish Government position or policy. Instead it offered the public and other stakeholders the opportunity to consider evidence from research into the impacts of UOG which had been commissioned externally; and to present views on that evidence and the future of the UOG industry in Scotland.

  The consultation included a written document, but was supplemented by stakeholder meetings and the development of a website providing user-friendly information on UOG, including the findings of the research commissioned by SG. Discussion tool-kits were created to help communities and other groups participate in the consultation. The findings informed the subsequent government decision about whether or not to proceed with UOG.

SCENARIO 3 – Robust data on past policy, practice or public opinion

- I need to **understand** policy context
- I need to **develop** options
- I need **data** on public opinions and attitudes
- I need to understand **what works** and what doesn’t work

In this case you wish to understand the detail of what has worked and what hasn’t from past policy approaches, or, it might be a controversial or an unknown area where it is really important that you have robust evidence including data on public opinions.

These areas are **generally not suitable for traditional written consultation** although engaging with key stakeholders will probably be a key part of your approach. You might want to:

- conduct evidence reviews
- collect ‘what works’ evidence
- do primary research
- survey representative samples of the public
- conduct a literature review

In highly complex policy matters you may wish to combine this initial stage of investigative analysis with engagement and even a traditional written consultation at a later stage, but you need to be clear on your goals for each.

You are likely to need analytical help to scope this (see key contacts).

At the end of Step 1 you should have clarified whether you wish to continue with a formal consultation process or whether other research or engagement methods would better suit your current needs. If you do wish to consult move onto Step 2. If you think other methods would suit better then please use the Participation Framework to help shape your engagement.

STEP 2 – PLANNING YOUR CONSULTATION

You have now decided that you wish to consult and should be clear on the overall aim of your consultation. Step 2 will help you understand the principles of good consultation and from there firm up the detailed aims of your consultation and help you plan your consultation process. A template is provided in Annex A which you can use to get sign-off from Senior Officials and Ministers.

Step 2 – PLANNING MY CONSULTATION

Audience

- Who do I want to hear from?
- Who should I hear from?
- What level of interest is it likely to generate?
- What's in it for them?
- Is there a consultation fatigue here?

Winners and losers

General public interest

Known stakeholders

Hard to reach groups

Methods

- What **methods** should I use?

Written Consultations

Social Media

* Your Analysts can advice.

Deliberative Methods*

Face to Face Events

Resources

- What **resources** are available to me?

Budget for

- Running the consultation
- External analysis of consultation (if required)
- Special publication formats (if required)

Staff (number and skills)

Reporting & Analysing

- How will I analyse and report the results?
- Written responses will need to be considered alongside other methods

Internal by policy team

External commission

2.1 Planning your consultation

There are a number of things to think about when planning consultations which are described below. Every consultation is unique and you will need to work through each section and then combine them to identify the best approach for your consultation.

At the end of Step 2 you should write a project plan (see Annex A) setting out your purpose, audience, methods, analysis approach and resource requirements. The template guides you through these decisions. You should get senior sign-off to your plan and to the resource requirement.

Taking time now will ensure that your consultation meets its objectives and will save time and energy in the long run. Again remember that you will also need to do impact assessments so think about your audience with this in mind.

2A. Set out your consultation type and scale

Step 1 should have helped you to articulate your consultation goals.

You should now think about what scale of response you are likely to receive. Is it a subject that will be relevant to a technical audience, or will it have mass public interest?

The following example descriptions will help you think about what you are developing. Consultations do not necessarily fit neatly into one box.

1. Technical
A technical consultation usually generates a limited number of responses. Respondents are often stakeholders, professionals and policy officials with a high level of understanding of the issue that is being consulted on. Responses to technical consultations tend to be on behalf of an organisation such as a local authority or professional body. Content and language are generally professional and technical. If it is a highly technical matter a public consultation is sometimes not the best route, but that doesn't mean that the public will not be interested in the broader subject area. Be clear about your goals and reasons for consulting.

Example: this consultation invited views on the statutory guidance for the Scottish Environment Protection Agency (SEPA) and its contribution towards sustainable development.

2. General
General consultations typically attract a wider audience with a more general interest on the topic. Respondents are usually composed of professionals and officials, as well as a mix from the general public with varying degrees of expertise in the subject. The use of technical or complex language should be limited in this type of consultation.

Example: this consultation on Land Reform was designed with the understanding that responses would be received from professionals and organisations, but also from elements of the public with interest in the subject.

3. Mass

Mass consultations are used when you want to consult with a large number of people, or occur when the nature of the topic means that a large number of people want to respond. You could expect thousands or tens of thousands of responses. The vast majority of respondents are likely to be members of the public unaccustomed to involvement in the policymaking process. The scale of the responses mean it is almost certain that it has been in the media spotlight and that Ministers and MSPs are aware of strong feelings on the issue.

It's essential that this kind of consultation is clear, succinct and simply worded. Processing the volume of responses will be an issue itself, and there may be an extensive role for commissioned consultation support to ensure an independent analysis can be produced within the allotted time. Given the expected level of response you will need to plan your approach carefully. Think about whether it would be possible to limit the consultation to closed questions with only one or two open text answers.

Example: the Scottish Referendum consultation. Over 26,000 responses were received. People had strong views on the issue and it had a very large media following.

Note that mass consultations often receive campaign and/or petition responses. Sections 5 and 6 discuss how to handle these.

2B Set out your audience

Knowing the audience for your consultation will be important in deciding how to ask for views. Think about:

- Who do I want to hear from?
- Who should I hear from?
- What level of interest is it likely to generate?
- What's in it for them?
- Is there consultation fatigue here?

Your target audiences are the key groups that will be affected by, or who have an interest in, the topic area. This might include the general public, specific groups within the general public like seldom heard groups, service users, service providers, voluntary organisations, pressure groups, representative bodies, etc. Be aware that although you might have a target audience in mind, you shouldn't make assumptions about what topics will be of interest or not to a particular group and any consultation might be required in a different or accessible version.

Think also about whether you are likely to attract a UK-wide or even an international response. If you think this is likely then think carefully about how you would treat international responses. If it is a matter of domestic law you may be able to limit your analysis to domestic responses, but if you are going to do this you should get legal advice and you MUST make it clear on the website before respondents put effort into a response. Ideally you would have a short closed questionnaire to allow an international audience to input.

It is relatively easy to gather the views of some sectors with high levels of organisation and clear contact points or gate keepers. In general, organisations are used to dealing with consultations but it is still important to consider their capacity to respond in the required timescales. Think about what consultations are already happening in your policy area, or with your target audiences, and if applicable think about co-ordinating activity to use consultees' time as effectively as possible.

Even where relevant stakeholder, community and voluntary groups exist, it is worth remembering that they may not be representative of all individuals with an interest in an issue. Consultation teams are, therefore, encouraged not to rely only on existing groups and organisations, but also to think creatively about how to ensure the views of a full range of members of the public can be included in the policy process.

If you choose not to make efforts to reach certain group(s), you should have good reasons and evidence to support this decision.

As you develop your policy and legislation you will be required to develop impact assessments appropriate to the subject (equality, childrens' rights and well-being, privacy, fairer Scotland, environmental, Island etc).It is helpful to think about this at an early stage: thinking about your target audiences and seeking views from relevant people will help at a later stage You should try to ensure that you are seeking participation from equality and rights groups so that you can understand what their views and experiences of the subject area are as well as the challenges and opportunities presented by the policy proposals. Written consultations do not always work for these groups so consider other methods such as focus groups or roadshows. This will provide good lived experience evidence in order to develop your impact assessments.

To help ensure shared understanding and expectations don't forget that you can use your **existing contacts** outside the Scottish Government (e.g. your key stakeholders, service providers, NGOs and colleagues in UK government departments). These contacts may be able to help you to:

- establish the broader picture of the policy area
- identify the issues
- draft more targeted questions for the consultation paper
- distribute the consultation paper to the widest relevant audience
- help you target audiences
- host and manage events for you
- contextualise the responses to the consultation

You may wish to contact **Equality Organisations** for specific advice on a range of equality issues, such as distribution lists, the most appropriate means of distribution and formats for consultative materials. This is particularly important in relation to the inclusion of disabled people, LGBT community and religious and minority ethnic communities in your consultation, where traditional approaches may exclude many potential participants. Also think about whether it is relevant to children and young people or to older people. However do think when it is appropriate, relevant and sensible. It is easy for organisations to be drowning in a sea of consultations. For advice it is best to contact the Equality or Childrens' Rights and Participation team.

Depending on the subject and timing, you could consider whether you wish to form a steering group to help inform the exercise and how it proceeds. Including stakeholders, service-users and/or people with lived experience in your steering group can prove valuable as they can help SG officials 'think outside the box'.

For example, The Deaf Sector Partnership worked closely with the SG around the British Sign Language (BSL) National Plan consultation, which was the first fully bi-lingual (English and BSL) consultation run by the Scottish Government. If involving stakeholders or policy-users in a steering group, consider the impact this will have on them and **consider what supports need to be put in place to accommodate diversity and allow everyone to participate equally.** For example, you may need to make adjustments at meetings and ensure that relevant papers are sent out in an accessible format with plenty of time before meetings.

2C Set out the most appropriate methods

The vast majority of this guidance is about the traditional written consultation paper. However, it is important to think about whether this method will obtain all the views you wish to gather. You may need to supplement with other approaches. The key test in thinking about your methods is whether they are 'fit for purpose' given your goals (Step 1), scale (Step 2A) and target audiences (Step 2B). In all cases you need to think 'where your target audience is at' with regard to being able to engage effectively with the SG. Do they know enough about the policy area to shape and articulate their own views? Are you able to provide enough information and support for them to do so?

Consider who will be responding and build the consultation questions around them. Remember, audience drives approach. Ask yourself, “Will my participants be able to understand this?”

In 2B you will have identified all the different audience groups that you wish to speak to. Now for each different audience think about which method would be best to engage with this audience:

Think about:

- Would this group respond to a written consultation?
- Would they need alternative formats or languages?
- Would this group be likely to use Citizen Space?
- Could there be other engagement methods that might reach this audience better?
- Would I be able to contact this group easily or would I need help?
- What are the implications for analysis of responses?

In considering your consultation methods you will need to consider and budget for any particular needs of your target audience. You can use the project plan template in Annex A to help with this.

Traditional Written documents
For each audience identify whether they would be likely to read and respond to a written document and how you can write the document to increase its accessibility for the relevant audience. Think about use of plain English, removing all jargon, preparing an easy-read version, as well as making it available in alternative formats or languages. For certain groups who might struggle to respond to a written consultation by themselves, paper copies of written consultations can be made available to self-advocacy and other established groups who can facilitate focus groups with their members, and respond on members' behalf. Consultation documents, including Easy Read or other alternative versions, should be available for sufficient time to allow groups to hold events and submit their responses.

Use of Citizen Space
All Scottish Government consultations are hosted on the consultation hub, Citizen Space (see Section 3.1). To engage through Citizen Space individuals need to have access to a suitable device, broadband, and knowledge to complete an online questionnaire. Whilst you can encourage respondents to submit their responses via Citizen Space, **you must accept responses in other formats to meet accessibility requirements**. This can include hard copies of written or typed responses, sent in by post, or email, and responses from organisations who have facilitated focus groups with their members. If you anticipate receiving a lot of non-Citizen Space responses, you will need to put in place processes for acknowledging and handling these responses (see response handling section).

If the subject of your consultation is likely to be of interest to a lot of people who are unlikely to respond via Citizen Space, consider whether there are other better ways of engaging with this group (eg. older people, refugees, those with learning disabilities, or homeless people may all struggle to respond in this way).

Remember the consultation principles, a consultation cannot be considered valid if it does not enable people to participate.

Other methods

When considering non-written methods, it is important to return to the objectives you established for your exercise and to decide what you need to achieve from this element of your engagement work.

The section below describes some alternative methods which can supplement or replace a written consultation. Use the project plan template to help identify your audience and methods.

Face-to-face events
Face-to-face events such as public meetings, workshops, roadshows, seminars, involve interaction between the consultation team / policy makers and the target audience. These can take the form of meetings or workshops

run by the policy team with targeted groups or open to the public. This provides an opportunity for stakeholders and representatives from key groups to meet the consultation team and deliver and discuss evidence on the policy under review. Such events demonstrate openness and a genuine effort to listen. They can provide the consultation team with:

- memorable and tangible testimonies, allowing policy makers to meet the people their decisions will affect
- an opportunity to explore consultees' thinking behind their expressed views
- access to those who are unlikely to submit written responses
- awareness of any local and regional dimensions of the policy review implications
- an effective means of securing the participation of equalities groups in the process
- opportunity to resolve misunderstandings about the consultation or policy

The following links provides additional advice on non-digital engagement approaches.

Using social media in consultations

Social media is a great way to expand the reach of your consultation. You can promote your consultation and share outcomes from events via social media. Twitter hashtags allow people to follow events and blogs are a great way to tell the story. Key benefits of using social media for consultations:

- **Audience:** Good way of targeting specific audiences and communities
- **'Social Listening':** Finding out what people think of a specific issue
- **Engagement:** Asking consultation questions directly on a platform - limits barriers to entry
- **Personal data**: Able to find out more information about respondents (geography, ethnicity, age, etc.) to use in analysis
- **Immediate and iterative:** Can use to ask multiple questions over a period of time, rather than hefty consultation paper launched in one go

Potential drawbacks:

- **Data**: Often hard to download and analyse data from social media platforms
- **Openness:** Responses on social media are always open - hard to target people who wish to remain anonymous, or if the consultation is on a sensitive subject
- **Complexity:** Cannot recreate a consultation with 40 in depth questions on social media

- **Framing:** Depending on the way that the message is shared, it could only pick up views from one angle.
- Digital shouldn't replace face-to-face engagement, rather it should augment offline engagement.

The Digital Engagement team can work with you to identify what digital methods best suit your goals and audience. Communications and the Social Content Hub can help with promotion.

Deliberative Methods
Deliberative methods including citizen assemblies may be appropriate for seeking views on complex or controversial issues or sometimes when levels of public awareness about the topic are low. Deliberative methods provide participants with a the opportunity to learn about the topic (usually through the presentation of a range of 'expert views'), evaluate the evidence provided, discuss their opinions in light of this knowledge and deliberate together to provide an informed and considered response.

Deliberative methods may be particularly appropriate where you want people to develop, guide or implement policy proposals and to resolve complex issues which have no immediate or straightforward solution. Deliberative methods usually require strong design and facilitation and may need to be delivered by a specialist organisation, unless you have these skills within your own team.

Typically deliberative methods only involve a small number of people, so you would need to think carefully about who was involved and how you can use the information gathered to supplement other engagement methods. Speak to your analysts if you are interested in this approach.

Be aware of reporting, publication and feedback. Remember that it is important to produce a report of the proceedings of any engagement events that are held as part of your consultation. The reports from these events will need to be analysed, along with material submitted in written form in response to a consultation paper. You should make an effort to ensure that everyone involved in your consultation is given the opportunity to see a report of the results of the consultation. Similarly results from any responses to Twitter or Facebook polls held on official SG Social Media channels should be included in your final reporting (see 6.4 integrating different methods in analysing your results below). Consultation reports are treated as official publications and therefore should be published on gov.scot in addition to the consultation hub.

2D Set out your plans for analysis

At an early stage in the exercise it is important to think about how you intend to analyse the responses to your consultation and who is going to do this. You can undertake the analysis yourself or contract the work out to research agencies / academics.

There are four factors that influence the size and nature of the analytical job and the decisions you have made in 2C will impact on this:

- The number and type of expected returns (Citizen Space, emailed, hard copy etc.)
- The number and type of questions in the document (short, closed questions are easier and quicker but give less information)
- The number of types of people/groups likely to respond, including the potential for campaign response and consideration of whether it will attract UK-wide or international audience.
- The number and type of additional consultation approaches to be integrated into the analysis.

As a general guide, if you estimate that there will be fewer than 100 responses, and fewer than 30 questions of which half are closed, then in-house analysis would be feasible subject to staff capacity. Guidance is provided later. If the consultation is likely to be much more complex then you will either need to put together a large internal team with the correct range of skills or contract the work out.

> Tip: If you have a complex consultation, internal analysis can be resource intensive. Let's say you anticipate having 10 open (free text) questions and receiving 1,000 responses. This means that you could have at least 10,000 paragraphs of free text responses to read and code for analysis. Let's assume it takes five minutes to do this for each paragraph. That's 50,000 minutes of reading and coding - that's 833 hours or a team of three working 35 days!

Table 1 summarises the advantages and disadvantages of undertaking analysis internally or externally.

Table 1: Consultation analysis options

	Internal Analysis	**External Analysis**
Possible advantages	• close control over the process • knowledge of policy area • knowledge of policy process	• greater objectivity & independence • increased external acceptance of analysis • analytical expertise • knowledge of relevant research/ literature • time and resources to undertake the task
Possible disadvantages	• insufficient time and inadequate resources • difficulty in viewing responses with 'fresh' analytical eye • decreased external acceptance of	• cost • less control over process • identifying suitable contractors • allowing time for tendering process

	analysis as being 'clean' / unbiased • Insufficient analytical experience / expertise (if being done by policy team)	• contractors' limited knowledge of policy area and policy process

2E Set out what resources you have available to run and analyse your consultation

Consultation almost always takes up more time, energy, and resources than first anticipated.

The consultation team

You will wish to establish at the outset which individual(s) will be responsible for co-ordinating the consultation exercise and who will undertake the heavy administrative burden. Where a branch is charged with running a consultation, they will wish to revise branch priorities accordingly, in agreement with senior managers. It is important that there is clarity around who does what. This is particularly important where additional resource or expertise is called in from another team, for example additional administrative support to deal with a large number of off-line responses or analytical advice from analysts. Clarity around roles minimises the risk of people assuming something is someone else’s job and things being missed.

The team working on the consultation should possess or be willing to acquire the following skills, or know how to access the following areas of expertise:

- thorough understanding/knowledge of the policy area;
- ability to present policy material effectively to the public (making the mind-shift from policy-maker to policy-user);
- ability to draft consultation documents effectively;
- understanding of equality issues for their policy area and the way in which these might impact on consultation;
- administrative skills – e.g. to arrange face–to-face events and to record and redact responses prior to publication;
- ability to analyse responses qualitatively and quantitatively, if the analysis is to be done in-house;
- ability to procure and project manage external contractors if any of the consultation approaches or the analysis is to be contracted out;
- ability to deal with communications and PR, research and media contracts and relationships; and,
- ability to handle confidential and sensitive issues appropriately.

2.2 Budget and Resources

Consultations cost money. There will be a fine balance between the time and skills available internally and the financial resources available to procure help with running events or undertaking analysis. You will also need to budget for the publication costs (including alternative formats) of the consultation document, as well as the venue hire, hospitality and travel costs of any events that you run. If you wish to procure analysis externally then this could cost £6,000 - 10,000 for small consultations but could be as much as £100,000 for a large complex consultation with mass responses.

If your area is one which generates large responses on a regular basis you will need to identify and agree your approach with senior officials and Ministers. Some ideas are listed below.

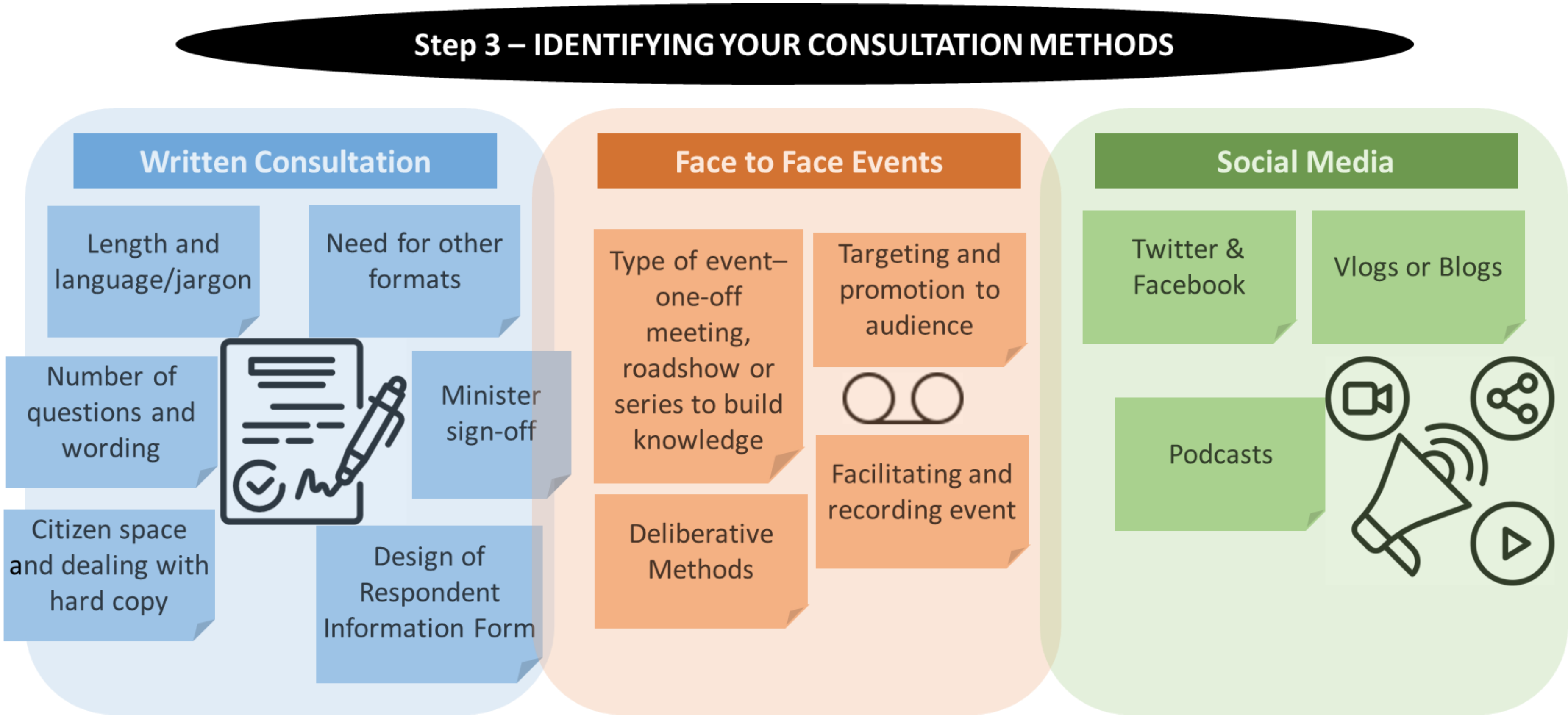
Approach	**Discussion**
Boost internal resources to manage consultations in traditional way.	Accepting that the area has a significant consultation load, identify a dedicated resource to help shape, run and analyse consultations. All consultations are done with full (or theme and outlier) analysis of every response. This could be cheaper than procuring individual contracts in the medium to long run and would allow a build-up of specialist knowledge of the topic area and respondents.
Limit methods	To reduce the analytical load you could have a consultation questionnaire limited to closed questions with only one or two free text. This could be as 'the only' or 'an additional' consultation approach for specific audiences. You would need to invest in face to face events to help identify the options for each closed question. Each closed question should also have an 'other' box. If you are getting a majority of 'other' responses then you will need to do follow-up analysis to understand this area better. This has a large risk in that you could be accused of limiting input.
Sample responses – i.e. choose a random number of consultation responses to analyse. Don't read the rest.	Although Whitehall do this it is not a route that we recommend. If people are asked to provide views but nobody reads those views it is not an ethically sound process. If you are intending to only read a sample of responses then this should be clearly marked on the consultation (e.g. respondents are asked to note that if more than 10,000 responses are returned we will randomly pick and analyse a smaller sample.) This is likely to create negative press and does not follow the good practice principles but in some cases will be a pragmatic way forward.
Theme and Outlier approach	Undertake a "full" analysis on a sample of responses to form a thematic analysis. Then read all other responses but only add views into the analysis database if they are

Approach	Discussion
	saying something new or different. Given that consultations are about the range of views provided not the number who said a view this is a legitimate approach. So by doing a sample to identify the common themes, then checking for outliers, you should end up with an analysis that is reflective of all comments received. You would only be able to provide quantitative analysis of closed questions within the Citizen Space.
Consider publication load	At present we commit to screen, redact and publish all responses according to the wishes of the respondent. However this can be a huge load for a big consultation. If you think this will be an issue then make your likely approach clear. Eg. you could publish all organisational responses but only publish a sample of x of individual responses. It is less transparent but maybe proportionate – especially given that full analysis will be undertaken.

TIP: At this point you should have a good sense of your consultation strategy. It is good practice to write this down in a project plan or inception document. A template is provided to help you do this in Annex A.

You will need to get official senior sign-off to your approach and to the budget required.

STEP 3 DESIGNING YOUR CONSULTATION



You should now have a clear plan setting out your aims, your target audiences, your chosen approaches and your resources. You should also have received sign-off from Ministers and Senior Officials. You are now ready to start Step 3 and to design and develop your traditional written consultation materials.

3.1 Introducing Citizen Space

The Scottish Government has adopted an online consultation platform called Citizen Space (https://consult.gov.scot/). This platform reflects our aspirations for good consultation through open, high quality, standardised processes. There is a lot of good advice and guidance on using Citizen Space both to design and host your written consultation but also for using additional digital methods.

All SG consultations are published on Citizen Space. The platform enables respondents to access the consultation paper and respond online. Internally, the consulting team can access responses, moderate, publish responses and the analytical report all in one place. This creates a one stop shop for both respondents and consulting teams.

Here’s a quick start user guide for Citizen Space.

Citizen Space includes different question types, answer components and other features to let you build a comprehensive and appropriate consultation. You can read an exhaustive overview of all the Citizen Space features and how to navigate it. Below, we have listed a few select highlights that are worth being aware of when planning your consultation.

You can embed all sorts of rich content within Citizen Space: pictures, videos, audio streams and more. This can greatly enhance your communications and also become a powerful tool in making consultations more accessible. For example, a consultation on National Care Standards used embedded SoundCloud audio files of someone reading the entire consultation document aloud so that people with visual impairments could listen to the content rather than read it. We have also included videos with BSL versions of the consultation document.

PDF Document Viewers
Citizen Space includes a built-in PDF document viewer that removes the need for your audience to download supporting documents in order to participate. Instead, documents are presented within the consultation overview page or questionnaire itself. This can enhance the consultation process as you can ensure that respondents have had ample and easy opportunity to read supporting information before submitting a response.

Fact Banks
A useful way of presenting information to participants is to add it to a drop-down 'fact bank' within the questionnaire. This allows you to include large amounts of information, or small pieces of pertinent contextual detail, without overloading the central flow of the consultation.

If you require any help in deciding what features to include in your consultation on Citizen Space, the Digital Engagement Team can help you decide.

3.2 Drafting my consultation document

The next step is to draft your consultation document to upload onto Citizen Space. Your audience and objectives should be *the* determining factors in the type of document you produce. Manage the expectations of consultees, by being clear about what the consultation can and cannot achieve and how far consultees can influence the final outcome. All consultation documents should be concise, clearly laid out and written in language which will be understood by the intended audience, avoiding jargon and including a glossary for acronyms if these are needed.

The following elements are usually included in a consultation document.

- One page summary of the document - description of the issue (problem or proposal being considered/addressed), the purpose of the consultation, and the objective of the policy proposal. Depending on your consultation you may also wish to do an easy read version, e.g. Socio-economic duty: easy-read consultation
- Discussion of the context of the issue with an explanation of what decisions, if any, have already been taken
- If relevant, various sources of evidence, information and opinion, and factual statements (e.g. from academics and consumer groups)
- Outline of the available options, with, if applicable, an explanation of why a particular option is favoured (e.g. based on political commitments, previous consultations, expert opinion, existing research)
- Where appropriate, an explanation of who is likely to be affected, and how, including an assessment of the impact on particular groups (e.g. small and medium sized enterprises the voluntary sector, charities etc.)
- An outline of the proposed timetable for the rest of the decision-making and implementation processes
- A statement regarding availability of the paper in alternative formats or community languages
- A Respondent Information Form (RIF). This is used by respondents who want to email or post a response (rather than use the online survey). It is important to include the correct RIF. APS will provide you with the most up-to-date version
- Contact information, including email, phone and address. You can set up a generic email address by logging an iFix request or calling the helpdesk on x48500. If you do this – don't forget to check it!
- A link to your consultation on Citizen Space. The Digital Engagement team will provide this after you have registered the consultation
- Questions. You need to make sure that questions appearing in the publication are the same as those on Citizen Space. Any changes to the questions should be reflected in both places. Failure to do so can be difficult to correct later. Questions in an Easy Read version can be different, e.g. fewer of them and less detailed, see below.

3.3 Preparing Accessible and Easy Read versions

This section on preparing an Easy Read version of your consultation has been written with input from two Disabled People's Organisations, People First (Scotland) and Disability Equality Scotland. The needs of people with communication support needs should be at the forefront of your mind when applying this guidance,

An Easy Read version is not the same as using "Plain English". Easy Read is an accessible format that makes written information easier to understand. The Easy Read format uses simple, jargon free language, shorter sentences and supporting images. It is often helpful to keep the document shorter (less than 15 pages) but this is not a hard and fast rule. Often adding images and explaining things clearly means that you may need more space.

It is good practice to provide an Easy Read version for all general and mass consultations, and it is especially important to do so if your target audience, or the people affected by the policy you are consulting on are likely to require an Easy Read version. E.g. if your key audience is made up of people with learning disabilities then it is strongly recommended that you provide an Easy Read version. It is less likely to be necessary for a technical consultation aimed at expert stakeholders. You should not make assumptions about which groups will be interested in a particular topic, any consultation might be required in a different format or accessible version. If you are in doubt about whether or not alternative versions of your consultation are likely to be required, you could contact Disabled People's Organisations to ask if there is interest in any particular accessible versions. Full guidance on Easy Read versions is found in Annex 3.

3.4 Respondent Information Form / "About You" on Citizen Space

The Respondent Information Form (RIF) is used to collect information about respondents in order to acknowledge responses, to identify publishing preferences and for consent to be contacted in the future. This information is obtained in two ways, via the About You page on Citizen Space or via a paper RIF.

- Citizen Space: online respondents will be asked for their name, e mail, publishing permission and consent to be contacted in the future via the About You page. Some of the fields are marked mandatory.
- Respondent Information Form (RIF); this is a paper form published with the consultation document which can be used by respondents who want to email or post a response (rather than respond via Citizen Space). The RIF asks for the respondent's name, address, phone, email, publishing permission and consent to be contacted in the future. NB: unlike Citizen Space, the paper RIF does not explicitly invite respondents to confirm that they have read SG's privacy policy and consent to their data being used in this way. However Digital recently consulted Data Protection about this and they were content. It's therefore reasonable to assume that the respondent has read the privacy policy and consented.

It is possible to ask for additional information about respondents in the RIF/About You section. One question you might find particularly helpful to ask, is if the respondent is responding from Scotland, the rest of the UK, or elsewhere. Whilst SG consultations are concerned with Scottish legislation and issues, there might be high profile topics which attract responses from elsewhere. It can therefore be useful to know how many of your responses, and which responses are from people or organisations in Scotland.

For example, the Same Sex Marriage consultation in 2011 received a total of 77,508 responses. The majority of responses (62,608 or 81%) were submitted by people living in Scotland, although many were received from people living in other parts of the UK (13,741 or 18%). Because analysts knew whether people were responding from Scotland or not, they were able to present findings from Scottish respondents, and these could be compared with findings from the Scottish Social Attitudes Survey[5].

In 2019, "A consultation on fireworks in Scotland: Your experiences, your ideas, your views" received 16,420 responses, and a follow up 2021 consultation on "Use and Sale of Fireworks in Scotland, and tackling the misuse of pyrotechnics "received 1,739 responses. However these consultations did not ask respondents to say where they were responding from. Representatives of the fireworks industry who disagreed with increased regulations around fireworks, complained about the fireworks consultations, including raising concerns that these were "worldwide" and not Scottish consultations. Had a question been added to the RIF/About You section to ask where the respondent was responding from, the SG would have been able to say what proportion of responses were from Scotland.

Additional information you might wish to request from respondents, could include things such as type of organisation for organisation responses; postcode to enable geographical analysis; other demographic information. You can invite respondents to provide this additional information, both on Citizen Space and the consultation paper RIF. If you don't include this information in the RIF, it is possible to back code it during analysis, but this is a lot more time-consuming, and will require you or your analysts to make judgements about, for example, what organisation type a group belongs to. Therefore it is much quicker and simpler to ask for that information in the first place. Here is a generic set of organisation types which could be used as a starting point and adapted for your specific consultation.

- Local Government
- Public Body, including Executive Agencies, NDPBs, NHS, etc
- Voluntary/Charity/Third Sector organisation
- Professional and Representative Bodies
- Academic and Educational Institutions/Charities
- Private Sector organisations
- Other

[5] See Section 2.1 and the "Same Sex Marriage: Consultation responses vs. Survey Data" example for more information

When considering gathering additional information on individual consultees you should be aware of General Data Protection Regulations which require you to state why you need such information. You should only gather additional information if it is pertinent to the policy issue. For example, you may wish to know if the respondent is a tenant or a landlord, an employer or an employee, young or old, disabled or not depending on the subject being discussed. The RIF helps you analyse responses and check that you have reached certain audiences. It will not give you a representative view of what one group thinks compared to another. Please be aware that there is no way to verify the information that a respondent provides.

If you anticipate responses in languages other than English, remember to request in your consultation paper that all non-English responses should be accompanied by English translation of the text.

3.5 Designing your consultation questions

Designing questions is not as easy as it sounds. You can always ask advice from your analytical division to help you develop questions. Alternatively, if at an early stage you decide to use external analysts, the contractor (if appointed early) can be involved in the design and preparation of your consultation paper.

It is good to understand the different types of questions and when they are best used.

Open Questions
Respondents reply however they wish - they're given an open text box.

Open questions provide a lot of benefits, enabling respondents to answer in their own terms without limitation and therefore yielding a larger cross section of responses. On the other hand, open questions require more effort to answer and analyse. An open question can be suitable for issues where there are no predetermined outcomes because they allow a huge variety of input. Open questions can also be useful for stakeholder organisations with a lot of experience to describe.

Be cautious though: too many open questions can lead to weariness and a lower response rate and analysis of results can take a long time.

Good example of an open question:

- *"In addition to recent reforms to the ticketing system, if there are any other changes to the tram system you wish to see, please give details here."*

This is simply worded, provides context and makes it clear to the respondent what is required for an answer.

Bad example of an open question:

- *"Do you agree with the proposal to provide an alternative process where the purpose of the reforms are to allow the addition of new services, including that the Transport Authority need not seek specific authorisation once it has* *carried out specified notifications that it intends to makes changes to existing schedules?"*

Without providing context, the respondent is unlikely to have the knowledge or even the inclination to answer this question fully. In addition, the length and phrasing of the question make it difficult to understand what exactly is being asked. This question is essentially asking the consultee if they agree with something. It could be rephrased more simply with the question asking if they agree or disagree with the proposal. An open question could then be used to ask them to explain the reasons why the agree or disagree with the proposal.

Closed Questions

If you're engaging a public audience on a policy that will impact a large part of society, it may be more fitting to use closed questions where respondents select from a set of fixed responses. Closed questions are quick and easy for respondents to answer providing that the questions are clear, concise and unambiguous.

Closed questions can generate *quantitative* data on the range of views held by the consultation respondents. As mentioned earlier, this does not mean that results are representative of the wider community.

Analysis of closed questions is quite easy as there are limited options so it is helpful if a mass response is expected.

A good, closed question could look like this:

"*How do you feel about changes to the ticketing system?"*

- *The new one is more convenient*
- *The old one was more convenient*
- *There is no difference in convenience between the new system and the old one.*

This neutral, unbiased question is likely to receive answers that are easy to interpret.

Here is an example of an inappropriate closed question:

"Do conductors and passengers think the new ticketing system is less efficient than the older one?"

- *Yes*
- *No*

This question is poorly designed because respondents (and therefore analysts) cannot make a distinction between conductors and passengers. In addition, it is a leading question, where the language used might induce the respondent to answer in a certain way. A better option would be to split the question in two, allowing for a more valid analysis and understanding of the opinion of both conductors and passengers. The language could also be changed.

Mixing questions

It is often good practice to follow a closed question with an open question so that respondents can say why they agree or disagree with a proposal, giving a broader understanding of why people might have responded in a certain way.

Common question errors and how to fix them

What to avoid	How to fix it
Excessive use of open questions	Use an appropriate mix of closed and open questions. Keep number of open questions proportionate to what you need to know, and use a closed question where that is more appropriate.
Excessive use of yes/no questions	Consider using a **Likert scale** (e.g. 5-point scale from which respondent chooses 1 option)
Double barrelled questions (e.g. "How satisfied are you with the content and format of this information?")	Ask one thing per question **Breakdown** complex questions into a) b)
Long questions	Keep it **short** and to the point
Ambiguous terms (e.g. 'often', 'regularly')	Be **specific** – provide definitions of terms if necessary
Leading or loaded questions (e.g. " Would you agree that this information is helpful?)	Questions and answers should be unbiased and balanced (e.g. you could use a rating scale)
Questions that include negatives e.g. 'not' (e.g. " Do you agree that this information is not helpful?")	Use **positive language**
Very general questions	Be specific
Technical terms (**jargon** and acronyms)	**Use simple, plain language** and avoid jargon (but be aware that simple words can be easily misunderstood)
Lack of/poor response instructions	**Provide clear instructions** on how to answer – clarify what constitutes an adequate answer
Questions embedded in report/context	Each question should **make sense standalone** – not everyone will read the entire report
Inappropriate answer options for closed questions	Ensure that any fixed response answers correspond to the question and are balanced

3.6 Testing the consultation documents

It is always useful to “test” your consultation paper on a small number of colleagues or external contacts. If you are working with a task force or advisory panel, they are a useful 'sounding board' for your consultation papers. You should ask them:

- Is it clear what the consultation aims to achieve?
- Do they find the document easy to read and digest?
- Do they understand the questions in the way you intended?

Citizen Space has a preview option so that you can view the consultation as if it were live. This can be shared with anyone to obtain comments on the user experience. You should always preview the consultation prior to publication to ensure:

- Accuracy
- Suitable structure, especially for digital format
- Appropriate answer components for question design
- Information is provided at the point of posing a question
- Links and media are working

3.7 Titling a consultation document

When adding a title to a consultation document, think about how the title will look in a search on gov.scot and on search engines.

- Keep them short (around 60 characters max)
- Make them search-friendly so that the most important area is front-loaded, for example ‘Private tenancy reform: consultation’, ‘Tackling obesity in Scotland: consultation'
- Titles should be clear and descriptive and provide context so people can easily see if the consultation is of interest to them
- Use language that people use
- If you need to use a separator to break up a long title use a colon (it helps users to scan), for example 'Planning appeal procedures: consultation' works is better than 'Consultation on technical review of planning appeal procedures'
- Remember that there will be additional ways of clarifying the content so that it doesn't all need to be fitted into the title. Use the summary field to clarify the title if necessary.
- Follow the style guide, don't capitalise unnecessarily – use sentence case
- If in doubt, email the digital engagement team for advice

Good example: Mesh implants: call for evidence
Bad example: Call for evidence

Good example: Social security appeals: consultation
Bad example: Consultation on draft regulations making provision in relation to Social Security Appeals

Good example: Improving diet and weight in Scotland: consultation
Bad example: A healthier future - action and ambitions on diet, activity and healthy weight

Good example: Head and neck cancer targets: consultation
Bad example: Head and Neck Cancer QPIs

Summary field
The summary is what users see in internal search results. It sits just below the title. It helps people see quickly whether this page will be relevant to them.

Summaries:

- should be around 130 to 140 characters. Don't just repeat the title
- must end with a full stop. This is for people who use assistive technology like screen readers
- include keywords
- use plain English
- only use acronyms if they are very common, for example EU, NATO

Some more examples of titles and summaries.

3.8 Getting ready for social media

Social media, if used with purpose, can be helpful in both advertising your consultation and as part of the data collection. It is important to be purposeful about what you are wanting from social media and careful about how you are going to use and analyse the responses. We strongly advise you to have a conversation between policy, analytical and communications teams to ensure the right content is shared when promoting consultation exercises on social media.

In terms of advertising:

- Social media is a great way to promote your consultation providing links to the relevant documents.
- Social media can also be helpful in targeting specific audiences with a link to your consultation.
- Social media is a visual medium. If we are using it we should think about how we can use infographics, images and video when promoting and sharing consultation exercises on social media

In terms of data collection:

- You can ask general questions on social media, but it is not the place for in-depth questions where the expectation is long answers. You will need to think about which elements of your consultation would suit a short statement and summary question.
- Chatbots are another way of asking more than one question and presenting media and choices. This has more scope than a single question, but again is not a great place if you are expecting long, considered answers.

- Social media can be way of promoting consultations over their 12 week life, and asking different questions in intervals throughout the process. This is useful if there is informed debate happening in the media over that time.

If you are using social media, make sure that whoever is going to do the analysis is aware and prepared to access platforms and analyse responses on social media. This is included within the procurement specification.

You should also be careful to respect relationships that are built online in the same way as offline. You should make an effort to provide links to follow ups (reports, publication of responses, related consultations) on the same platforms so that respondents have a chance of seeing the result of their input.

3.9 Getting Ministerial sign-off

Ministers should always be involved, as early as possible, in the preparation stages of a consultation exercise. SG operates on the basis of collective responsibility. This means that all decisions reached by Ministers, individually or collectively, are binding on all members of the SG. Therefore every effort must be made to ensure that every Minister with an interest in an issue has a chance to have his or her say before any decision is taken to approve the traditional written consultation.

- Where it is clear that no other Minister will have an interest in a consultation, you should seek clearance from your Minister
- Where one or two Ministers will have an interest, you should seek clearance through a minute from your Minister to the other Ministers interested
- For subjects that are likely to be of interest to all - or the majority of Ministers, clearance should be sought from Cabinet for the publication of consultations by means of Cabinet Correspondence
- However, for sensitive issues or issues that are likely to have a significant impact on the SG, clearance should be sought through a Cabinet Memorandum from the relevant Minister for discussion at Cabinet. For guidance on whether Cabinet Correspondence or a Cabinet Memorandum should be used to seek clearance, contact your special advisor, your Minister's private secretary or the Cabinet Secretariat for advice
- When alerting Ministers to the consultation you should also include how the consultation will be analysed
- You need specific Ministerial approval if you wish to procure the work externally and it costs more than £50,000
- And make sure you copy in Comms colleagues. They will have views about timing and promotion of the consultation

3.10 Lining up your publication channels to go live

Step 1: Make sure you have registered your consultation on Citizen Space.

Once you have completed the registration form, the Digital Engagement team will contact you with a url which you will need to include in your consultation paper.

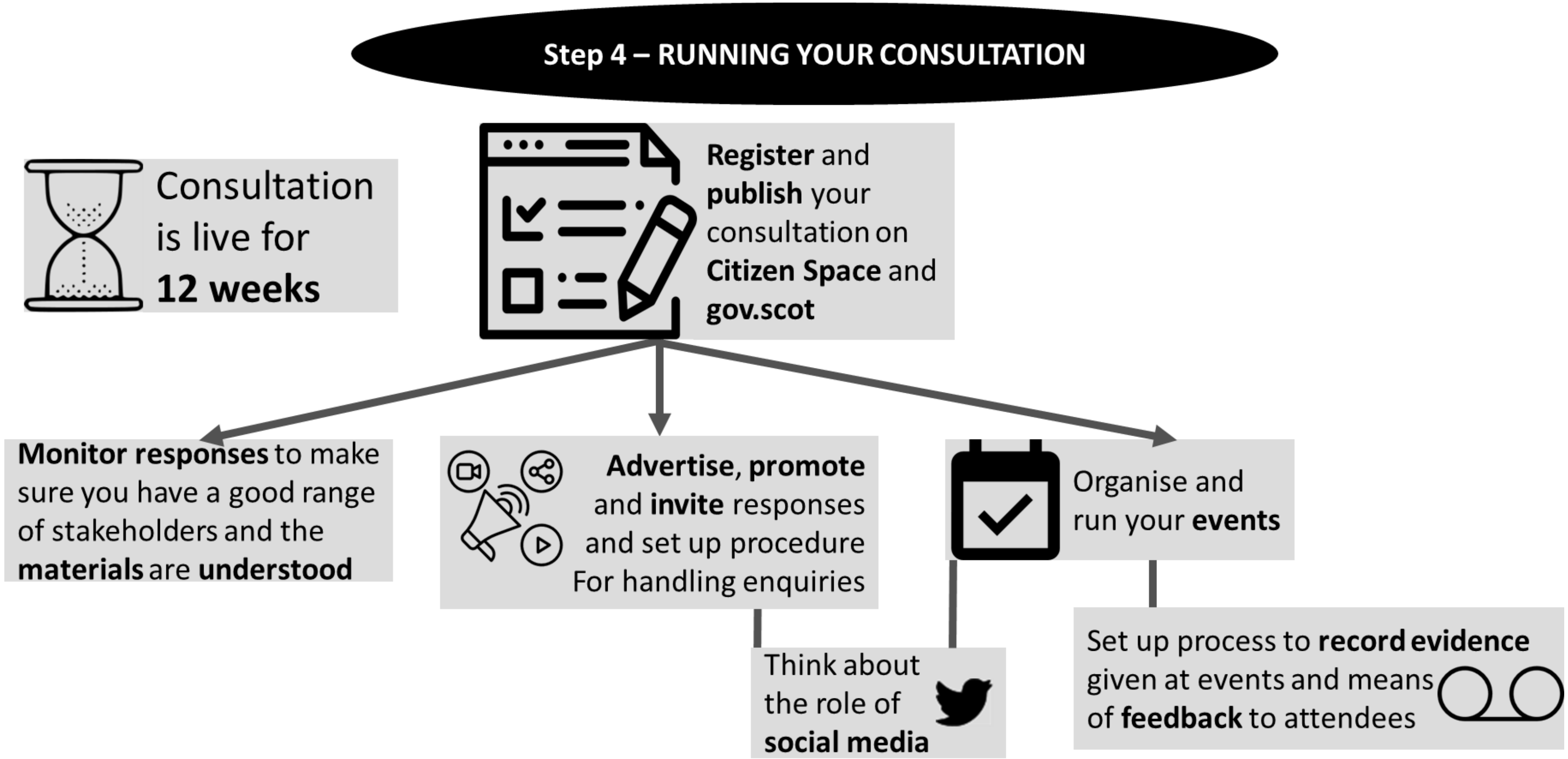
Step 2: Contact APS, our print and publishing contractor, to publish your consultation paper on gov.scot. Email APS or call 0131 629 9966. APS should be notified of the publication at **least two weeks** prior to the publication date.
APS will:

- create fully formatted, art worked files which meet Scottish Government guidelines on accessibility, branding and publishing
- ensure the correct application of agreed copyright wording and include an ISBN number
- create a table of acronyms (you may be asked to provide definitions and to review the table)

Find out more about publishing documents.

Step 3: Coordinate with Comms if they have arranged a press release or launch event.

STEP 4 RUNNING YOUR CONSULTATION



By this point you have a traditional written consultation document which has been cleared with Senior Officials and Ministers, you have set up your Citizen Space tools, you have lined up the document with APS and you have thought about and done preliminary planning of any additional face to face or social media events. You are about to move on to Step 4 and press the button to go live on your consultation.

4.1 Publishing your traditional written consultation

All Scottish Government traditional written consultations are published in two places:

- as survey questions on Citizen Space (https://consult.gov.scot)
- as a publication on the Scottish Government website (gov.scot)

4.2 Actively promoting your consultation

You should have considered the appropriate publicity for your consultation exercise at earlier stages of planning and involved your Communications team.

Many consultations are given a press launch and/or press release. Communications colleagues will be able to help you prepare for a press launch.

However there are a number of other options that could be useful in publicising your consultation, depending upon the target audience you have identified:

Non-paid publicity:
- Articles (in specialist as well as mainstream publications)
- Speeches
- News releases (including releases targeted at specific groups)
- Events
- SG website
- Social media
- Engaging with key stakeholder groups and asking them to promote the consultation to their members

Paid publicity:
- Newspaper advertisements
- Supplements
- Posters and leaflets
- Radio (including, where relevant and available, community radio stations)
- TV
- Internet advertising

Remember that consultation promotion should be continuous, running from pre-launch right through to the time it closes – especially if you feel that response levels are low or that your anticipated stakeholders have not responded yet.

It is also helpful to think about stakeholder management by monitoring responses. For example, if you see that there is some information which has been misunderstood or a request for more information featuring regularly in the early responses, you could consider adding a point of clarification to the consultation to prevent future issues.

4.3 Using social media

Social media can be a great way to promote your traditional written consultation, and to seek views from people who might not normally respond to a SG consultation. Remember that not everyone is comfortable with social media, so it should not be seen as a replacement for running events etc. but as an additional method.

Key benefits of using social media for consultations:

- **Audience:** Good way of targeting specific audiences and communities
- **'Social Listening':** Finding out what people think of a specific issue
- **Engagement:** Asking consultation questions directly on a platform - limits barriers to entry
- **Personal data**: Can provide some information about respondents (geography, ethnicity, age, etc.) to use in analysis
- **Immediate and iterative:** Can use to ask multiple questions over a period of time, rather than hefty consultation paper launched in one go

Potential drawbacks:

- **Data**: Often hard to download and analyse data from social media platforms
- **Openness:** Responses on social media are always open - hard to target people who wish to remain anonymous, or if the consultation is on a sensitive subject
- **Complexity:** Cannot recreate a consultation with 40 in-depth questions

The Social Content Hub is a central team within the SG who manage the official SG social media channels. They can use social media to signpost people to your consultation. If your consultation is likely to be of interest to the general public, (rather than a specific set of stakeholders), they can create polls on Facebook and Twitter asking a key question from consultations, and encourage people to post their views. They work with Communications to identify content. Speak with your Comms team about what kind of promotion they can provide.

It's important to be aware of what engagement takes place across social media so that you can incorporate the views expressed online alongside views from events and other forms of consultation engagement.

Consultations should be open for an appropriate time. We usually suggest aiming for around 12 weeks. In many instances, consultees will need time to consult with their members / user groups before submitting a response. If a short timescale is given then the reasons for this should be fully explained. If your consultation is live over a public holiday period, such as Christmas, or over a period like the summer holiday, when key people you want to respond might be on leave, then it is good practice to extend the consultation beyond 12 weeks.

Remember the Consultation Principles – give adequate time for response.

4.4 Handling enquiries from the general public and media

Guidance below helps with each of these:
Handling complaints
Broadcasts and press interviews

4.5 Establishing a process to receive responses.

You will probably want to encourage as many responses as possible to come in via Citizen Space, as this cuts down on administration around acknowledging responses and data entry of uploading responses on to Citizen Space later. However your consultation needs to be accessible to as many people as possible, so you need to be prepared for non-Citizen Space responses and how to handle these. Remember that not everyone will be comfortable submitting a response online.

Think about whether you need a consultation specific mailbox and if so, who will monitor this?

It is best to provide (and monitor) an email address to which responses can be sent. Using this method means that you have an electronic copy of a response which can be helpful at the analysis stage and for circulating responses within the SG and elsewhere. You can set up a generic email address by logging an iFix request or calling the helpdesk on x48500. But, if you set up a specific mailbox make sure it is monitored regularly throughout the consultation period, so that you are aware of the number of responses coming in by email, and also any requests for extensions to the deadline etc.

You should also have a postal address so that people who are not online can respond to the consultation, therefore making it as accessible as possible. You can decide that you wish to restrict how people can respond to the written consultation to digital only. However, be aware that you would need strong justification for such a move.

4.6 Running your events

Now is the time to run any additional events or methods to collect views.

At step 2 you will have planned out the type of events that you would like to hold.

Running events alongside your traditional written consultation can be a good way to engage with people who might not respond otherwise. But they can be time consuming, labour intensive and expensive to run, so you want to ensure that you get the most out of them, and that you are able to record the discussion at events so that it can feed into the final analysis.

The type of event that you run needs to be appropriate for your target audience.

If your consultation is very wide ranging, covering a number of topics, you might consider holding topic-specific events, so that those with a particular interest in a topic can attend the event of most relevance to them.

You should make your event as inclusive as possible ensuring the invitations, adverts and material provided at the meeting suits the audience. For guidance on how to design and run meetings and events so people with any hearing ability can hear and follow them, including those who are deaf then consider the material on inclusive communication hub. You may find it beneficial to contact a local Access Panel to help you make the event as accessible as possible. The hearing Access Protocol also provides guidance on how to design and run meetings and events so people with any hearing ability can hear and follow them, including those who are deaf.

You might find it helpful to engage with key stakeholder organisations and harness their support in running events. However, you should be aware that whilst key stakeholder groups may have contacts and knowledge around their particular area of interest, they will not necessarily have experience of facilitating engagement or knowledge of how to best to ask questions and record what was said. In the case of the BSL National Plan consultation, a SG researcher devised a “pro-forma” to capture certain standardised information from each event run by the Deaf Sector Partnership, as well as providing advice on facilitation best practice.

There might be some seldom heard groups who are unlikely to attend a consultation event or respond to a written consultation, so you might need to use alternative methods to hear their voice. For example, in the ‘Better Information for Parents School Handbooks’ consultation, the policy team specifically wanted to hear from parents they felt were less likely to engage with the consultation, in this case specifically parents from minority ethnic backgrounds and parents of children with additional support for learning (ASL) needs. They hired a research company to run events including, focus groups specifically targeted at parents from minority ethnic backgrounds and those whose children had ASL needs.

4.7 Online events – challenges and opportunities

Previously, the majority of consultation events were likely to have been in-person events. However, COVID-19 meant switching to online events. This can have advantages, e.g. online events can be more accessible to people in different parts of Scotland, by removing the need to travel, and could also be more accessible to disabled people with access requirements. As such, even when in-person events can be held, you might want to consider if having a mixture of online and in-person events would be appropriate for your consultation.

However, online events can also pose challenges. You will need to be aware of people who might be excluded from online events (e.g. those without access to computers or internet, or older people who might feel less confident using digital technology) and consider how they could be reached.

The nature of online events makes it easier for people to attend multiple events. It is worth considering how you deal with this, to help ensure you are not only hearing the same people saying the same thing at multiple events, and that you are hearing a range of views from a range of stakeholders and attendees.

a) in advance of your online events

In your communications around the consultation and consultation events, consider if you want to explicitly say that people should only attend one event, as the same questions will be discussed at each event, and in order to allow as many people as possible to have their say. It is also worth being explicit about the purpose of your events, e.g. to capture the range of opinions held, and that there is no real benefit to people attending multiple events – the same person saying the same thing at multiple events will not give their opinion any more weight than if they said it at one event.

However, this would need to be done prior to events, and not after people have registered to attend multiple events which are underway. If you do this once people have already registered it might look like the SG were trying to block people/certain groups from participating.

b) during the event - if people are attending multiple events, and particularly if they are dominating the discussion

Consider if it is appropriate to present the group with a group agreement, or some ground rules about how you expect them to engage with the discussion – this could include things like allowing everyone the chance to speak, respecting one another's views, not talking over each other, asking people to use the "raise hand" function if they wish to speak etc.

If you are splitting a larger group into smaller breakout groups for discussion, consider how you do this. It can be appropriate to arrange by participant type/interest, particularly if there is a perceived power imbalance between participant types e.g. separating service users from service providers, could help participants to feel more comfortable expressing their views. If there are particular people attending multiple events and they have a tendency to dominate the discussion, you might consider separating them from other participants, so the other participants have a chance to speak. If there are particular participants who you know have strong opposing views and tend to clash, you might consider putting them into a different group from one another, so that this doesn't dominate the group.

When facilitating discussion:

- Try steering the discussion onto different questions or aspects of the consultation
- If there are other stakeholders present and you think that they maybe aren't getting a chance to express their views, try to draw them into discussion and probe for their opinions

c) after the event – how to report on participants attending multiple events

As with all elements of the consultation process, it is important to remember the key caveat that respondents are self-selecting and not representative of wider population. Reiterate this in your reporting about events and be explicit about who attended and that some attendees attended multiple events.

Quite often when consultation analysis is written up, the analysis of events is integrated with the analysis of the written responses, and the analysis will highlight if views at events were similar or dissimilar to the main views expressed in the written consultation responses. You could report on the events in this way. E.g. "The views from the written consultation tended to be in favour of x, whereas the view from events was more likely to be opposed to x. As noted above, the vast majority of event attendees were [insert participant type]."

If you're commissioning your analysis out speak to the successful contractor, about this issue – they may well have dealt with this before, and have their own suggestions for the best way of dealing with it.

4.8 Capturing event information for analysis

Consider how you will capture what happened at the event. Even if an event went really well, it will have been a wasted opportunity if you haven't captured findings from it to feed into the analysis process. It can also lead to 'consultation fatigue' if people take the time and effort to attend and contribute to an event, but feel that it has had no effect. This can lead to them being less willing to contribute in future. You should ensure that good notes are taken that accurately capture any discussion at events.

Remember that it is very hard to facilitate a discussion and take good notes at the same time, so you might want to consider having a separate facilitator and note taker for event discussions or delegating the role of note take to one of the attendees.

For complex topics you might want to use a scenario to bring a situation to life and use that as a catalyst for discussion. For example, the Protection of Vulnerable Groups (PVG) consultation events provided each table with a scenario and asked attendees to discuss whether the person in question should be allowed to undertake regulated work with vulnerable people. They were asked to write their responses and reasons for this on a sheet of paper and this was included in the event analysis.

Depending on your budget, you might want to hire an events or research company to run the events and facilitate discussion. Sometimes technical solutions can be used. For example, the Protection of Vulnerable Groups (PVG) Consultation ran events in conjunction with an events company and used electronic polling to allow attendees to answer multiple choice questions, which were aligned with the multiple choice questions in the written consultation paper.

Ideally the questions asked at an event should be the same as, or very similar to, those asked in the consultation paper itself. You might decide that it is only possible to cover a selection of the consultation questions at an event, or that they need to be adapted slightly, e.g. to be appropriate for your event audience. But you shouldn't ask anything that is completely different to what has been asked in the written consultation.

The New Scots Team within the Scottish Government wanted to consult about New Scots 2, their second refugee integration strategy. They wanted to engage with a wide range of stakeholders including refugees and asylum seekers. The team knew that refugees and asylum seekers would be unlikely to engage in a formal written Scottish Government consultation, for a number of reasons.

Instead the team produced a facilitation pack, and provided funding to allow groups to hold their own events and feedback to the Scottish Government. In order to ensure that the information that came back to the Scottish Government was useful, event organisers were asked to take their notes from the event, translate them into English if required, and enter the responses on to a Citizen Space questionnaire which followed the format of the questions which were laid out in the facilitation guide. They were also asked to include information about the number and type of participants who attended the event, so that the SG could see who had been reached, and if there were any gaps in respondents.

This allowed a wider range of stakeholders, including refugees and asylum seekers to provide their opinions, in an environment that they were familiar and comfortable with, in their own language, and ensured that standardised information was provided to the Scottish Government for analysis. Ninety four events took place, and over 700 refugees and asylum seekers contributed.

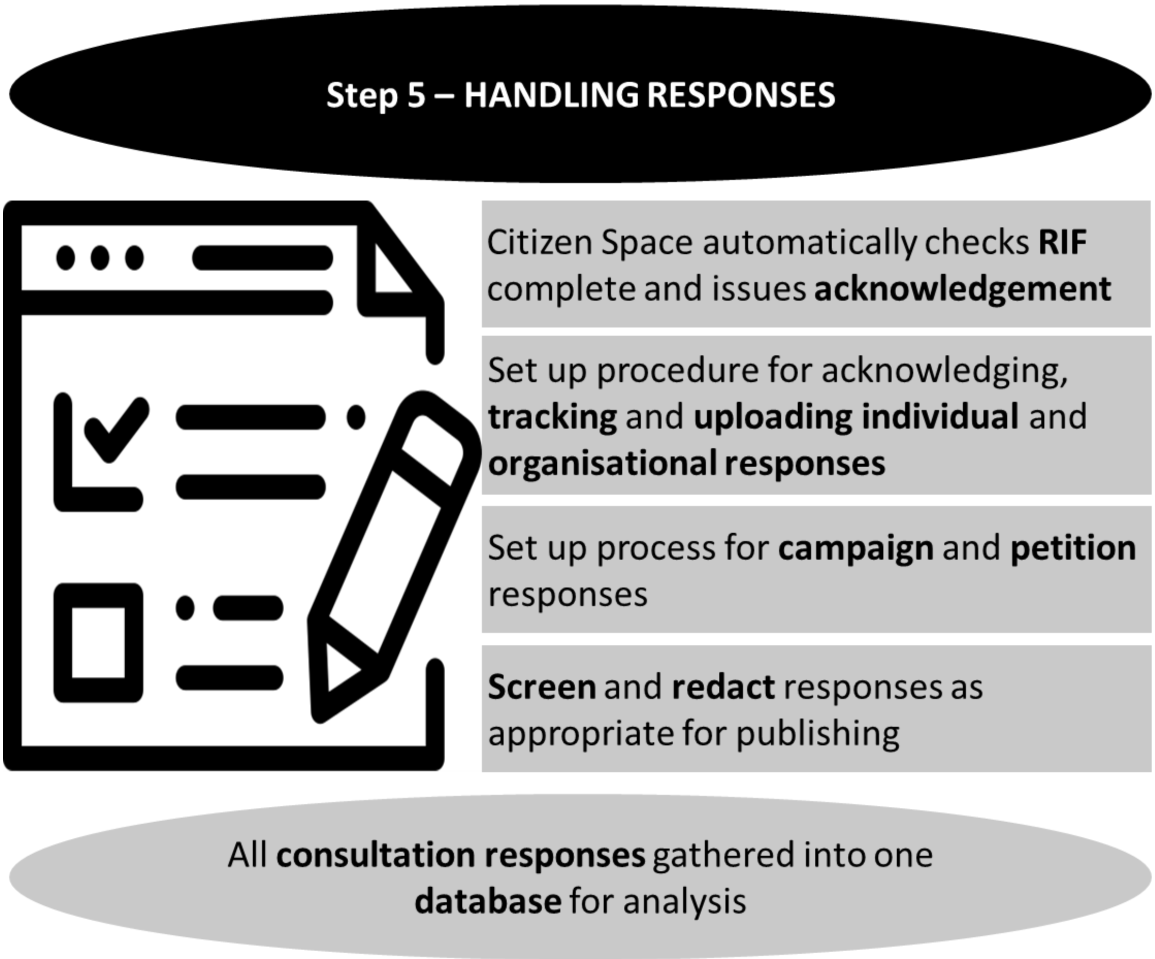
4.9 Incorporating different analysis

If at the planning stage, you decided that additional methods of research were required to complement the findings from your consultation exercise, such as a literature review or questions in an omnibus survey, then you should ensure that these are carried out now, so that the findings will be available to assess alongside the analysis of consultation views.

Source of support at this stage:

- **Contact the** Digital engagement team for help with Citizen Space and the Citizen Space Helpdesk for tips on how best to use the platform
- Contact your analytical division for advice on how to capture event information for analysis
- Contact **Communications Division** to help you promote your consultation via official Scottish Government channels and handle any press enquiries.

STEP 5 HANDLING YOUR RESPONSES



Now that your consultation is live you will be starting to receive responses. Step 5 provides guidance on how to receive, acknowledge, record and screen responses. You should monitor responses as they are being received so that you can identify particular groups who don't appear to have responded, and can keep an eye on the running total and the implications this might have for analysis.

5.1 What is a valid response?

Any response to a consultation is valid provided that it is relevant to the subject matter of the consultation. For clarity – that means that no fields on the Respondent Information Form are mandatory for individuals: anonymous responses are valid provided that they relate to the subject matter. Organisations should not submit anonymous responses: the RIF states clearly that an organisation name may still be listed as a respondent even if they have selected 'do not publish'.

If a response consists solely of comments that are outwith the scope of the consultation, then it is not a valid response and should be excluded (see also section 5.5, Screening Responses).

Responses that use occasionally inappropriate, defamatory or offensive language should be handled according to the screening and redaction process described below, but in the vast majority of cases they remain a valid response.

In extreme cases where the language is consistently and strongly offensive or defamatory throughout most of the response, then the whole response may be removed. Respondents should be made aware that this type of response will not be included in analysis and will not be published.

5.2 Receiving Citizen Space responses

All responses made direct to Citizen Space will contain a completed Respondent Information form via the About You page. Respondents will automatically receive an acknowledgement email with a pdf copy of their response. You can update the acknowledgement email via Citizen Space.

Note that receiving and receipting a response does not accept the content of that response. Not all consultation responses will be analysed and published, e.g. a respondent who has stated that they wish to be anonymous, will have their response analysed, but not published. If a response is considered defamatory, all or part of it might be removed from the analysis process, and anything classed as defamatory will not be published. Later guidance details the process of screening, redacting and removing responses.

5.3 Receiving non-Citizen Space responses

If you receive a response by post or email, there is a little more work to do to process them. There are two aspects to this:

First you need to establish a process right at the beginning to record and receipt responses so they do not get lost. It is essential to acknowledge all responses received to the consultation exercise. You will need to do this manually by email or by post. Of course, if the sender does not provide their email or postal address then you cannot acknowledge the response.

Sample text
'Thank you for your response to our consultation paper. The closing date for responses is/was [date]. Following this date, all responses will be analysed and considered along with any other available evidence to help us reach a decision on [insert policy issue]. We aim to issue a report on the consultation exercise by [date/season/event]. This report will be available on the Scottish Government consultation hub.

We intend making all non-confidential responses to the consultation available to the public in the following ways on the [consultation page].

We will also post a [summary/ analysis of responses/digest] of responses received to the consultation on the Scottish Government consultation web pages by [date/season/event].

All Scottish Government consultations can be viewed on [the Scottish Government consultation hub].

Thank you again for your contribution to this consultation. [Policy lead and title]'

Second you need to establish a process to ensure the content is part of the analysis. The method chosen will depend a little on the content of the response.

In most cases it will be best to receipt responses and then upload a redacted response to Citizen Space. There are a few options(see Annex E for detailed guidance on how to do this):

- If it is an electronic response (e.g. a word document) you can manually copy and paste the response into each question on Citizen Space. The response can then be analysed in exactly the same way as the Citizen Space responses. This is time consuming but makes analysis easier.
- If the electronic response is in the form of a letter or does not address specific questions then you can upload the document as a PDF to Citizen Space. This is quicker to upload but harder to analyse. Please upload the redacted document.
- If the response is hard copy you can scan it and then upload the scanned PDF to Citizen Space. Note: Please don't include the respondent's name in the file name. This can be problematic if they opted to have their response remain anonymous.

Alternatively you could establish a **separate database** to record and track responses which you update as new responses come in. This could be useful if your consultation receives a very large number of responses, including non-Citizen Space responses and campaign or petition responses (see section 5.9 for further details on petition and campaign responses). You can then upload the content at a later date or agree to send PDF scans of responses to the analysis contractor.

For example, the Same Sex Marriage consultation received one of the largest numbers of responses to a Scottish Government consultation. Responses received were organised in a spread sheet, containing the following headings:

- A reference number/ID for the response
- How it was received - hard copy or electronically
- Whether it was from an individual or an organisation
- The publishing permissions/confidentiality
- Title of respondent
- Name of respondent
- Organisation name (where applicable)
- The type of response e.g. substantial or campaign plus
- The name of the campaign, where it has been identified as part of a campaign
- If it was defamatory

The spreadsheet also recorded some other high level information about the responses received:

- Religious/LGBT (organisational affinity)
- Country – Scotland or elsewhere
- For/against consultation proposals

Another large consultation, the Unconventional Oil and Gas "Fracking" Consultation also logged numbers of responses received, using the following headings and definitions:

- Substantive responses: - If a respondent completes the consultation document or writes an e mail / letter making specific points or investing personally in their response, this should be treated as a substantive response.
- Campaign responses: - They use only the standard campaign text or template, without any amendments or additional comments. These responses will be counted, but not analysed individually.
- ''Campaign Plus' responses: - Where a standard campaign text / template is amended and/or added to by individual respondents to form a personalised response.
- Postcards

If offline responses come in without a RIF you should try to chase them up. If no RIF is obtained, responses can be uploaded and analysed, but not published.

However it's not essential to get an actual RIF completed. If you have the respondent's contact details you can just ask them for the missing information, which is usually publication preference and whether their response can be shared within SG. Keep a record of this correspondence for your audit trail.

Storing non-Citizen Space responses:

- **Citizen Space:** as mentioned above, responses can be uploaded (after scanning if needed) to Citizen Space. This might not be practical if there is a very large number of such responses.
- **eRDM**: a **restricted** eRDM folder might be more appropriate to store a large number of responses of this kind. This should be treated as an Information Asset and entered on the Information Asset Register; the Information Asset Owner will be your local Business Unit's IAO. Responses saved in this way should not be given a Corporate Value so that they can be deleted when no longer needed.

As you can tell this process can be time consuming. If you anticipate large numbers of offline responses it is worth planning this data input task. Data entry into Citizen Space is part of the Scottish Government publication process. It is your responsibility to check that responses are published appropriately and that all suitable redaction has been undertaken. You may want to contract out data entry, or employ temporary staff to do this for you, but the responsibility remains yours.

If you intend to commission your analysis you could include in your procurement specification what level of “data entry” you think will be required for analysis purposes. This is necessary when you have a very tight turnaround and know that you won’t have managed to input everything into Citizen Space. Analysis contractors are more likely to input data into their own datasets for the purpose of analysis. The amount of data entry will impact on the time before they have a complete data set to conduct the analysis and the cost of the contract.

5.4 Late responses

Often consultees submit late responses or ask for an extension to the response deadline. You may wish to consider a reminder letter or phone call to key stakeholders to encourage responses by the deadline. Ultimately it is your decision whether to accept late responses or not, but you should be as flexible as possible, bearing in mind the following points when determining your final closing date:

- You need to receive responses from the key groups you have identified
- You need time for rigorous analysis of the responses and this should not be compromised by extending the response deadline
- Where you have had to prepare materials in alternative formats (where these were not available from the outset), it is recommended that you allow respondents adequate time to prepare their response, even if this means extending the deadline.

If you know that you will not be able to accept late responses due to time pressures then state this clearly in the consultation paper.

If you decide you can accept late responses you have two choices. You can either expand the Citizen Space deadline allowing all respondents extra time, or you can agree to accept emailed responses from individuals or organisations who have notified you that their response will be late.

5.5 Screening all responses for defamation and offensive content

It is your responsibility that responses are screened prior to publishing for two purposes:

1. To ensure that the Minister is acquainted with their content in good time
2. To ensure that all potentially offensive or defamatory statements are removed before the response is made available to the public

The latter is not the same as analysing your responses, and screening is a task that should be carried out by the policy team as responses are being received. Content that is found to be defamatory or offensive can be either redacted, removed altogether or anonymised.

Redaction – involves removing a [defamatory or offensive] section of text but analysing and publishing the rest.

<u>Removal</u> – if the response has significant offensive and abusive content throughout then the response can be removed from the consultation completely.

<u>Anonymising</u> – involves publishing a response without the respondent's name, even where they have said they want their name to be published e.g. in cases where a response contains something (potentially defamatory] which could lead to the identification of another person.

In some cases a combination of both <u>redaction and anonymisation</u> might be required

There is no definitive guidance on screening and defamation. Annex D on screening and defamation, Annex E on redaction and anonymization and Annex F adapted from the SG social media moderation policy provide further information on issues to consider. The aim of consultation is to illicit the widest range of views and experiences and this means that sometimes strong language and views are included. However, respondents are asked in advance to remember that this is a government consultation process and that strongly offensive language will mean that responses are redacted, or in extreme cases removed.

The guiding principles are to decide:

- Whether the comments are within legal bounds i.e. do they contravene current legislation such as hate crime. If they are this serious then they should be removed from the consultation and in exceptional cases consideration should be given as to whether they should be reported as a hate crime incident. "A hate incident is any incident that is not a criminal offence, but something which is perceived by the victim or any other person to be motivated by hate or prejudice."

- Whether the comments include language that could be read by a range of people (ie think before the tv watershed). [OFCOM have produced groupings of potentially offensive language dividing them into non-discriminatory language and discriminatory language[6]]. Strong language should be redacted if the response is to be published. As a responsible organisation we should moderate the material published and accessed directly from our website. That doesn't prevent people using such language when they submit a response but they are forewarned that such language will be redacted. If respondents wish their full views to be publicly known there are plenty of ways for them to publish them online.

3. Whether the response solely includes comments that are outwith the scope of the consultation. If this is the case then it is not a valid response and should be excluded (see also section 5.1, What is a valid response).

4. If a response includes a mix of relevant comments and comments that are outwith scope of consultation but that are likely to be offensive or harmful to some people, then the situation is more challenging. You could redact irrelevant comments as out-of-scope but you would need to be sure that you do this for every single out of scope

[6] At https://www.ofcom.org.uk/__data/assets/pdf_file/0023/91625/OfcomQRG-AOC.pdf

comment made by any respondent, otherwise you are opening yourself up to legal challenge. On a large consultation this would be very difficult. A more pragmatic approach might be to put a warning on the front page/website to alert people to the fact that 'some of the individual responses contain views that people may find disturbing or offensive'.

Example: In the recent consultation on a proposed Gender Recognition Act it became apparent that respondents have on occasion:

- Provided information that could identify a third party, for example, an ex-partner, husband or child, and could be "personal data" for the purposes of GDPR[7].
- Provided information that could be potentially be defamatory.
- Given the case reference for an unreported court case.

The policy team's screening response was to redact from any response where we have permission to publish it from the respondent, text which:

- Constitutes, in the context, a swear word
- Advocates violent action against a group in society.
- Constitutes a threat against another person or group.

But they did not redact statements of opinion that express strong views either about the consultation's proposals or the existing arrangements, even where these may offend some parties.

Full consideration is in the Annex D.

5.6 Redacting responses

The redaction process is easy but can be time consuming. In Citizen Space, you can select text for redaction or reject whole answers for publication.

If you are redacting via a document please follow the SG redaction guidance. Failure to do so can result in your redactions being removed (see links below) .

Possible reasons to redact text in a response before publishing include:

- personal information, such as name, email address or home address
- defamatory content
- inappropriate language
- restricted information fraudulent information (for example, where the respondent purports to be someone else)

Knowing what to redact can be difficult as it's often based on context. There isn't any specific redaction guidance. If you're unsure try speaking with your team and coming to a decision first. You can also refer to the moderation guidance on our blogs site

[7] Information Commissioner's Office guidance https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/key-definitions/what-is-personal-data/

for types of things that should be allowed for publication. See Annex D for the Redaction Policy used in the Gender Recognition Act Consultation.

Examples of responses that require moderation or redaction to ensure a fair, inclusive, relevant and constructive discussion:

- Disrespectful comments towards other people such as malicious comments or responses that are offensive towards a person's character
- Offensive comments on the basis of race, religion, sex or gender, nationality, sexuality or other personal characteristics
- Comments relating to an ongoing court case
- Hate speech, obscenity or swearing
- Responses that reveal personal details, such as private addresses, phone numbers, email addresses or other online contact details
- Responses that reveal personal details about a third party
- Comments that break the law such as by condoning illegal activity, making or potentially making defamatory claims and breaking or potentially breaking copyright
- Comments commercialising or advertising products and services if irrelevant to the consultation
- If we find out that a respondent falsely claims to be representing a person or organisation
- If the response is unrelated to the consultation

Redacting names: sometimes it is not clear whether a name should be redacted from a response. Useful questions to consider about the person named are:
1. Are their name / contact details already in the public domain?
2. Have they given permission for their name to be published in this specific context?

For example:
- A letter from an MSP with their name and contact details: do not redact - these details are already in the public domain.
- An MSP's constituent's name who has previously been mentioned by the MSP in Parliament: redact, as it is not known whether the constituent has given permission for their name to be published in this context.
- An organisation response in the form of a letter signed by the Chief Executive by name: do not redact - these details are already in the public domain.
- An organisation response in the form of a letter signed by the Chief Executive's personal assistant: redact - these details might not be in the public domain.

Guidance on redacting responses in Citizen Space:
- Response publishing - what is moderation?
- Response publishing - how to moderate
- Response publishing - how to publish approved responses

If you have responses that you need scanned and/or redacted you can get support from the Central Scanning Unit.

If you have a large number of responses that you have redacted but cannot publish on Citizen Space, contact APS (0131 629 9966) to have them published on gov.scot. Remember to add a link in Citizen Space to these responses.

Once you have moderated responses as set out in handling responses, these can be published by clicking 'Publish Responses' on the consultation dashboard in Citizen Space. Read more about how to publish consultation responses.

You can also provide the reason(s) for redaction. The reasoning will not be made public. However, it's good practice to complete this in case someone questions why a response was redacted.

5.7 Publishing responses

After screening and redaction, all responses should be published on the Citizen Space website according to the preferences stated by respondents in their RIF. This should ideally be completed within 3 months of the consultation closing but it is acceptable to publish alongside the analysis report.

5.8 Dealing with petition and campaign responses

In the case of mass consultations, particularly those on high profile and contentious issues, you might receive petition and campaign responses. The majority of smaller scale and technical consultations run by the SG are unlikely to receive petition and campaign responses.

Example: Talking "Fracking": A Consultation on Unconventional Oil and Gas
During this consultation many campaign and petition responses were received. When handling and reporting responses, the consultation team used the following terminology which has been quoted as good practice:

> **Campaign response**: A response submitted through a co-ordinated campaign, often using standard text provided by the campaign organiser. Campaign responses are of two types – standard and nonstandard (see below for definitions).
>
> **Standard campaign response:** A response to the consultation in which the respondent simply added their name to the standard text provided by a campaign organiser without making any changes to it.
>
> **Non-standard campaign response:** A response to the consultation in which the respondent edited the standard text provided by a campaign organiser or added their own comments to it before submitting it (usually via the campaign organiser's website).
>
> **Substantive response:** A response drafted by a respondent using their own words (and not submitted through a co-ordinated campaign), or a non-standard campaign response. The use of the term 'substantive' here is not intended to imply that such responses were lengthier or more substantial

than, for example, standard campaign responses – simply that the responses were original or, in the case of non-standard campaign responses, were personalised.

Petition: A response to the consultation comprising an introductory statement (the petition statement) followed by a list of signatories and their contact details.

Campaign responses

Depending on the nature of your consultation, you may receive a large number of campaign responses. If they are identical, upload one on Citizen Space and give some indication of the number you received.

If they are generally the same but contain some extra views, upload these individually on Citizen Space or scan and redact and upload via APS.

On occasion, part of the response to a consultation exercise is organised into the form of a campaign and/or a petition. Sometimes, the petition will be gathering support in a high-profile way and you will be able to anticipate how to handle it; at other times, petitions arrive 'out of the blue'. The SG is in a position to learn from the work and experience of the Scottish Parliament's Public Petitions Committee (PPC), which has handled a large volume of petitions since devolution. Since petitioning Parliament is a new and popular means of civic engagement in the policy and political cycle for Scotland, the SG has developed new and better ways of handling petitions that we receive.

Where a petition essentially differs from other responses to consultation exercises is that several people/names contribute one, shared view on the issue in question. While the petition therefore aims to represent the strength of feeling behind the stated view, there is no 'expansion' of the debate beyond the one stated view of the petition.

Petition Responses

When you receive a petition, there are a number of important questions to consider and steps to take:

(i) Is there a Principal Petitioner?

The PPC is advising all petitioners to the Parliament to identify one main point-of-contact for each petition they receive. This person is then known as the 'Principal Petitioner' (PP) and acts as the 'conduit' through which the SG and PPC communicates to all of the signed petitioners. It is important to identify the Principal Petitioner for each petition/campaign you receive. It is advisable to contact them and seek their agreement to act as the PP and to confirm contact details.

(ii) Is it appropriate for the SG to handle this petition at this point in time?

(a) Is the topic 'live' for the Parliament or the Government?
(b) Is this petition a response to your consultation questions?

If you answer ‘no’ to both of these questions, then you should seek advice from within your division and official correspondence unit.

(a) Contact your Departmental Committee Liaison Officer (DCLO) and query whether the Scottish Parliament Public Petitions Committee is currently handling this issue. Generally, petitions referring to 'live' Parliamentary Bills and matters outwith the remit of the SG's ongoing consideration are handled by the PPC. However, views on 'live' SG consultations and on ongoing SG policy making in specific areas should be dealt with by the appropriate SG officials. The SP website and online Petitions page may assist your query here. If you and the DCLO agree that the petition you have received should be more appropriately handled by the PPC, then officially redirect it to the PCC, and inform the Principal Petitioner of this decision.

(b) If the PCC receive a petition that the appropriate DCLO agree should be handled by your team, they will forward the petition and inform the Principal Petitioner of this process. **If the petition falls within your current consultation**, you should reply to the PP, informing them of when the exercise closes, and when response, analysis report or policy decision will be available. You may wish to adapt the text in the SG acknowledgement statements for this, and ask the PP to complete a Respondent Information Form. You should consider the petition alongside the other responses to the consultation, remembering that the petition represents a strength of feeling on their statement alone. The petition should not be given any more weight than if it had been submitted as a direct response to the consultation, but it should be mentioned in particular in your analysis write-up.

You should take this opportunity to draw out further views from the PP on the entire consultation exercise context; to expand on the single statement heading the petition. You should inform the PP of related consultation events, and give consideration to convening an event with the signatories of the petition. This would allow them to elaborate on their single-statement petition. You should note the appropriate permissions by the PP regarding future contact.

(iii) Identical responses

If you receive a response that you suspect is the start of a written campaign that will use the same source material, or is the first of several identical responses, you should log these separately until you have established what emerges during the entire exercise. You should issue your acknowledgement and proceed with the screening process detailed below on the first of the identical responses received, and then apply this to all other identical responses.

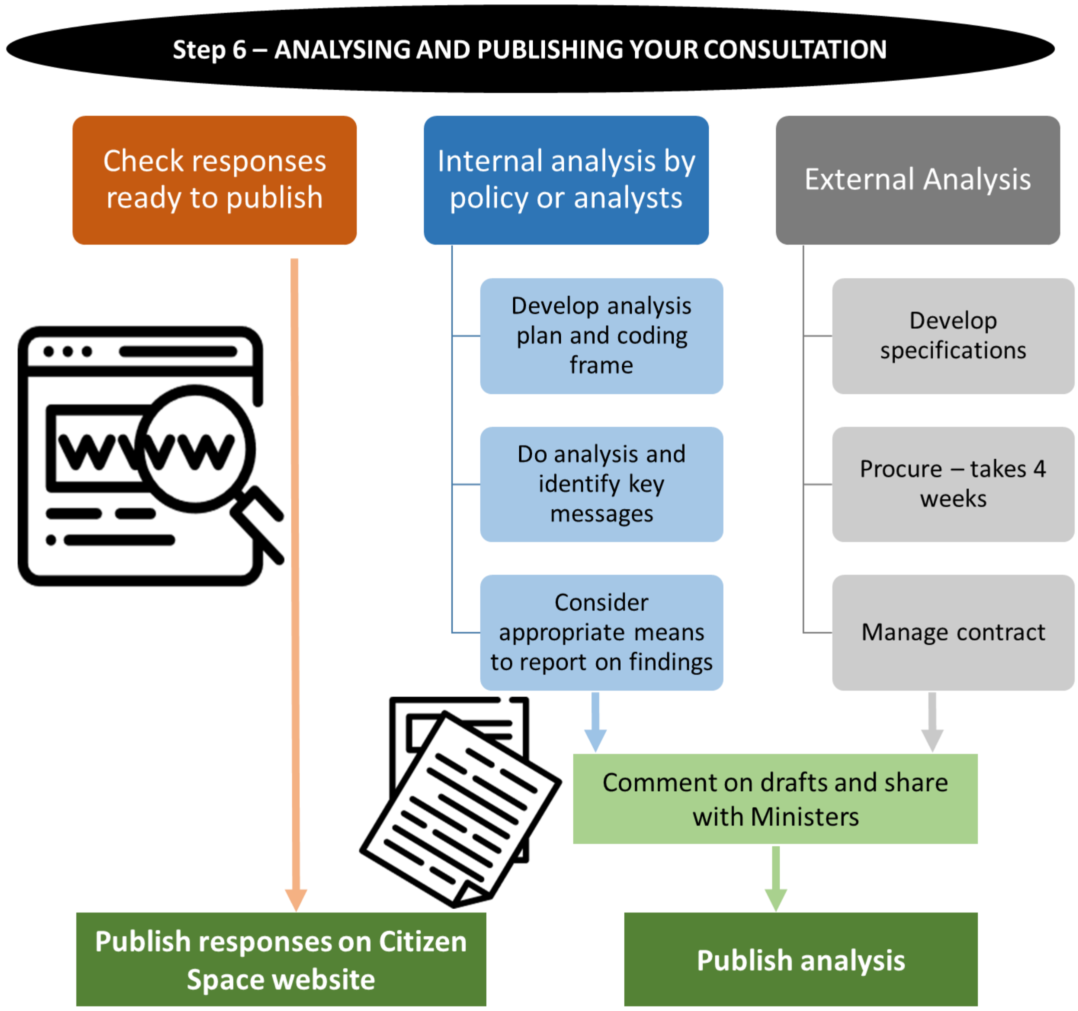
(iv) Postcard campaigns

If you receive a number of identical postcards/identical submissions as part of a campaign, you should log these separately from petitions and other written responses. If possible, identify the organiser of the campaign, issue an acknowledgement to them informing them that all postcards will be made available to the public on Citizen Space or SG website (after checking the text of the postcard for defamation). It is usually not possible within your resources to acknowledge each postcard response individually, although you may decide that this is appropriate. In your analysis and feedback reports, it is important to acknowledge the volume of the campaign and the point it makes.

(v) Signature petitions

Should you receive a list of signatures, you should log these separately. Again, try and identify a PP or organiser of the campaign, issue an acknowledgement to them informing them of feedback arrangements and that a copy of the petition will be, available to the public. Again, check the title statement for defamation before placing the petition in the library. It is highly unlikely that you will have resources to issue individual acknowledgments to each signatory, but this means it is even more important to acknowledge the campaign in the analysis reports that you feedback to respondents and interested parties.

STEP 6 ANALYSIS OF RESPONSES



The consultation has now closed and you have a large bank of responses. Step 6 shows you how to make sense of the responses so that they can inform your policy. You will have decided which route you prefer; internal analysis by the policy team or procurement of an external contractor. The guidance takes you through both options.

6.1 Introduction – why analyse?

Analysis of responses is necessary to capture and summarise the results. You are responsible for ensuring that the consultation is analysed fairly, rigorously and systematically and that the results are reported back. This is often in a written report but it does not have to be. You will have already worked out whether you have the skills and resources to do the analysis internally or wish to procure it externally. If you are going to undertake you analysis within the policy team then the guidance below will help but please seek additional assistance from your analytical team who can check that your coding framework and interpretation is appropriate. Remember it is always good to engage with your analytical team early (ideally from the stage of writing the consultation questions), to help them factor in any support along with their other commitments.

The analytical process should be transparent, rigorous and systematic. It should include all valid responses (ie. all responses that are relevant to the subject matter and are not deliberately malicious) and be able to stand scrutiny from external parties (e.g. academics, the Scottish Parliament, or external stakeholders who responded to the consultation). Your approach to analysing the consultation responses should ensure that all views are captured and summarised in an appropriate manner.

The analysis, and analysis report, should reflect the range and breadth of views expressed during the consultation. It should identify the key themes emerging from the responses and the arguments behind these.

In some cases it might be appropriate to highlight any differences in responses by respondent type (where additional information on respondent type has been gathered).

Plans for analysis need to be built in to earlier stages, such as planning, to ensure that you allow enough time for analysis, and also at the design stage – if your consultation is primarily made up of open questions, this will take longer to analyse than a consultation made up of a mix of open and closed questions. If questions are broad and unfocussed in nature, the chances are that the answers received will be too, therefore your question design as well as the number of responses will have an impact on how long your analysis will take. If you need to provide some key findings before then end of the full analysis, you can identify some key consultation questions to analyse them first.

The following points need to be taken into account in your analysis:

- The number of responses and volume of data.
- Consultation exercises are self-selecting in nature – people choose to respond, rather than being included as part of a considered sampling strategy. As such, the findings do not reflect the (weight or range of) views within the population as a whole. Any figures quoted give as an indication of what respondents thought, but should not be taken to represent the views of the population as a whole.
- Some respondents will answer all questions, while some may answer only a few. Some may focus on a specific issue on which they hold strong views and may give a lengthy response to that issue.
- Some questions may be geared more towards individuals and others to organisations. Responses will be received from representative bodies and user groups that are especially affected by the issues.
- There may be some identical responses (e.g. from a written campaign that uses the same source material or from postcard campaigns).
- The opinions/comments may be based on evidence or on respondents' opinions or perceptions of what is true. Some respondents may have a limited understanding of complex issues.

- In addition to answers to each of the questions, respondents may also give views on the consultation process itself. They may also raise new issues or different approaches.
- No comments should be attributed to individual respondents in the reporting, although anonymised quotations may be used for illustrative purposes.

6.2 Analysing your consultation responses in-house

You might decide that it is appropriate for you to analyse your response in-house. This is most likely to be the case if your consultation is technical in nature and has received a small number of responses. In this case, the expertise the policy team has around a particular policy area can mean that they are best placed to carry out the analysis as they will have a good understanding of the issues raised by stakeholders.

As stated earlier, as a general guide, if you estimate that there will be fewer than 100 responses, and fewer than 30 questions of which half are closed, then in-house analysis would be feasible subject to staff capacity

If you do not already have access to the relevant permissions in Citizen Space you will need to get in touch with the Digital Engagement team and request these.

Analysis can be done by one individual, which has the benefit of consistency and the individual really getting to know what has been said, or by a team, which can be particularly helpful if there is a lot to analyse and/or short timescales for analysis. If a team is carrying out the analysis then communication and consistency are key. In both cases, the use of a coding framework is necessary to ensure consistency and its creation represents a crucial step of the analysis.

Steps for analysing data in house, when you have all responses/a complete data set

- Organise your data
- Create theme grids
- Analyse your data –
    - Qualitative analysis read through it all and theme it
    - Quantitative analysis – count up the number and percentage of responses to closed questions
    - Analyse any information from events or other sources appropriately
- Take your data to write a report (or to disseminate your views in some other way), reflecting the range of opinions received and using quotes where appropriate.

If you intend to analyse your consultation in-house then Annex H takes you through all the steps involved and provides helpful tips and guidance on qualitative and quantitative analysis, on coding frames and on writing up your analysis.

6.3 Procuring contractors to do analysis

It is a good idea to procure the analysis externally if some or all of the following apply:

- You have received or anticipate receiving a very large number of responses
- There would be particular benefit in the analysis being seen to be independent of SG – for example if the topic is complex or controversial
- You need to integrate findings from a number of different consultation and/or participation methods

Whilst procuring analysis is less time consuming for the policy team than undertaking in-house analysis yourselves, you will still need to factor in time for key stages in the analysis process, such as inception meeting with the contractor and commenting on draft reports, and dealing with any questions that the contractors have or issues which might arise. As such some of the information covered in Annex H on in-house analysis might be helpful.

In particular contractors might ask for your opinion around issues around "dealing with incorrect responses", or respondents whose answers to open and closed questions appear to contradict each other. If analysts have been supporting you during the consultation, you can seek their professional opinion on any particularly tricky issues which arise. If you want analysts to quality assure your analysis report, make sure you ask them in advance, and highlight if there are any particular areas where you need analytical expertise.

<u>Before starting procurement you need to:</u>

- Ensure that Ministerial approval has been obtained (see section 3.9):
    - for the consultation exercise in principle, including approach to analysing the responses;
    - to procure the analysis externally - if the budget is anticipated to be more than £50,000.

- Find someone to administer the procurement for you. This will either be:
    - A Delegated Purchasing Officer - someone in your Directorate with Delegated Procurement Authority (DPA). Or if no-one is available / has capacity;
    - SG Procurement Team, via a Request for Procurement Assistance. <u>Buying and contract management</u>

  NB: it has been clarified that Consultation Analysis should be procured as a Service and **not** as Consultancy. (See <u>Procurement of social research</u> – 'Is It Consultancy?')

- Decide whether you will start the procurement.

    - **After the consultation has closed**. This makes the procurement easier as you will know the final number of responses received, and their length and type. You can also provide details about consultation events and the nature of reporting from them which will need to be incorporated in the analysis. However you will need to allow around 3-4 weeks after the end of the consultation to commission the analysis and appoint the contractor (see Timeline below). Legislative or other policy team deadlines might not allow for this.

- **While the consultation is still open.** This is a more common scenario due to time pressures arising from legislative or other policy team deadlines. It enables the contractor to start work as soon as the consultation closes. However you will not know the final number and profile of responses, and will have to ask potential contractors to provide a price for an estimated number of responses.

  NB: SG’s Procurement Team have clarified that we **are allowed** to do the following while the consultation is still **open**:

  - **Undertake the procurement process**: i.e., issue the Invitation to Tender (ITT), evaluate tenders, identify the successful bidder.

  - **Award the contract** once tenders have been evaluated: so that contractors can have early access to responses before the consultation closes. The ITT will have invited tenders on the basis of **estimated** response numbers; and final payment will be based on the **actual** response numbers received.

- **Be realistic about contract timescales. Remember that it is a contract for both the contractor and the Scottish Government. You have obligations to meet the timescales that you put in the contract in the same way that you expect contractors to meet their timescales. Make sure others are aware of timescales for commenting on drafts.**

Procurement Template

The ‘Procurement template’ (including Specification of Requirements and Technical Proposal) provides the starting point for you to invite tenders for your consultation analysis. The template includes standard wording, extensive guidance and prompts on the issues that you need to consider and choices that you need to make when you commission consultation analysis externally. This guidance highlights and in some cases elaborates on the template’s key points. The rationale is set out in more detail here. Please read this before making adjustments to the template.

Specification of Requirements

This is where you tell the potential contractors exactly what you will require. Here are some key points to note and address.

Number of Questions: it is important to show this accurately as it is a determinant of the workload for the contractor. A numbered question with a closed (‘yes / no’) and an open (‘any other comments’) element counts as 2 separate questions and contractors will count the total number of separate questions which they will need to analyse.

Sources of Responses Received / Expected: the main potential sources (e.g. via Citizen Space, email responses) are set out in the template. You should highlight if long technical responses from specialist stakeholders are expected, and if possible give an idea of average length, as this will be another determinant of workload for the Contractor and hence costs. This will help clarify the scale of the task to the bidders and reduce the potential uncertainty for them in how to price.

Data Entry of Responses: for responses not submitted via Citizen Space (e.g. emails with pdf attachments), depending on expected numbers and format, you will need to decide whether you want your team to enter these on to Citizen Space or upload them for the contractor to enter into their database. If there are small numbers of such responses, which directly answer the consultation questions, internal data entry would not be too onerous and would save on cost. If there are large numbers, which do not directly answer the consultation questions, it could be time-consuming to copy / paste from long technical responses submitted in PDF files, and data entry by the contractor is recommended.

Secure Data Transfer to Contractor: where non-Citizen Space responses need to be transferred directly to the Contractor, a secure data transfer option must be used. iFix provides a link for options and the Office of Protection Security can advise on the best for your specific situation (OpSec@gov.scot). Another option is eRDM Connect (more info available here) which is secure and requires the recipient to create a login for the system, but they do not have to download any software. Your local information management support officer (IMSO) or eRDM_Support_Mailbox@gov.scot can advise on using this. However this will only be useful if you are transferring a low number of individual files to the Contractor – because of the way Connect works, sending a lot of these would probably be too time-consuming).

Respondent Information (via online form or paper copy of Respondent Information Form): you will need to review the standard respondent information which is requested and advise Digital Engagement whether you want to request anything additional – such as organisation respondent sector options (e.g. public body, third sector, education / academia) or individual postcode of residence.

Outputs and key deliverables: you should state the precise outputs required – there are prompts in the template. The key output is a final Report of publishable standard. You will need to provide the contractor with the Social Research Report Quality Assurance Checklist and use it yourself to assess whether the final report meets the standard for publication. If it does not, you will need to return it to the Contractor for resubmission. You might also request an interim report including the analysis of some key consultation questions.

Procurement Timetable and Milestones: the following format with prompts is provided in the template for you to complete. The timings shown below are approximate depending on response levels and how much time is available. It is important that, very early in the planning process, you identify deadlines and work backwards to set your timings. A very tight timeframe will be less attractive to Contractors so make sure it is essential rather than a nice to have.

Milestone	Timing	Payment
Preparation of ITT	-	-
Invitation to Tender (ITT) issued	-	-
Q & A period	-	-
Tender deadline	3 weeks after ITT issued	-
Contract awarded by	within 1-2 weeks of deadline	-
Contract start date and Inception Meeting	week beginning	-
Inception report submitted	within 3-4 days of inception meeting	-
1st Draft Report submitted	around 4 – 5 weeks later	Payment stage 1: 30% of total
Comments from SG returned	a further 1- 2 weeks later	-
2nd Draft Report submitted	a further 1-2 weeks later	-
Comments from SG returned	a further 1 week later	-
Final report and final auditable database submitted	a further 1-2 weeks later	Payment stage 2: 70% of total
Contract end date	-	-

NB: you can

- delete milestones not applicable to this contract – e.g. a small consultation with a quick turnaround might not need an inception report
- think about timescales. A large consultation with many responses (more than 500) will need more than 3 weeks to draft findings. You may wish to specify questions that you would like analysed first.
- add any other specific milestones which are applicable to this contract.

Budget: in general, whether a consultation has closed or is still open, an indicative budget should not be provided. However in some circumstances (e.g. where a large number of responses is expected), it might be appropriate to state a budget range or a maximum budget, so that Contractors can tailor their analysis approach to the available budget. See also Technical Proposal, Pricing Schedule (below).

The key variables which will influence the cost of a consultation analysis are the number of questions, the estimated number of responses and the timeframe.

Evaluation Methodology

This sets out the SG process for evaluating tenders for the contract. It states the overall weightings (Quality / Price) as 60 : 40 but this can be amended if needed.

Technical Proposal

This is where you invite potential contractors to set out their proposal and show how they would meet the award criteria. Suggested **Award Criteria and Weightings** are provided: these can be amended to suit the needs of your consultation.

We recommend that you make full use of the scoring system from 1 to 4. Half marks are not allowed. If you mark everyone as a 2 or 3 it means you will find it very hard to distinguish between tenders.

Pricing Schedule

This invites potential contractors to provide a quote to process specified numbers of responses from different sources (e.g. from Citizen Space, via e mail attachments). This format can be used if the consultation is:

- **Closed** and the final response numbers **are known**.
- **Open** and the final response numbers **are not known** – using illustrative figures

The format requires potential contractors to provide the number of days required and day rates for:

- **Section 1: the Base Cost** for processing a specific number of responses from each source.
- **Section 2: the Additional Cost** for processing a specific additional number of responses from each source.
- **Section 3: the Fixed Cost** required to deliver the contract.

The response numbers are illustrative only and contractors will be paid for the actual number of responses which they process. If the final number of responses received is above or below the Base Cost response numbers shown Section 1, the cost of analysing these additional or fewer responses will be calculated on a pro rata basis upwards or downwards based on the day rates shown in Section 2.

If responses from specific sources have not been received or are not expected, those sections can be deleted from the format in the template.

No Tenders Received

This happens fairly regularly. See ANNEX H: **Procurement: 'No Bids' Scenario and What To Do** for a discussion of:

- Common reasons.
- Potential approaches to re-tendering.
- Undertaking internally using additional resource.

6.4 Handling data

Consider how long you will need to retain consultation data for, in keeping with GDPR. A Data Protection Impact Assessment (DPIA) template is available at Annex G. The Data Protection Team advises that information should only be kept for as long as is necessary to achieve the purpose it was collected for, in line with GDPR; and that the exact length of time should be decided by the business area collecting the data - they did not suggest a specific length of time. We recommend that after **one year** a review should take place to determine whether the data needs to be retained or destroyed. If it decided that there is no rationale to justify continuing to hold the data, then it will be destroyed. Very strong justification would be required to hold the data longer than **3 years.**

Check with Digital Engagement about the process of removing personal information when consultations have reached a certain time limit. If you are using an external contractor they will need to contact Digital Engagement team to agree how to access the data.

6.5 Common analysis problems

These issues are discussed in Annex I, but they are pertinent to both internal and commissioned analysis.

Dealing with "incorrect" comments

The analysis, and therefore the consultation report, should reflect what respondents expressed in response to the consultation. There are likely to be occasions, when the analysis picks up comments where what the respondent has said is not factually correct, e.g. they might have misinterpreted what a policy aims to do, or misunderstood a question. You should not ignore comments like this in the analysis, particularly if a number of respondents have the same misunderstanding. That respondents didn't interpret your policy proposal or question correctly, is in itself a relevant finding about what might be required in terms of how you communicate your policy. You should include in your analysis and report that respondents thought this, and you can also explain in the report, either in the text or via a foot note what the actual policy position etc. is in relation to how the respondents might have interpreted it.

"Incorrect" statements or views could also be those citing facts or 'fake news' which are not based on evidence. In such cases the approach advised is to report the views as stated in the main body of the report, and then to add a footnote where applicable clarifying if a statement made was factually incorrect. In that way you would still be reporting what respondents had said, but also making it clear where statements were inaccurate.

Dealing with contradictory responses

Often a consultation will split a question into two parts - a closed question asking the respondent to select an option from a list (e.g. yes, no, don't know), then ask a second open question that allows the respondent to explain why they think this. But, sometimes the responses to the closed part of the question and the open part of the question appear to contradict one another.

Changing answers is generally not ethical so instead, in the analysis report, you could highlight the ambiguity and possible contradiction of the ‘No’ response. You could also set out possible different interpretations of the ‘No’ response – as well as the possibility that the respondents hasn’t understood the question. It is worth noting that if consultation questions are unclear or ambiguous, you might be more likely to receive ambiguous or contradictory responses. Another reason why clear questions are so important.

6.6 Integrating different methods

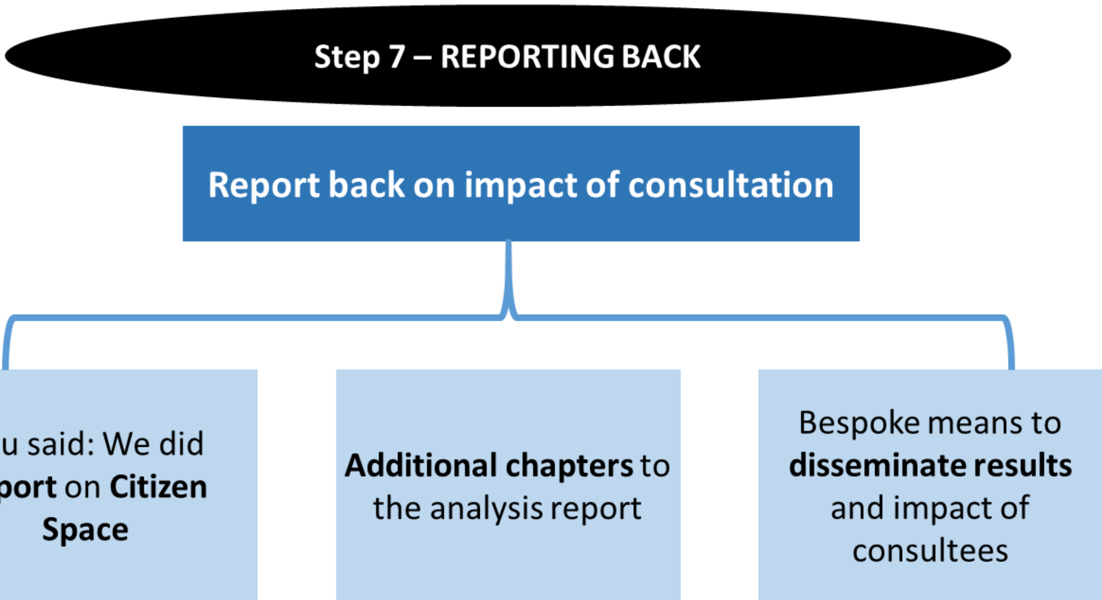
If you have chosen to supplement your written consultation with different methods you will need to integrate their responses into your report. There are a number of ways to do this but the key step is to make sure that you are clear in the report which responses relate to written responses and which to other methods, such as events or social media responses. So, in your write-up to each question you can set out key views from written responses and then say how people’s views at events concurred or disagreed with these views.

If you used a different format in events you can do a separate section in the analysis paper setting out what you did and what views were expressed. You will still need to relate this back to the main themes coming out of the responses to the written document though.

Any findings from social media should also be included and integrated into your reporting. Remember that people who responded to a poll or were invited to post a comment about a consultation on an official SG social media channel, will feel that they have contributed to the discussion and will expect to see this reflected in the analysis and reported. So when reporting on responses you might report e.g.
We received x written consultation responses
We held x events, attended by x people
We had a Facebook poll, which x people responded to and x people commented on
We had a Twitter poll which x people responded to and x people commented on.

However, a response to a Twitter poll or posting a Facebook comment is less intensive for the person responding, so it is appropriate and proportionate that analysis and reporting of social media responses can be relatively light touch. You can report on whether the themes emerging via social media are similar to those from the written consultation or if there were any key differences.

STEP 7 – REPORTING BACK



You have now completed your consultation, you have analysed your responses and you have a good sense of what citizens and stakeholder have told you. In Step 7 you need to think about how to let respondents know what difference their views have made to your policy.

7.1 Why report back?

This stage has two aspects; first reporting back on what people have said in response to the consultation and secondly saying how you have used that feedback – 'what difference did it make?' You don't have to do the two at the same time if you aren't in a position to set out a policy position at the same time as you publish your analysis of responses. However you should be able to set out your process and timescale for reporting back.

7.2 Reporting on the analysis of consultation responses

The output from the analysis of your consultation responses will be the basis on which the Scottish Parliament, its committees and other external groups will scrutinise the exercise. It is advisable to 'get back to people' within the same length of time as you gave them to respond to your consultation i.e. often within 12 weeks of the closing date. The documents produced should demonstrate the open and participative approach used in your exercise. A single consultation exercise may need a number of different outputs to meet the needs of the policy process, the needs of your audience and to provide effective feedback to respondents. These should be identified and planned for at an early stage.

If you asked a number of Ministers to consent to the initial publication document, remember to give them sight of the consultation analysis report as well.

A link to the published report should be sent to the Digital team so that they can include it on the 'We Asked, You Said, We Did' page on the Consultation Hub (see below).

7.3 Reporting how you used the analysis of responses

Providing feedback acknowledges the effort involved in making a submission to a consultation paper or attending an event. It demonstrates that the responses have been used and can thus help achieve transparency and reduce the risk of "consultation fatigue".

You should publish a statement of what has been done or is going to be done and why, and how the consultation has informed these decisions. This publication could be, for example, as part of the final version of a new strategy, the announcement of a new policy position, or plans for new legislation. If none of these apply it could be a final report on the consultation, in which case it should include a statement of **what** has been done or is going to be done and **why.** Ideally it should include the following:

- short introduction and background explaining the consultation
- a summary description of the sources of information and the consultation methods used
- a brief description of the information/ views obtained from the various sources
- comment on the information/views
- the decisions taken in the light of the information/views gathered
- an outline of the next steps in policy development

A final consultation report is distinct from an analysis report in that it will draw on all sources of information used in the policy development process, and is likely to focus on the information and views which have been taken on board, rather than presenting a full picture of any analysis. Nevertheless, your report should be transparent and the justification for any decisions should be clear. You can do this by uploading your document to the **Publish Results section on Citizen Space to reflect the findings and future plans/next steps.**

7.4 We Asked You Said We Did

You should complete the We Asked, You Said, We Did (WAYSWD) section to provide a helpful synopsis of your consultation for stakeholders and other interested parties. [View examples of WAYSWD](#).

You should aim at least to start this section within 6 months of publishing the consultation analysis report – there should be something to report by then. You can continue to update this as your policy work develops.

7.5 Communicating the final report

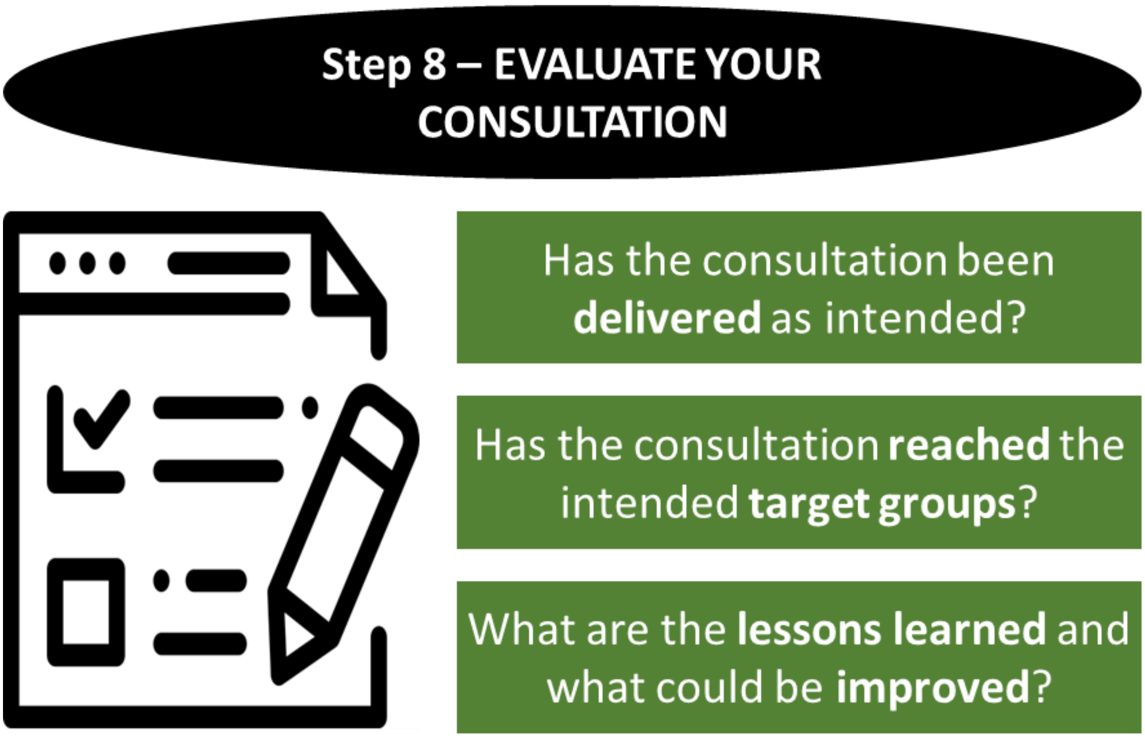
You need to tell people when the report is available and how to access it, as respondents are not automatically notified that responses or the consultation report have been published. You can obtain a list of respondent emails by exporting responses to a csv file and selecting emails where respondents have given consent to be contacted again. Please contact the Digital Engagement team if you need help.

In addition, you could think about other ways to best communicate the impact the consultation has had with your audience. Consider blogging, social media and circulating information via newsletters.

It is recommended that the policy team responsible for the consultation also consider evaluating the exercise (Step 7). The amount of time and resources spent on evaluation should be commensurate with the scale of the exercise itself. There are also standard feedback questions included for each consultation on Citizen Space – consideration of the responses to these questions could be instructive for colleagues wishing to hear directly from respondents about their consultation.

Step 8 – EVALUATION

Your consultation is now complete. Step 8 helps you to look back at your original aims and the process you developed to identify elements of good practice and lessons learned which can help you the next time you consult. This exercise might be a simple ‘wash-up’ discussion with the core project team. But if it was a large consultation you may wish to do a more systematic evaluation.



Consultation evaluation looks at both the consultation process and the outcomes of the consultation. The evaluation should link back to the original project plan (Annex A) developed in Step 2 at the beginning of the consultation .

A process evaluation considers whether the consultation has been conducted as intended, whilst an outcome evaluation looks at whether the aims have been achieved. Guidance is available here.

Often there will be no reliable quantifiable indicators of ‘success’; therefore it is likely that a mixture of methods will be needed to obtain the full range of information required. A simple evaluation would involve collating feedback from the consultation team, a more extensive evaluation may include other methods:

- **studying documentation** e.g. consultation paper, responses, analysis report, adverts, records of costs or timetables etc.
- **observation** e.g. attending consultation events/seminars
- **survey** e.g. to obtain reflections on the consultation process
- **interviews or group discussions** e.g. to find out information to fill the information gaps identified from the evaluation frameworks

The evaluation can be conducted by the consultation team, or an external contractor. The advantage of the consultation team conducting the evaluation is that they have the relevant knowledge, connections to the decision-makers, and can maximise learning opportunities. However, they may not have the relevant research competencies and may find it difficult to think ‘objectively’ beyond their own experience of the consultation. An external contractor will have the relevant research experience, will be more objective and may improve the legitimacy of the evaluation.

ANNEX A : Consultation Project Plan Template

<table>
<tr><td colspan="6"><u>CONSULTATION PROJECT PLAN TEMPLATE</u></td></tr>
<tr><td colspan="6">Consultation purpose
Why are we consulting? What are the Ministers expectations?
What do they hope to find out?</td></tr>
<tr><td colspan="6">Timescale – How long do we have?</td></tr>
<tr><td colspan="6">Resources – How much staff time/money do we have?</td></tr>
<tr><td colspan="6">Policy context - What is the context for this consultation? Has there been past consultations in a similar policy area – what did we find out from them? What specific additional information are we seeking to gather this time?</td></tr>
<tr><td colspan="6">Past History - What is past history of consultation or engagement on related subjects with the key stakeholders. What does this tell us about likely number /type/ response levels?</td></tr>
<tr><td colspan="6">My consultation is: (choose one of below)</td></tr>
<tr><td colspan="2">Technical
Small number of responses with high level understanding</td><td colspan="2">Intermediate
Wider audience with general interest and varying degrees expertise</td><td colspan="2">Mass
Large public interest. Thousands of responses and media spotlight.</td></tr>
<tr><td colspan="6">My consultation approach is :
Summarise key organisational groups; people likely to be impacted by proposals and other organisations who you should contact. Summarise key methods to collect information.</td></tr>
<tr><td colspan="6">Administration process
Summarise your approach to recording, receipting, checking and redacting responses including staffing and skills. Where possible all consultation responses should be published within 12 weeks of the closing date.</td></tr>
<tr><td colspan="6">Analysis process (choose one of below)</td></tr>
<tr><td colspan="3">Internal
Set out how you will analyse the consultation. Confirm you have staffing numbers and skills to do the work</td><td colspan="3">External
Confirm you have budget and you have agreed who will procure and manage the contractor.</td></tr>
<tr><td colspan="6">Reporting back
Are you producing a report of the consultation analysis? If not how do you intend to report back on views: Blog, Podcast, Video online
How will you tell respondents where to access the analysis?</td></tr>
</table>

2 Proposed Audience and Methods – it’s helpful to work through like this

Audience	**List groups and note any specific barriers or needs**	**Method used to collect information e.g. written consultation, events, roadshow, Facebook page etc.**
Key organisational stakeholders		

Audience	List groups and note any specific barriers or needs	Method used to collect information e.g. written consultation, events, roadshow, Facebook page etc.
People likely to be impacted by proposals (positively or negatively)		
Other organisations likely to have a view		
Other groups of citizens who may have an interest		
Continue this list as relevant to your plans		

Checklist

- I have notified the digital engagement team of my consultation, likely design and timing
- I have thought about equality aspects and how to target specific groups and ensure my consultation is accessible
- I have notified my analytical colleagues of timing and asked for their help to check question design and give pointers on analysis of responses
- I have notified Communications Division so that they can promote the consultation at the appropriate time
- Ministers are aware of the intention to consult

Senior sign off
1. to purpose of consultation
2. to range of stakeholders and methods
3. to analysis route
3. to staffing and funding requirements

ANNEX B - Easy Read version guidance

The questions in an Easy Read might be less numerous or less specific than those in the main consultation document. However, the Easy Read should still reflect the range of issues in the main consultation document and care should be taken not to assume what questions people will want to answer or not. The point of making a consultation accessible is explaining things better, not just leaving them out.

For example, an Easy Read version of the Socio-economic duty (Fairer Scotland Duty) consultation, on how public bodies are working to tackle poverty and inequality. was produced internally, which was 7 pages long and contained the following 4 questions:

1. Is there anything you don't agree with in this paper? If there is, tell us about it.
2. Have we missed out any of the important public bodies - perhaps a public body that you've had dealings with?
3. What other actions could public bodies take to demonstrate that they are meeting the duty?
4. What else do we need to think about?

In comparison the full consultation document was 27 pages long and contained 11 questions, which were much more specific and detailed in nature.

You need to allow adequate **time**, approximately 6-8 weeks, to produce an Easy Read version and you will probably require help and advice to do so. The Easy Read version should be available at the same time as the main consultation paper so that people have enough time to respond. Detailed guidance is found in Annex 3.

You might decide to write the Easy Read version of the consultation document yourself, or you might decide to get an expert to do it. If you do it yourself, the following resources are useful:

- Creating Easy Read documents Saltire page
- Disability Equality Scotland, host an inclusive communication hub
- Guidance from MenCap
- Information for all European standards for making information easy to read and understand
- People First Scotland Inclusion and Accessibility Guidelines

Make sure that you get a number of people to read what you have written, it can be hard to translate complex policy ideas into Easy Read, and a range of input can be helpful. Working with a Disabled Person's Organisation to co-produce your Easy Read version is a good way of ensuring it is as accessible as possible for your target audience. Ensure you factor in additional time if you want to work with a DPO to produce your documents and/or get feedback from a DPO on a first draft of a document you have written.

Alternatively you might want to commission an expert to turn your document into an Easy Read version. The Equality Unit uses Disability Equality Scotland to translate documents into Easy Read, such as the consultation document and consultation analysis for the Consultation on United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).

If you want to commission Disability Equality Scotland to translate a document into Easy Read for you, the Easy Read translation should be based on a summary of the document. Ensure you factor in enough time for creating an Easy Read document, it could take 6-8 weeks, depending on the complexity of the document being translated. A first draft will be developed, which will then need to be shared with the policy team, to ensure that the translation is correct, and a final draft if any changes are required based on feedback. Find more details on Disability Equality Scotland's Easy Read service, including costs.

Be aware that other alternative versions of consultation documents might also be required including e.g.

- Braille
- Large print
- BSL
- Translation into languages other than English

If you provide your consultation document in Easy Read format, you should also produce an Easy Read summary of your consultation analysis report. E.g The Consultation on the socio-economic duty: easy read analysis was produced in house.

ANNEX C: How to manually enter responses onto Citizen Space

LEAD ADMINISTRATOR FOR CONSULTATION

1. Every day gather envelopes and any emailed responses from mailbox.

2. For letters open envelope and remove any staples and any covering notes.

3. Print off email response including attachments and tick the relevant email as actioned.

4. Put response in correct order – RIF then Questions 1 to 35.

5. Number response in sequence, starting with 001 (always use three digits).

6. Allocate batches of responses to individuals.

CONSULTATION TEAM

7. Check all responses in batch have a sequenced number and check that they don't have a tick by the number (a tick here would mean they have already been processed).

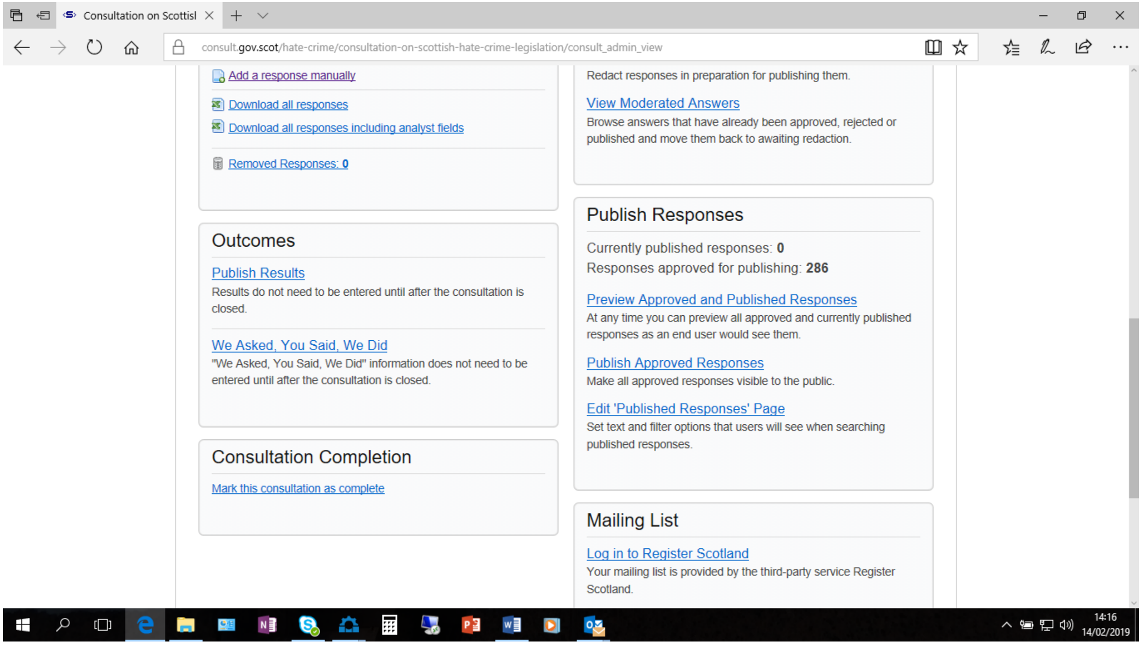
8. Begin processing the response by scanning the individual response double sided.

9. Save response to H drive naming the document after the number.

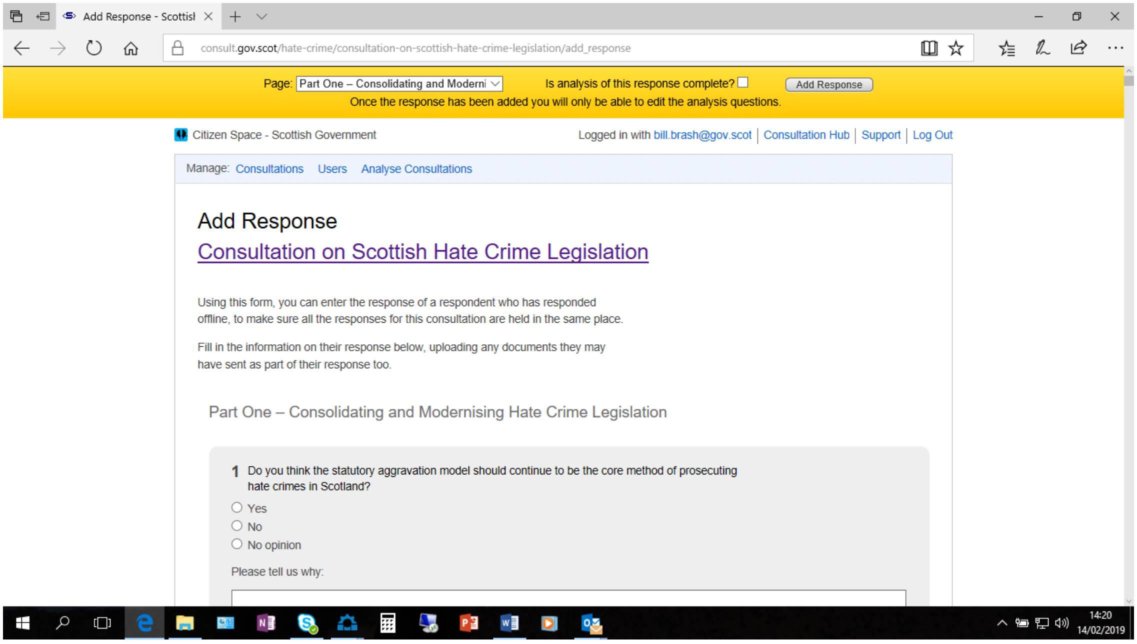
10. Click on YOUR Consultation link.

    [image redacted due to containing personal information]

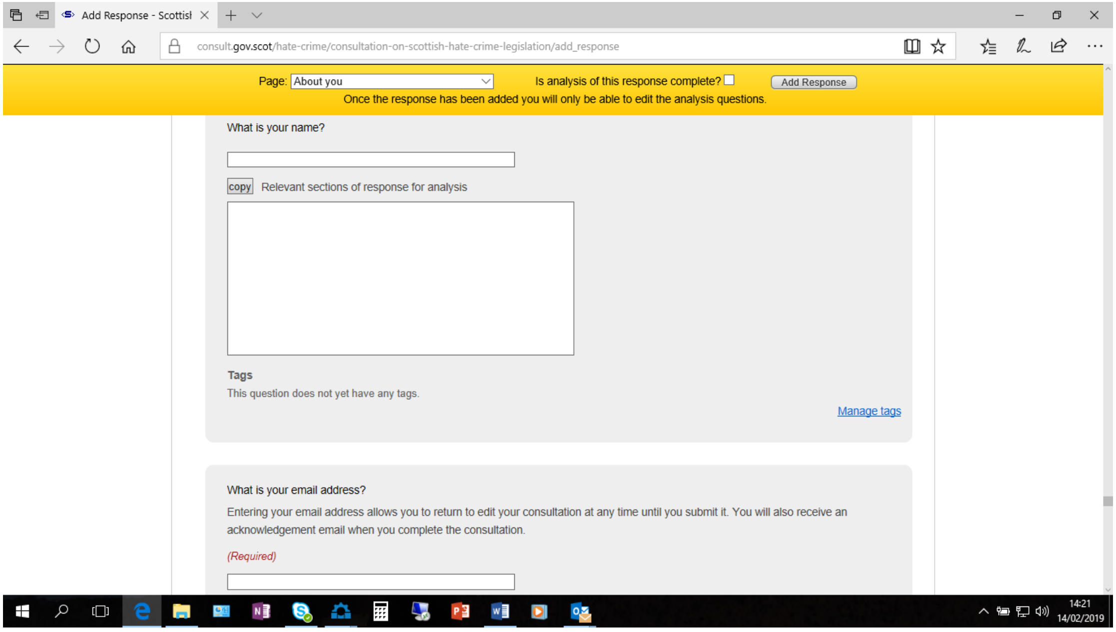
11. Click on ‘Add Response Manually’



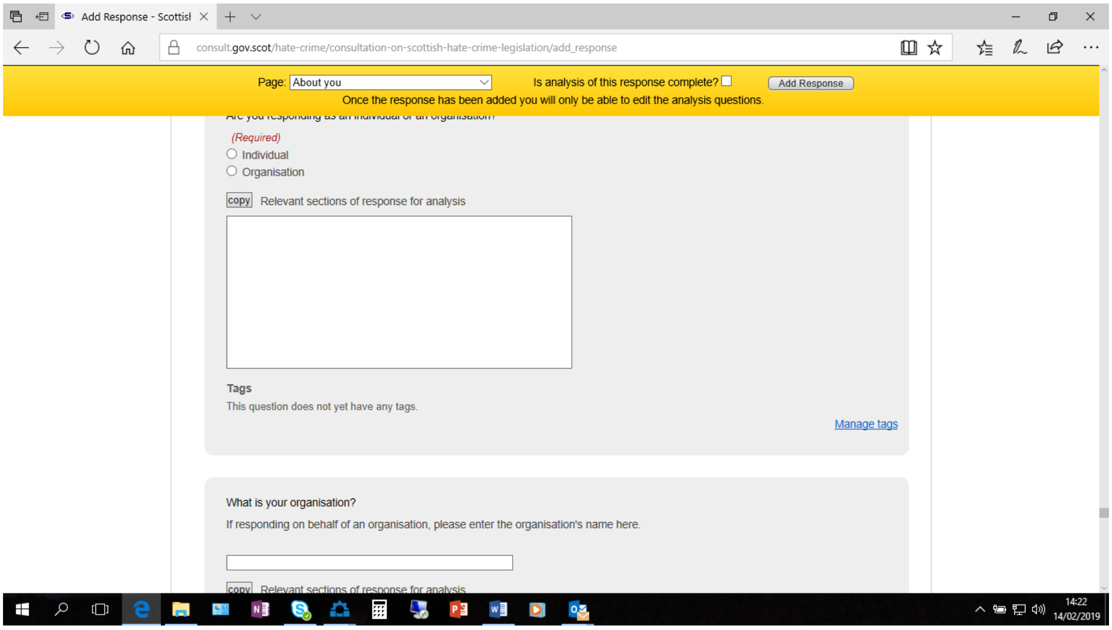
12. Carefully input the word for word responses in correct questions. Where you cannot read the text or a word please write’[illegible]’.



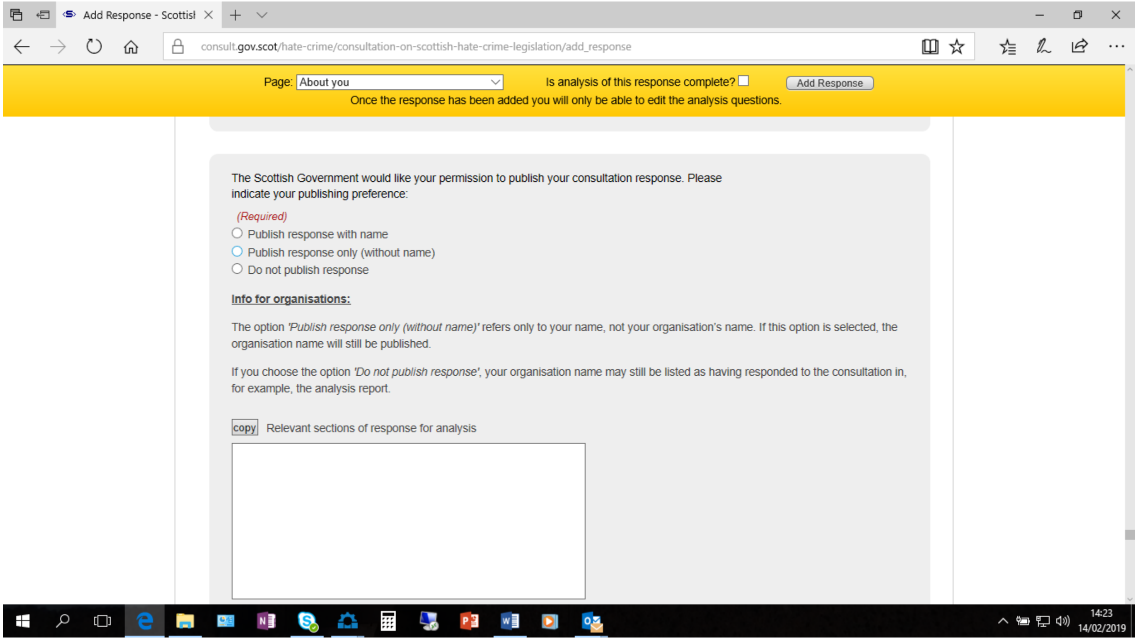
13. After questions carefully enter name (anon if none) and email (none@none.com if none).



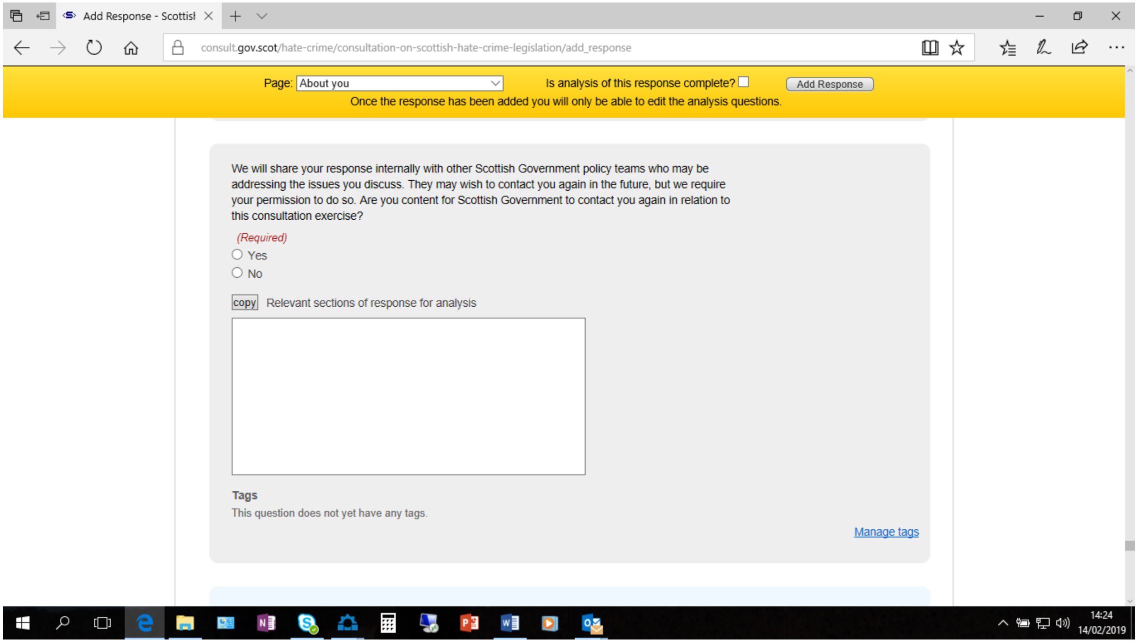
14. Click on Individual/Organisation box. If an organisation enter name of organisation in relevant box.



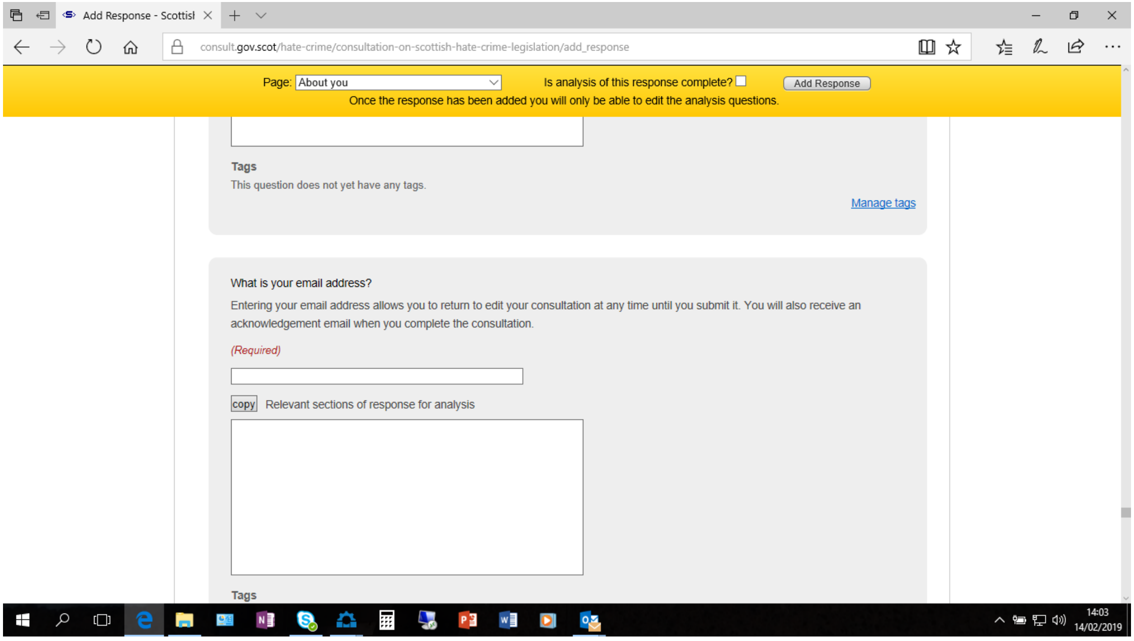
15. Tick relevant publication box.



16. Ensure Yes/No box is ticket for “do you want contacted”, tick no if none.

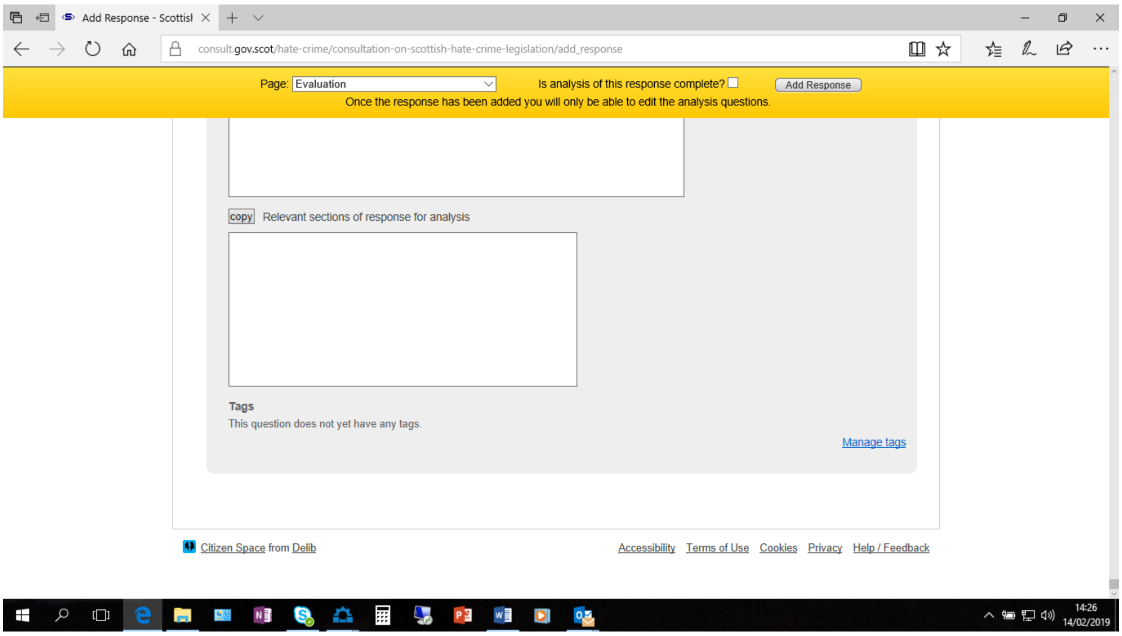


Upload scanned document in section before ‘Evaluation’ titled ‘Add unredacted file…’.



17. **Don’t add anything else**.

18. Tick ‘Is the analysis complete’ box in the yellow bar.

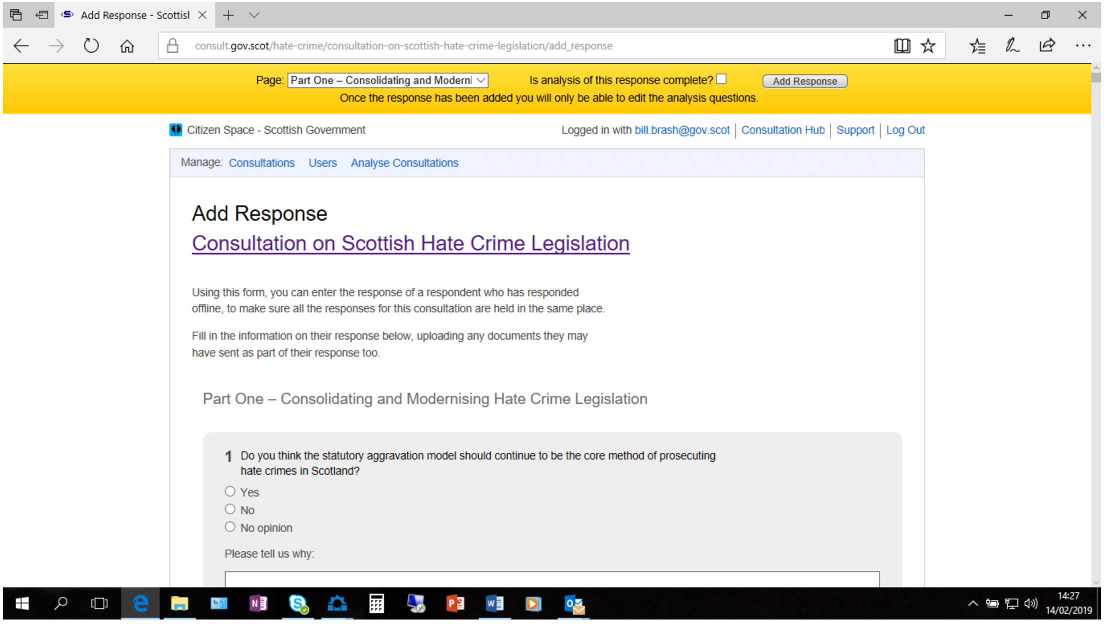


19. Click ‘Add Response’ box in yellow bar’.

20. Staple response and tick beside staple, then give to your LEAD ADMINISTRATOR to store.

21. Delete scanned document from H drive.

22. Go back to top and click on your consultation and start again.



ANNEX D: Screening and Defamation Guidance

OSSE ADVICE ON DEFAMATION AND CONTENT OF PUBLISHED CONSULTATION RESPONSES

Extract from Consultation Good Guidance 2010-

“The basis of the law of defamation is that a person’s character, honour and reputation should be protected. Where a statement is made about a person which is false and derogatory in nature and is made maliciously, then the person concerned may be entitled to damages. Defamatory comments will most commonly be made about an individual. However, it is possible for companies and other corporate bodies to be defamed. Partnerships and voluntary organisations too can be defamed. In general, in the case of non-individuals the defamatory comments will be along the lines that the body is accused of doing something it is not capable of doing.

The test of whether a statement is defamatory is objective – i.e. in the eyes of a reasonable man would the statement lower the estimation of the person among right-thinking members of society. Certain statements will obviously be defamatory. But in other cases it will not be immediately apparent that the person’s character has been impugned unless you know something about the person concerned. For example, the allegation that a person was drunk at the weekend will not be treated with any great caution until one discovers that the person concerned is a policeman who was on duty at the time.

A statement will only be defamatory if it is made about an identifiable person or body. If a statement concerns a class of persons and the individual complaining cannot be readily singled out and identified, then the statement cannot be said to defame him personally.

Liability

The publisher of a defamatory statement is potentially liable for the defamatory comments contained in it. The idea here is that while the original author of the comment is responsible for the defamation in his original statement, by publishing the defamatory statement to a wider audience, the defamation is being compounded. Accordingly, when the Scottish Government publishes consultation responses, Scottish Ministers are potentially liable for any defamatory comments contained therein. This is the case even though the Scottish Government is not the author of the statement and would not otherwise consider itself responsible for the content.

Checking responses

We would advise that in view of the potential liability of Ministers in this regard, consultation responses must be checked before they are published to ensure, so far as possible, that there is nothing in the responses that might be considered defamatory. In doing so, staff should pick up on any statement about an individual, company, partnership or voluntary organisation which they know to be false and which appears to them to be derogatory or disparaging or demeaning or accuses a body of doing something which it is not entitled to do.”

ANNEX E: Examples of Redactions or Anonymisation

Fictional examples of when we may consider it appropriate to anonymise or redact a response, are as follows:

1. *"My child's other grandparents have never made any effort. It was always me who took my child to see them, they would never come to my house. Now we have split up they lied, but I have lots of proof that they never made any effort. My son has half-siblings that he has never met."*

   In this example the response is potentially defamatory since it may be possible to identify the parents of the respondent's ex-partner by deduction from the respondent's name and details of the children. In this case we would anonymise the response.

2. *"My children are very anxious about being around their father due to his emotionally abusive and aggressive nature. They refuse to see him or speak to him and haven't had contact for 2 years. I can say it is definitely not beneficial to assume contact with both parents is in the best interests of my child."*

   In this example the response is potentially defamatory since it may be possible to identify the child's father from the respondent's name and from details of the child. In this case we would anonymise the response.

3. *"My ex-partner currently seeking contact with our two boys aged 7 and 5. My sons don't want to see their father due to his abusive and aggressive behaviour, and we are currently going through a contact case in X Sheriff Court."*

   In this example the response is potentially defamatory, since it may be possible to identify the children's father from the respondent's name and details of the children. However, identification may also be possible from reference to the ongoing court case. In this case we would consider anonymising the response and also redacting the court-related information. We would also consider the respondent's other answers, since if there are no other potentially defamatory responses redaction alone may be suitable.

4. *[example redacted due to containing personal information]*

   In this example, the judgement is question is unpublished, therefore we would redact the case reference from the response.

ANNEX F: Moderation Policy

Consultations – Citizen Space – moderation policy - DRAFT
Draft - not signed off

ANNEX G: Data Privacy Impact Assessment (DPIA) - template

Consultation - DPIA template - UPDATED VERSION - Oct 2021

ANNEX H: Procurement: ‘No Bids’ Scenario and What To Do

This note summarises:

- Common reasons why contractors do not bid for consultation analysis – drawing on contractor responses to requests for feedback on this issue.
- Potential approaches to re-tendering - drawing on suggestions provided by the Social Research Group following a ‘no tender’ situation. These could also be considered in advance in order to maximise the attractiveness of an invitation to tender.

Common Reasons why Contractors do not bid

These have been summarised from a couple of requests to regular or previous contractors for feedback, both from when the Consultation Analysis Framework was in place, and since it was allowed to lapse (because insufficient bids were being received from the 5 framework contractors and it was considered that this would expand the pool of potential contractors).

- **Timing:** if several ITTs are issued from different parts of SG around the same time. The period before the financial year-end is a particularly busy time for some contractors. The summer holidays might also be problematic for some (but not all) contractors.

- **Capacity – conflicting workload**: if the contractor is a small company, and/or is currently fully occupied on other projects, they might not have time to bid for future work. And / or they might not want to bid for too many projects at once, which they would not have the capacity to deliver if they won all the tenders.

- **Uncertainty about final workload:** when contractors are invited to bid before the consultation has closed, there is uncertainty about the final workload - sometimes the final number of responses far exceeds the anticipated number. This makes it harder for contractors to plan and bid for other projects at the same time, and deliver projects in parallel. They prefer to have more certainty about budget and workload.

- **Timescales:** consultation analysis projects are perceived to have short and even unrealistic timescales, with tight deadlines and little if any scope for flexibility. This is compounded if late responses are allowed, as it cuts down time for analysis.

- **Capacity – skills and experience:** some contractors have a core of experienced staff, as well as freelance associates on whom they can call as needed. However bringing in staff who are new to consultation analysis and training them ‘on the job’ is challenging because of the tight deadlines. This can be a disincentive to contractors to increase their capacity to take on more work.

- **Finance:** a perception by some contractors that smaller contractors with lower overheads can under-cut them, so that they will tend to lose bids on price. This reduces the incentive to bid.

- **Budgets:** some contractors prefer guide prices to be provided, though there is also understanding of why this is not done.

- **Less interest in the topic:** if several ITTs are issued at the same time, contractors might bid for those in which they have more interest.

Potential Approaches to Re-Tendering

- **Asking the market:** i.e. both contractors who expressed an interest but didn't bid, and some of the key contractors who normally or often bid for consultation analysis but didn't. You could ask why they didn't express an interest or bid, and whether anything can be done to make the contract more appealing. If volume of responses is the issue, see collaborative bids below.

- **Request for Info (RFI) exercise** with Procurement around market capability. This is a quick exercise where you publish the ITT to all PCS suppliers, then follow-up with an email to those with a track record for SG consultation analysis. The RFI could ask for feedback on the ITT/spec, budget and timing, but you could also include a question on why suppliers might not bid for this kind of work and what would make it more attractive to them. This can be an effective way of engaging with suppliers, raising awareness of prospective work and improving ITTs.

- **Waiting until the consultation has closed** before trying to re-tender the contract. That way you will know the exact number of responses that need to be analysed. If you do this you can consider:

    - **Stating a maximum price** in your ITT, so that you know the final number of responses and contractors know they will have to tailor their approach to analysis to fit in with that price. While this is generally not recommended, it might be appropriate for specific circumstances such as where there is a very large number of responses..

    - **Inviting collaborative bids.** If the volume of responses is too high for one contractor to comfortably manage, when it is re-tendered, you could state that you welcome "collaborative bids" where two or three contractors could share the workload between them.

    - **Flexibility.** Based on feedback from those who didn't bid, explore what could be done – e.g. is there any scope for extending deadlines, etc?

    - **Staged analysis**. Particularly relevant for consultations that have received a large number of responses and/or contain a large number of questions. Can the workload be broken down and delivered in stages? E.g. are there key questions that need to be analysed and presented first, key stakeholders whose views should be analysed first? Can a random sample of e.g. 10,000 responses to open questions be analysed first to identify common themes, and an interim report written based on that? Further analysis would check if the story remains the same when the remaining responses are added in, and identify any outliers to add in. This is a legitimate approach given that consultations are about the range of views provided, rather than the number of responses raising each point.

- **Advertising**: is there a way of advertising the contract more widely; for example are there UK Government frameworks that could be used? Perhaps Procurement could offer advice around this.

- **NCA (non-competitive action)**. This is a bit of a last resort, but if you can identify one company who can do the work, after testing the market and not finding others, you could award it as a NCA – but you would need advice and support from Procurement around this.

Undertaking Internally using Additional Resource

Assuming that the social research team does not have the capacity to undertake the analysis, an alternative approach could be to secure additional resource through using **Interns, Fixed Term Appointments or temporary staff through Pertemps**. This approach has been used for some consultations, but does pose challenges:

- **It is not a quick process:** if this has not been organised in advance, it can take 3 months to get someone in, taking account of security clearance requirements.
- **Skills / experience**: the person(s) recruited would need to have appropriate skills and experience, otherwise there a significant initial training input would be needed.
- **Workload capacity**: if there is a large number of responses, it would be too much for one person to analyse.
- **Management capacity**: if the large number of responses meant that a small team of people was needed, this would require considerable internal management capacity, probably by social researchers, to oversee the team and quality assure their work.

ANNEX I: In-House Analysis – Step by Step Guide

Analytical tools in Citizen Space

If you decide to analyse the consultation yourself, there are a number of tools built into Citizen Space to help you:

- filter and group responses
- tagging
- reports
- export responses with CSV files

Learn more about Citizen Space analysis.

You need to ensure that all your responses are included in your consultation, regardless of the format in which they were received, so if you receive non-Citizen Space responses e.g. by email or letter these need to be added to your analysis. This means that they either need to be added to Citizen Space, or be included in any Excel or Word templates you use.

The key tool for organising your data is a coding framework. This is a set of codes (or descriptive labels) organised into categories that are used to manage and organise the data. The framework creates a new structure for the data (rather than the full original accounts given by participants) and is helpful to summarize data for analysis.

You can use the analysis tools available in Citizen Space, or you can use coding frameworks developed in Excel or Word. The general principles of analysis are the same, regardless of the tools you chose to use. Analysts' feedback on the coding framework is required at this stage.

To help bring this section of guidance to life, real life examples of consultation analysis have been included. The majority of these come from the Consultation On The United Nations Convention On The Rights Of Persons With Disabilities (UNCRPD): - Analysis Of Responses, which was carried out in-house by a social researcher and is published on the Scottish Government website.

Analysis as part of a team

If more than one person will be working on the analysis it is essential that you discuss the coding framework and theme grids and each work through and code a small selection of responses to ensure that you are coding things in a consistent way. If different people are interpreting and coding things differently, you need to discuss this and might need to either amend the coding framework or develop a set of basic rules about what gets categorised under each theme. You may also need to set aside time for discussing tricky comments that people are uncertain about, and reaching a collective decision on how to handle them.

Alternatively the most efficient way of having multiple people working on qualitative analysis might be to have different people working on different questions. However consistency and communication is still important even when working on different questions.

If multiple people are analysing data you need to communicate clearly about who is doing what, and letting others know when a response has been analysed.

Organising your data

Before beginning any analysis it is important that you organise your data, in a systematic way.

If you are using the features in Citizen Space for analysis, make sure that all your responses, including those received via other means are uploaded onto Citizen Space.

> **TOP TIP:** before starting make sure that you have checked your dedicated email box for responses and that all offline responses have been uploaded.

Responses from Citizen Space can also be exported directly into Excel, if you prefer to use a coding framework in Excel. If you are using an Excel spreadsheet to analyse your data, again ensure that all responses are included regardless of how they were received.

If a non-Citizen Space response has followed the consultation question lay out you can choose to copy and paste the responses (or section of response) into the relevant parts of the coding framework.

Make sure each response has a unique identifying number. If you are using Citizen Space they automatically have a unique identifier.

If you have your data in an Excel spreadsheet ensure that the unique identifying number is included in a separate column in your spreadsheet, this way if you sort your data in different ways, you can always sort it back by sorting by reference number. You can either use the Citizen Space Reference, or you might choose to use a simple numbering system starting at 1, and numbering all the responses received in the order they are received. You might find it helpful to include additional useful information within this unique identifier such as adding an “I” at the end to indicate a response from an individual, an “O” for a response from an organisation, or DNP for responses that have selected “do not publish” as their response option.

Dealing with duplicates

Check your responses for any duplicates – sometimes there will be more than one response from a respondent e.g. a respondent might submit a response via Citizen Space and a response via email or post, if both of these responses are identical, then only one should be included.

To check for duplicate responses, you can check to see if you have more than one response from a particular person or organisation, where the name, email address and contact details are the same. If both responses are identical, only one should be included in the analysis.

If the responses are different, for example if a later response adds further detail, or shows a change in opinion, you should generally take the later response as being the complete and final one. If however you are in any doubt about which version to include in your analysis, you should go back to the respondent, explain you have received multiple submissions from them and ask which one they would like you to include as their response.

However make sure that responses really are duplicates before deleting them. There might be occasions where an organisation provides support to its members and helps them to complete and submit responses, so a contact email address of a particular individual at a particular organisation might appear multiple times, but on closer inspection, they have submitted multiple “individual” responses on behalf of a number of different individuals, and each response is in fact a unique response. Similarly the same person may submit the same response on behalf of more than one organisation. Both of these will count as valid responses. For example a community activist may work for two different community food projects and wish to submit a response on behalf of each organisation.

Sometimes different parts of a larger organisation might submit separate responses. If these responses are identical, one can be deleted, if they are broadly similar in their viewpoint they can be amalgamated into one response on behalf of that organisation. However if the responses are substantially different then they should be treated as 2 different responses from that organisation and it should be noted that there was more than one response from that organisation.

For example in the United Nation Convention on the Rights of Persons with Disabilities (UNCRPD) consultation, two different responses were received from Aberdeen City Council – they were given different names to distinguish between the two responses, “Aberdeen City Council (1- Business Hub”) and Aberdeen City Council (2 - Equalities Team) and the area of the council they had come from and the following footnote was included.

“Two responses were received from Aberdeen City Council, these were treated as separate responses, as they were submitted by different people within different parts of the organisation and contained different viewpoints. One Aberdeen City Council respondent, for example, agreed with the four outcomes, whilst the other did not. As such, it was not possible to amalgamate the two responses into one overall response for Aberdeen City Council.”

While as stated you can accept more than one response from an organisation, an individual response claiming to respond on behalf of an organisation but wanting to remain anonymous might not be entitled to respond on behalf of that organisation. It is advisable to contact the individual to check this. There have been cases of malicious responses claiming to be on behalf of organisations by ex-employees.

Publishing permissions

Make sure you are aware of the publishing permissions for each response. If a response is listed as “do not publish” or does not have a Respondent Information Form (RIF) then you should not quote from it directly. Make sure that you have a way of identifying these responses so you do not accidentally quote from them, such as having them in red font in your spread sheet or using Do Not Publish (DNP) as part of your unique identifying number (e.g. 009DNP). Even though you cannot quote directly from “do not publish” responses you must still include them in your analysis. NB: the RIF states clearly that an organisation name may still be listed as a respondent in, for example, the analysis report, even if they have selected the option ‘do not publish response’.

In some cases, it will be appropriate to report on how responses varied by respondent type, for example how what third sector respondents said varied compared to public sector respondents. This will involve setting up your theme grid slightly differently.

Qualitative Analysis

The vast majority of your analysis will be qualitative in nature, describing the views held and the reasons behind them, but some might be quantitative, counting up numbers and percentages of certain responses.

As qualitative analysis is likely to form the majority of the analysis, and is the more time consuming element, we will address qualitative analysis first.
The bulk of analysis will be qualitative for most consultations. This involves reading through all your responses, and developing a coding framework, and theming your responses. Qualitative analysis is time consuming. Do not underestimate the time it takes.

If time is short for analysis, it is possible to start your qualitative analysis, and develop your coding framework as responses are still coming in. Developing a coding framework is an iterative process and is likely to change as more responses come in, and you see the types of issues respondents are mentioning.

If social media comments/tweets were received via official SG social media channels around the consultation, they can be themed as described below, but should be clearly identified during reporting as coming from social media rather than as consultation responses.

Developing a coding framework

For each question asked you should develop a coding framework, which outlines the key themes emerging for that question. It is possible that there may be sub-themes occurring below a theme, that it is also helpful to capture. There may also be over-arching issues which occur repeatedly in relation to a number of questions, and you should include these over-arching themes too.

The development of the coding framework might change as you read through more responses and discover that new things are coming up.

To begin creating your coding framework, read through a sample of your responses, maybe start with 10 or so. You will probably find it easiest at this stage if you choose responses which have followed the structure of the questions asked. If possible choose a range of responses, including from key stakeholders and individuals. As you read through the responses, make a note of the key themes that are emerging for each question. As you read through more responses you will get an idea of which themes occur most commonly.

You should write down your list of themes and sub-themes for each question. Some themes might occur that don't fit with a particular question, so it is also useful to create an "other" category to capture these.

If your questions have been framed as an open question following on from a closed question (e.g. asking if they agree or disagree then explaining why they think this) you might find it helpful to have a set of themes that emerge from each of the closed options.

It is a good idea to show your coding framework, along with a selection of responses to an analyst, and ask for their opinion. They can advise whether or not they feel that your coding framework is appropriate and offer suggestions.

Once you have developed a coding framework, you can set up theme grids in Excel or Word, or use the tagging features in Citizen Space to assign comments to the code that they belong to. This is theming your responses.

Excel Theme Grids

Setting up a theme grid in Word or Excel is a way of sorting out which themes a comment relates to, in a logical way. The themes that you include will be those that you have identified in your initial coding framework. As qualitative analysis is an iterative process it is likely that you will add to and amend your theme grid as you analyse more responses and get a better feel for the themes which are emerging.

If you are using Excel for your theme grids, use a different worksheet for each question.

Be aware that a respondent's answer to a question, might relate to a number of different themes. Therefore you should code it under each of the themes it relates to in.

Examples of what a theme grid in Excel looks like:

Example 1 below shows a theme grid (without data) used to analyse the consultation on the United Nation Convention on the Rights of Persons with Disabilities (UNCRPD), and shows the main themes that were coded under transport.

The main themes were put as headings in Excel, and then responses that related to each theme were copied and pasted underneath the relevant theme. You might find it helpful to use different colours to differentiate between different themes.

Example 1: Screenshot: UNCRPD Theme grid: transport

Supportive
Transport is a neccesity
SG should endorse/build on existing plans (e.g. SATA)
Needs to be wider than "accesibility" and include "mobility", the making of the trip which is wider
Need to include aceessibility planning (distance from services and facilities)
Travel should be accessible without having to paln and book additional support in advance
Investment required (esp in rural areas)
Buses
Trains
Access issues getting on and off public transport
More work needed with private sector
Facilities at transport hubs, e.g bus/train stations
pedestrians
The needs of children and young people
Access to transport opens up access to other resources/outcomes should be tied in together
High cost of transport
Access to information
Confidence in using transport
Need to be able to get to public transport
Needs to go where and when people need it to
Wheelchair access

The screenshot below shows, what some of the above themes look like with comments copied and pasted under the relevant theme.

Screenshot: UNCRPD Theme grid: transport – with comments copied under relevant themes

[image redacted as may contain personal information]

Example 2 below is taken from the Protection of Vulnerable Groups (PVG) Consultation. It shows the key themes that emerged from comments following on from a closed question that asked if membership of the PVG scheme should be phased in through a) natural turnover or b) retrospective checking.

In this example, the main themes have been organised depending on how respondents answered the closed question, and includes a third section for responses from those who did not answer the closed question, or provided a mixed response to the closed question.

In addition as part of this consultation there was a desire to see how different groups of respondents responded, so the key themes are listed on the left of the Excel spread sheet and the respondent type, e.g. parents/carers, early years, health etc. are listed along the top of this spread sheet. When populating this spreadsheet with responses, each response will correspond to a particular row (theme) depending on what was said and a particular column depending on what type of respondent said it. For instance, in this example, all responses from early years will go into column B, and if a respondent from the early years said that they wanted retrospective checking to be in line with the rest of the UK, then the answer would go in column B in row 26.

Organising the Excel spreadsheet in this way means that you can look at the rows across the spread sheet and see what the common themes are. It also means that you can look down the columns at a particular respondent type of interest and see what type of responses were being given by a particular respondent type and how that might differ from or be similar to another respondent type

A	B	C	D	
Q17a Should scheme membership be phased in through:	Early Years	Education	Health	Just
Natural Turnover				
Prevent duplication/costs/impact on org				
Human Rights issues				
Retrospective checking not necessary				
Ret checking disproportionate				
staffing issues				
In line with rest of UK				
Need to prioritise new starts over ret checking				
Retrospective Checking				
Time scale/staff who've never been checked/risk management/protection of vulnerable				
In line with rest of UK				
Manage costs/staffing/admin				
Mixture of both natural and managed turnover				
Both boxes ticked or Q not answered				
cost/burden on org				

Sometimes people choose to create a coding framework in Word, rather than Excel. This is similar to the process used in Excel and involves creating a table in Word, and listing the themes in the left hand column and pasting comments into right hand column.

Carrying out your analysis – theming responses

If you have asked clearly defined questions in your consultation you might choose to conduct your analysis question by question. To do this you read all the responses to a particular question and theme them before moving on to the next question. This gives you a feel of what the themes relating to each question are.

However if you have open questions, or want to get a feel for what particular organisations and key stakeholders are saying to the consultation overall, you might choose to carry out your analysis respondent by respondent, where you read through an entire response (responses to all questions by each respondent) and theme all the responses to each question for that respondent, before moving on to the next respondent.

Not all respondents will submit a response that follows the consultation questions, for those that do not follow the questions and submit a more open response for example a letter, you will need to read through the response and decide which questions particular sections best relate to, and include those sections in the analysis of the relevant question.

Go through some responses and see how they fit with the themes you identified in your coding framework. Are the themes covering the issues that are arising? Do you need to add new themes or combine or separate out any of the themes? You can make changes to your theme grid as you go through the analysis process, but you should document what these changes are, and ensure that your framework is consistent. So if you change a particular theme in light of new responses you will need to go back and make sure that earlier responses are also categorised in that same way.

If you have your data in an Excel Spreadsheet you can sort your data by a particular column. For example you could sort all your data by a column which contained the answers to a closed question and then see the comments which respond to that. If you also sort the comment alphabetically this will sort it so that columns relating to respondents who provided comments will appear before the ones which have been left blank and don't contain comments.

To sort your data in this way:

- Select all your data
- Click on data,
- Then sort
- Select the column you want to sort by (in the example below this is column J "Q1 – Four Outcomes") and sort alphabetically A-Z, if you choose to you can also add in a second layer of sorting to then sort the "comments" column alphabetically A-Z as well (in this case column K "Q2- comments")

E.g. in the UNCRPD consultation Question 1 asked a closed question "Q1 Do you agree or disagree that together these four outcomes cover the key areas of life the Scottish Government and its partners must focus on to achieve the rights of disabled people?" and Question 2 asked people to comment on their reasons for answering this way "Q2 Please comment here on your response above, or if you have any other comments on the outcomes"

Example Unsorted Data
[image redacted as may contain personal information]

Example Sorted Data
[image redacted as may contain personal information]

Sorting the data like this, enables you to systematically look at the comments by those who agreed, disagreed and neither agreed nor disagreed with the closed question.

You need to be organised when analysing responses. Different ways of organisation will work for different people, but it is essential to know which responses have been read and coded and which haven't. Some people use colour coding for this. For example, in the above screenshots of sorted and unsorted data, comments have been highlighted in green, when they have been dealt with - read and copied into the appropriate section of the theme grid, highlighted in yellow if they are potentially a good quote to include in the report, and the text is red for ones that had "do not publish" for their publishing permission and therefore cannot be quoted from directly.

Different systems will work for different people – think about what works for you. If you are working as part of a team to analyse responses it is particularly important that there is a simple way for people to tell at a glance what has already been analysed and what hasn't, to prevent any duplication of effort or any responses being missed.

When reporting findings from qualitative analysis focus on the range of views restricting analysis to terms such as 'the vast majority of respondents thought this…' or 'some respondents thought that … '. Remember that your sample is not representative of the wider population and relates only to people who chose to reply to the consultation. Avoid phrases like 'Most people…' and write instead 'the majority of the people replying to the consultation…'.

Quantitative analysis

Quantitative analysis relates to counting up of numbers and/or providing numbers and percentages and can only be used for closed questions. Quantitative analysis of open questions is not appropriate because consultations aim to identify a range of views.

Remember that where you provide quantitative findings in the form of numbers and percentages, this only relates to the people who responded to the consultation and is not representative of opinions more generally. Do not make generalisations. You can analyse closed questions using absolutes and/or percentages but be clear in your reporting about the validity of those numbers.

The type of areas where it is most appropriate to provide quantitative information include:

Who responded to your consultation. You can report on the number of responses, and how many came from individuals and how many from organisations. Sometimes policy teams add additional questions to the respondent information form (RIF) so that they can also report on the number of responses from a particular sector or geographical area. This can also be useful in highlighting gaps in responses, for example if there were no or only very few responses from a particular sector or geographical area.

E.g. The following table shows the distribution of responses by category of respondent for the UNCRPD consultation:

Category	No. of respondents	% of all respondents
Academic/research	7	8
Local Government	5	5

Category	No. of respondents	% of all respondents
Public Body, including Executive Agencies, NDPBs, NHS etc.	6	7
Representative Body for Professionals	4	4
Third Sector/ Equality Organisation	38	42
Other (Faith Based)	1	1
Total Organisations	**61**	**67**
Individuals	30	33
Grand Total	**91**	**100**

Responses to closed questions: sometimes consultations include closed questions, which require respondents to select a particular option, for example yes/no; agree/disagree etc.

You can count up how many respondents responded in a particular way to a closed question, and provide this as a number and/or a percent. If you are reporting a percent, you should indicate how many people responded to that particular question (the baseline). Not every respondent will respond to every question. If 100 people responded to a consultation, but only 80 people answered question 1, then any percentages based on question 1 should be based on the 80 people who answered that question. E.g. if 40 respondents ticked yes to question 1, then the percentage should be worked out as 40/80 x 100 = 50%, not 40/100 x 100 = 40%. If less than 20 people have responded to a question you should be very careful about using a percentage figure.

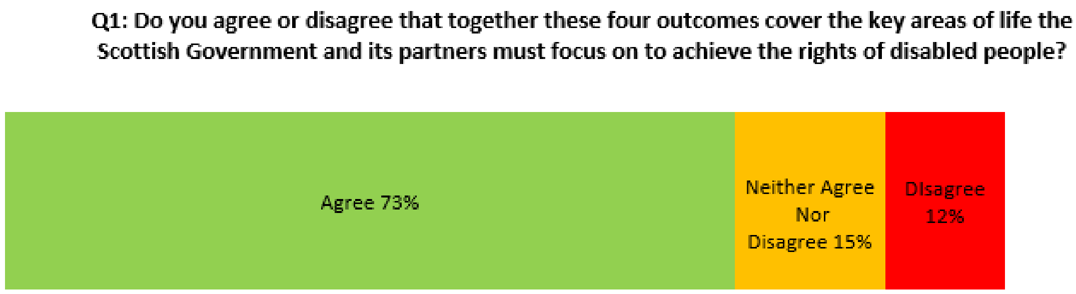
Some respondents might not have answered the closed part of the question, but their wider comments might make it clear that they hold a particular view in relation to that closed question. In this case you need to make the decision as to whether to include these responses in the count of your closed responses. Be clear when reporting on numbers that you have done this.

Quantitative analysis is quicker than qualitative analysis, however you need to have a complete data set before you can do your quantitative analysis. Whilst you can start qualitative coding while responses are still coming in, there is no point in starting quantitative analysis until you have all your responses, as the results will change with each new response. If you have extended the deadline to allow for late responses, you must either wait until you have all your responses before you carry out your quantitative analysis, or if deadlines for analysis are tight, you can choose a cut-off date and say that only responses received before that date will be included in the quantitative analysis, although later responses, until an agreed date, will be included in the qualitative analysis.

Below is an example of quantitative analysis from the UNCRPD consultation, outlining how many respondents answered this question and the percentage who agreed and disagreed.

Q1 Do you agree or disagree that together these four outcomes cover the key areas of life the Scottish Government and its partners must focus on to achieve the rights of disabled people?

Overall the majority of those who responded to this question agreed that these were the correct outcomes to focus on. Seventy-three consultees responded to this question. Nearly three-quarters (73%) agreed, whilst 12% disagreed and 15% said that they neither agreed nor disagreed.



Writing up your analysis

Once you have all your qualitative answers themed in Excel or Citizen Space, and your quantitative answers to closed questions counted up, you need to take this information and present it in a way that makes sense to others, most commonly this will be in the form of an analysis report.

Dealing with "incorrect" comments

The analysis, and therefore the consultation report, should reflect what respondents expressed in response to the consultation. There are likely to be occasions, when the analysis picks up comments where what the respondent has said is not factually correct, e.g. they might have misinterpreted what a policy aims to do, or misunderstood a question. You should not ignore comments like this in the analysis, particularly if a number of respondents have the same misunderstanding. That respondents didn't interpret your policy proposal or question correctly, is in itself a relevant finding about what might be required in terms of how you communicate your policy. You should include in your analysis and report that respondents thought this, and you can also explain in the report, either in the text or via a foot note what the actual policy position etc. is in relation to how the respondents might have interpreted it.

An example of this occurred during the analysis of the “Protection of Vulnerable Groups (Scotland) Act 2007: Scottish Vetting and Barring Scheme: Analysis of Consultation on Policy Proposals for Secondary Legislation”. The following paragraph is included on p.37 of the analysis report, in relation to a question asking whether the proposed list of prescribed information was proportionate.

“The consultation document stated that “organisations are only required to give the prescribed information which they hold”. However there appeared to be wide-spread confusion around this point and a commonly held belief that organisations would be required to obtain the range of information described. Concern was widely expressed within the voluntary and public sector that smaller voluntary organisations, particularly those staffed by volunteers, simply would not be able to provide this level of information.”

Initially the policy team felt that as some consultees’ answers were based on their misunderstanding of what they would be required to provide, that this shouldn’t be included as it did not reflect what the policy was actually intending. However given that there were misunderstandings and concerns from respondents around this issue, analysts argued that it should be included, as it represents how respondents interpreted what was required of them and how they felt about this issue, as well as highlighting the need for better communication around it. Therefore it was included, but within the context of what was being actually being asked of them, and that there was confusion around this.

“Incorrect” statements or views could also be those citing facts or ‘fake news’ which are not based on evidence. In such cases the approach advised is to report the views as stated in the main body of the report, and then to add a footnote where applicable clarifying if a statement made was factually incorrect. In that way you would still be reporting what respondents had said, but also making it clear where statements were inaccurate.

Dealing with a respondent who appears to contradict themselves and their answers to a closed and open question don’t match

Often a consultation will split a question into two parts - a closed question asking the respondent to select an option from a list (e.g. yes, no, don’t know), then ask a second open question that allows the respondent to explain why they think this. What should you do if the responses to the closed part of the question and the open part of the question appear to contradict one another?

An example of this happened during the analysis of the Miners' strike 1984/85 pardon consultation, which was analysed by external contractors. The contractors noted that a respondent’s open response to a particular questions didn’t appear to match with the option they had selected in the closed part of the question. There was discussion between the contractors, the policy team and analysts about the best way to handle this – would it be acceptable to change the response to the closed question so that it better lined up with the answer to the open part of the question? However changing a respondent's answer didn't feel right.

Instead, in the analysis report, the contractor highlighted the ambiguity and possible contradiction of the 'No' response in light of the comment. They also set out possible different interpretations of the 'No' response – as well as the possibility that the respondents hasn't understood the question.

Question 3 in the [Miners' strike 1984/85 pardon consultation] asked "Are there any other offences which miners were convicted for and which related to the Strike that you think should be included in the qualifying criteria?" And provided the following closed options, "Yes" / "No" / "Don't know/No opinion").

Paragraph 4.9 of the analysis report (below) shows how the contractors dealt with the ambiguous responses to this question.

"4.9 The campaign response said 'no' at Question 3. This reply appears somewhat ambiguous when considered alongside the accompanying comments: 'No – all those who were arrested should be considered for a pardon.' Other respondents who called for a pardon for all miners or all offences in their comments generally ticked 'yes' at the closed part of Question 3 (see paragraphs 4.10–4.11). However, answering 'no' can reasonably be interpreted as a preference for a 'blanket' pardon, rather than a pardon with a specified list of offences included within set eligibility criteria. Note that in a few instances other respondents who ticked 'no' also provided potentially ambiguous comments of this type."

It is worth noting that if consultation questions are unclear or ambiguous, you might be more likely to receive ambiguous or contradictory responses. Another reason why clear questions are so important.

<u>Sample</u>
Add a section describing your sample. Who are respondents are, how many etc.

Always keep in mind that your sample is not representative of the population and thus avoid generalisations. For example, instead of writing 'The majority of elderly people believe that..', you should write 'The majority of elderly people who replied to this consultation believe that..'.

<u>Using Quotes</u>
Including quotes in your analysis report can be a good way to illustrate points that have been made.

When using quotes make sure that the respondent has not selected "do not publish" in their RIF.

Try and use quotes from a range of organisations and individuals, and not just quote from one organisation repeatedly.

Ensure that the proportion of quotes from each respondent type is roughly proportionate to the number of responses received from that respondent type. For instance, if most of your responses came from the third sector, then it's absolutely OK for most of your quotes to be from the third sector, however if only one academic responded, then most of the quotes shouldn't be from that one academic.

When attributing quotes, never include an individual's name (even if they have said that they are happy for their name to be published along with their response), just attribute it as "individual". When quoting from an organisation you can either attribute the quote to the respondent type, e.g. third sector or Local Authority etc., or you can name the organisation where they have given permission for their name to be published e.g. Aberdeenshire Council. It depends on whether you feel there is value to readers knowing more specifically where quotes are from.

When you have written a draft final report you might want to share this with your analysts and ask them to read it and provide some quality assurance around it.

Integrating different methods

If you have chosen to supplement your written consultation with different methods you will need to integrate their responses into your report. There are a number of ways to do this but the key step is to make sure that you are clear which responses relate to written responses and which to other methods, such as events or social media responses.

You should have a good record of the event and people's expressed views. If you used the same questions as you used in the written document you can use the same coding framework for views, but make sure that they are marked as event response. In your write-up to that question you can set out key views from written response and then say how people's views at events concurred or disagreed with these views.

If you used a different format in events you can do a separate section in the analysis paper setting out what you did and what views were expressed. You will still need to relate this back to the main themes coming out of the responses to the written document though.

Any findings from social media should also be included and integrated into your reporting. Remember that people who responded to a poll or were invited to post a comment about a consultation on an official SG social media channel, will feel that they have contributed to the discussion and will expect to see this reflected in the analysis and reported.

A Facebook post or response to a Twitter poll is not a consultation response, and should be treated as an additional method of engagement, much like events. So when reporting on responses you might report e.g.

- We received x written consultation responses
- We held x events, attended by x people
- We had a Facebook poll, which x people responded to and x people commented on
- We had a Twitter poll which x people responded to and x people commented on

A response to a Twitter poll or posting a Facebook comment is less intensive for the person responding, than submitting a written response to a consultation, and it is therefore appropriate and proportionate that analysis and reporting of social media responses can be relatively light touch.

If a Facebook or Twitter Poll was held, report on what was asked, what the results were, and how many people responded. This is quantitative analysis and reporting.

If comments were posted/tweeted, these should be read through and can be themed, in a similar way to qualitative analysis above.

You can then report on whether the themes emerging via social media are similar to those from the written consultation or if there were any key differences.

As tweets and Facebook posts are likely to be quite short, you may decide that this part of the analysis can be done internally by the policy team, even if the main analysis is commissioned externally. However if there has been a lot of social media engagement you might choose to commission this externally along with the analysis of written responses and events.