METHOD MATTERS: HOW TO AVOID COMMON POLICY TRAPS

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GOOD POLICY DEVELOPMENT LIES AS MUCH IN THE "HOW" AS IN THE "WHAT." This is because the process used to develop policy positions can either lead one headlong into common policy development traps or help one to sidestep these and continue safely to one's goal – producing good policy.

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This article looks at what we mean by good policy, some pitfalls that commonly interfere with the development of good policy by nonprofit organizations, and methods that can help organizations to minimize or avoid these pitfalls altogether. These observations are drawn from 20 years of experience working with voluntary organizations on policy – as a voluntary sector policy advocate, as a government official working with advocates, and as a consultant supporting voluntary sector policy efforts.

WHAT IS GOOD POLICY?

Good policy consists of sound fiscal, tax, regulatory, programmatic, and other policy advice that governments can feasibly implement without unwarranted political risk and with reasonable confidence that it may yield the desired end goal. While this may seem quite straightforward, it is in fact a tall order and difficult to achieve. A closer look at each of the qualifications in the above sentence will demonstrate why.

Sound advice

Sound policy is built on the best possible empirical understanding of the facts concerning a problem or opportunity, its underlying drivers, and the most effective levers for achieving the desired end goal without creating a host of new problems. This requires us to begin with questions rather than answers, collecting and analyzing data to better define the problem or opportunity, formulating hypotheses as to possible solutions, and subjecting these to rigorous scrutiny and critique from diverse perspectives. This includes mobilizing the expertise necessary to accurately assess the relative strengths and weaknesses of diverse policy options. As this may require different kinds of expertise – e.g., strategic, political, technical, frontline, client – this process can involve a broad range of diverse stakeholders. Because values play a central role in defining the range of possible policy solutions, it is also important to be explicit at the outset about the core values guiding any policy development process and to negotiate consensus (where possible) when the priority placed on different values differs among key stakeholders.

That governments can feasibly implement

The practical realities of adopting and implementing a policy matter a great deal when governments are weighing the merits of competing policy options. These realities can constrain or enable policy implementation and can include factors such as cost, availability of existing funding streams, constitutional and jurisdictional considerations, legislative and regulatory frameworks, federal/provincial dynamics, internal government and external delivery capacity, public opinion, and timing with respect to budgetary and electoral cycles – to name just a few. Good policy development processes are alert to these factors, take them seriously, and actively address them.

Without unwarranted political risk

All policies come with risks – some foreseeable, others less so. Governments know this and spend significant time and energy assessing the relative risks of diverse policy options before proceeding. Governments are particularly sensitive to political risk as their electoral success is contingent on maintaining public support. However, policies can also create economic, social, and fiscal risks that ultimately also generate political consequences. Governments will take risks – even big ones at times – but these have to be commensurate with the potential political and policy reward if they get it right; otherwise, they will not deem them worth taking. Good policy work reduces political and other risk as much as possible, thereby increasing the likelihood of government's adopting the policies in question.

With reasonable confidence that it may yield the desired end

While many governments have launched half-baked policies that have little or no substantive basis, policy advocates should strive to ensure there is sufficient evidence to suggest the policies they are proposing have a "reasonable chance" of actually working. I use the term reasonable chance because policies aimed at complex issues are more often informed experiments than sure bets and should be undertaken in this spirit. This means building in appropriate feedback, monitoring, and assessment mechanisms to allow for future adjustments, course corrections, or even termination if necessary. Supporting evidence for policies can be drawn from pilots, other jurisdictions where similar policies have been successful, or simply a rigorous analysis of the problem/opportunity and potential policy options. High-quality stakeholder engagement during the policy development process can also help to build confidence in the future effectiveness of a policy. While stakeholder support may not guarantee a policy will work, broad-based stakeholder opposition will generally ensure that it fails. Engaging stakeholders to integrate their perspectives and build support is, therefore, a critical step in building a convincing case for any policy.

COMMON POLICY TRAPS

Every sector – voluntary, private and public – has particular strengths and weaknesses when it comes to policy development. Before looking at some of the more typical policy traps that voluntary organizations experience and how to avoid them, it's important to understand and acknowledge the tremendous strengths and assets that the sector can bring to the policy development process. These include deep passion and commitment, an ability to engage and include vulnerable and marginalized people in the policy conversation who would otherwise be excluded, invaluable front-line knowledge and

expertise that no government possesses, and the capacity to leverage enormous voluntary contributions of information, expertise, analysis, and advocacy activity.

That said, no policy effort unfolds in a perfect world. Individuals, organizations, and governments frequently make poor decisions; poor policy ideas can prevail over better ones; well-intentioned policies may have unintended negative effects; and important issues often go unaddressed. Attention to our own policy weaknesses, however, can help to strengthen the process overall, even if it still falls short on many occasions.

Some of these weaknesses have to do with a lack of sophistication about policy making and how government works, but some stem from deeper unspoken assumptions or attitudes related to our identity as voluntary sector advocates, our perception of governments, and the relationship between the two sectors. These are more difficult to correct, but awareness is the first step.

Naturally, organizations vary enormously in their policy capacity and a number are happily immune to these issues but, with this in mind, here are a few of the most common mistakes we can all start to work on:

1. **We care; governments don't.** This common assumption often tacitly underpins voluntary sector policy initiatives and is harmful because it discourages organizations from engaging governments directly as part of their policy development efforts and, when expressed overtly, can insult and alienate potential government allies who actually do care quite a bit. Policy making is not about us *versus* them. It is about finding common ground, developing allies and partners, and working together to solve a problem or pursue a possibility. While it is often true that a given Minister, Deputy, other official, or government as a whole, does not care about your issue to the same extent you do, it is a mistake: 1) to assume this is always the case; 2) to treat any government as a monolith; and 3) to fail to seek allies in the system who might be interested in your issue and/or willing to work with you to solve it. Your issue or initiative may never become a top priority for the government, but this doesn't mean you cannot achieve substantive gains by gradually moving your item up the political priority list over time, working below the political radar altogether, or seizing opportunities that arise in connection with budgets, throne speeches, and election platforms to achieve incremental victories. All of this requires giving government officials the benefit of the doubt, however, and engaging and working with them to move your issue forward. It also requires that we acknowledge that governments have to deal with many legitimately competing issues and priorities and it's our job to strategically connect our issues to broader political and policy agendas that already have traction and support, and to help create the conditions that make it easier for governments to embrace our proposals.

2. **Identity vs. impact.** Some individuals and organizations have more invested in their identity as outsiders 'speaking truth to power' than they do in the policy outcomes they purport to seek. In these cases, finding out that the government not only shares your goals but is prepared to do as you ask can be a deeply disconcerting experience – the existential equivalent of having the wind sucked out of your sails. As a consequence, no matter what a government does, it is never enough or it is done for all of the wrong reasons. Needless to say, effective policy development requires that the process be under-

taken in good faith and that fair recognition be given to government and other partners when successes – even incremental ones – are achieved. This means parking our identity politics at the door and truly focusing on policy outcomes; otherwise, the trust necessary to collaborate effectively will dissolve and all chance of policy gains along with it.

3. Building on foregone conclusions. Unproven assumptions are a shaky foundation for any endeavor, and policy development is no different. Too often, voluntary sector proposals rest on a narrow or weak evidence base and are not subjected to rigorous analysis that takes into account opposing perspectives, broader trends and dynamics affecting the issue in question, or its full complexity. Sometimes, even when the problem is strongly argued, the solution being proposed is not. The result is failure to make a compelling policy case. Good policy development is a multi-step process that requires key parties (including government) to document and agree on the nature of the issue or opportunity in question, agree that it is important enough to merit action, and then agree on what that action should be. This process requires empirical research, consultation, analysis, and ultimately values-based judgments to reach conclusions that are robust enough to compete successfully with other policy proposals for government support. Without this work, policy proposals are easily dismissed and important issues remain unaddressed. Few voluntary organizations have the resources and expertise they need in-house to mount an in-depth policy development effort of this kind but, with a sound understanding of what's required, many can leverage the necessary resources and expertise through collaborations and partnerships with other voluntary, private, and public sector parties that share their policy goal.

4. Reality-free policy. By now, most of us have registered the fact that the economy has taken a terrible beating in the past two years and that our governments are up against a fiscal wall that is not going to go away any time soon. Actively developing and promoting policy recommendations that defy these and other empirical, political, economic, and social realities may be emotionally satisfying but will not achieve policy change. Nonetheless, many organizations continue to do just this. Serious policy development grapples with contextual realities and offers solutions that, while still ambitious, are doable in the real world. Frequently, this means embracing large-scale aspirations but taking a phased approach to implementation; looking for cross-sectoral solutions that enable all sectors to contribute – not just government; and seeking those areas of common ground that cut across ideological lines and building on these. This, of course, takes sustained advocacy effort, but the same is true of all major policy change.

5. Après moi, le deluge. As a former Prime Minister used to say, "It's easy to solve a problem if you don't mind creating ten more." Too often, organizations promoting policy proposals fail to take into account the ancillary problems arising from the actions they are recommending – consequences like the creation of moral hazards, precedents that governments can't afford to extend to others, inequities with respect to other groups/sectors, unfunded liabilities, or adding unduly to tax burdens, bureaucratic structures, and red tape. These kinds of ancillary negative effects can often be anticipated through thorough consultation and analysis and addressed – but only if one is attentive to their existence and willing to make changes to address them. Often, however, they are ignored or dismissed as someone else's problem. As a consequence, the central policy proposal never gains any significant traction.

6. Problems, problems, problems. While it's natural to focus on problems, the obstacles we run into on the road to our goals, a chronic focus on problems can overwhelm people, discourage action, and blind us to larger possibilities. People are naturally more motivated to rally behind positive, aspirational initiatives, and policy makers are no different. Beset by countless intractable problems that they alone are powerless to solve, they are ineluctably drawn to initiatives that speak to positive possibilities, offer proof of that possibility, and have broad arrays of stakeholders already engaged in pursuit of the same shared purpose. By focusing first on the aspirational end game and only secondarily on the barriers that need to be addressed to get there, voluntary organizations can attract more allies, resources, and support for their policy work and ultimately the changes they are seeking.

TEN WAYS TO AVOID POLICY PITFALLS

Every organization begins its policy journey with a certain amount of what one could call "policy capital." This consists of the: a) **quality of your ideas** – their clarity, strength and relevance, as well as the research and analysis they are built on; **b) extent of your network** – people you can go to for information on what's happening in government and in the sector, intelligence about what it means, and influence with key decision makers; and c) **quality of your relationships** – the trust and goodwill you have built up over time with peers, partners, funders, and policy makers. All organizations involved in policy development should aim to continuously build their policy capital. Strategic capacity will determine how well you use it and, consequently, your impact.

Because policy development is a messy business, there is no magic bullet or formula that guarantees successful adoption of your policy recommendations at the end of the day. There are, however, a number of tactics and rules of thumb that, if followed, will significantly increase your chances of producing good policy that has a chance of being adopted by government and implemented:

1. Map the policy landscape. All policy development should start with a quick strategic inquiry to map out relevant social, economic, and demographic trends, emerging research, the policy environment, the political context, and where your issue fits in the partisan political landscape. Try to determine who will need to actively support your prospective proposals, or at least not oppose them, if the government is to adopt them at the end of the day. Also who is most likely to oppose them and why. Assess who else has an interest in the issue and determine who you need to involve in your policy development process. Look for people and organizations in all sectors that can be core allies or simply help by contributing: data, research, analysis, subject matter expertise, general policy expertise, networks, consultation and communication channels and platforms, access to key stakeholders, and political advice. All of this will enable you to make more effective strategic decisions about the design of your policy development process and the policy directions you ultimately pursue.

2. Invite new people into the tent. Don't confine your policy development partners to 'fellow travelers' who think exactly as you do. Key stakeholder groups who will ultimately be affected by your policy recommendations need to be engaged and consulted. Ensuring they have an ongoing voice at your policy table is an important means of en-

suring their perspectives are heard and substantively addressed. It's also salutary to engage those who share the same end goals as your organization but differ substantially on how to get there, such as individuals and groups from different political persuasions, including those who may share the values and perspectives of the government of the day. This is guaranteed to change the way you look at your issue or, at the very least, to better prepare you to respond to critiques down the road. In either case, your policy development process will be stronger as a result.

3. Build alliances and critical mass. Look for other organizations you can align and work with. The more organizations you engage, collaborate, and partner with, the more policy capital you bring to the table. Mobilizing different voices also helps to convince politicians that your idea is important to a lot of people, not just you. Establishing a policy working group or committee comprising key partners and contributors is an effective way to coordinate your policy work, leverage resources and expertise from other organizations, and communicate the broad range of players involved to government. It can also be used to coordinate advocacy efforts once you are ready.

4. Talk to government early and often. Government officials can be your most critical resources – and allies – but only if you engage them and enable them to participate in your policy development work without putting them in a conflict of interest. Often, officials will participate on policy working groups as 'observers' rather than members or will meet with you periodically throughout your policy development process to be briefed on your progress and to provide their feedback. Depending on the issue, it may be advisable to double-track this process by periodically briefing elected officials and Ministers' staff as well as civil servants, but always advise your ministry or departmental contacts so they are not blindsided. If they are friendly and supportive, they can even help set the stage by organizing pre-briefings and briefing notes for the Minister's office. In all cases, pay close attention to the policy and political feedback they offer, as this is the best gauge of the government's openness to your proposals and any concerns they raise need to be addressed. It is also the best means for you as an advocate or organization to build your understanding of how government works and to develop your policy development and advocacy skills.

5. Build a common fact base. It is impossible to agree on a policy solution if you do not first agree on the facts of the policy problem or opportunity at hand. Conversely, when people are agreed on the facts of an issue, 80% of the time they will agree on what must be done about it. To this end, all policy processes should begin with a common fact finding process that engages all key stakeholders in contributing and validating a core empirical fact base, out of which a central problem/opportunity can be defined and solutions developed. Policy development work should not begin until this fact base is established and validated by all key stakeholders. This can take time and quite a bit of work but it ensures a strong foundation for everything that follows and, without it, your policy development process is unlikely to succeed. Instead, you will spend large amounts of time continually revisiting debates that were not resolved at the outset of the process and end up with contested proposals instead of a strong consensus to take to government.

6. Agree on the definition of the problem/opportunity. Once a fact base is established, the central policy issue or opportunity can be defined. This can be a challenging

process as issues are very much like elephants in the land of the blind – depending on what aspect you're most familiar with, they can seem very different. For example, a labour market economist's viewpoint on employment barriers may be very different from a community youth worker's. Good policy processes invite these disparate perspectives and then work through a collective process to synthesize them, as well as the different substantive aspects of the problem or opportunity. While challenging, this process prevents oversimplification and yields a much richer understanding of complex, multidimensional issues. As organizations often do not want to tackle every aspect of a complex issue, through this process they can also build consensus on the pieces they are best equipped to pursue and proceed on this basis.

7. Listen, learn, and adapt. All policy solutions are hypotheses, not answers. This requires us to treat them as provisional and imperfect, to actively seek advice on how they can be improved, and to create mechanisms that will enable us to assess how well they are working once they are implemented. In other words, policy development must be conducted as a continuous, largely unpredictable, learning experience filled with unexpected twists and turns. This means that the best policy development processes and organizations are those that are intellectually open, flexible, and intentional about integrating and adapting to new information and circumstances.

8. Use iterative consultative processes. Because policy development is a process of constantly developing, testing, and refining hypotheses, consultation needs to be an iterative process. Ideas should be shared and discussed at multiple stages in the process – not just once. This helps to ensure new refinements are the right ones, keeps key stakeholders abreast of where you're going, and enables you to spot problems early on and address them. The more feedback you invite, the more robust your ultimate policy product will be. As much as possible, it's also important to avoid being too prescriptive about who gets to comment. Invite key stakeholders and opinion leaders directly to participate in consultations but also use online platforms to reach broader audiences who may have valuable insights and perspectives to contribute and can be useful allies later in your advocacy efforts.

9. Encourage debate and take dissenting views seriously. Effective policy development processes should always encourage healthy, respectful debate. This helps to surface weaknesses and inconsistencies in your analysis and proposals, and provides an opportunity to acknowledge and work through key issues and trade-offs that will need to be addressed at some point. Minority dissenting views should also be taken seriously, even if only voiced by a small group, as they may have access to particular insights or information others do not. However, such challenges need to be backed up by facts and analysis. Where there is only anecdotal evidence backing up a challenge, the challenge may still be valid, but further investigation should be undertaken to determine whether the argument holds merit or not.

10. Invite all sectors to contribute to finding and implementing solutions. More and more, governments are confronting societal problems that they alone cannot solve. This is not an argument for governments to abdicate their role but an acknowledgement that they no longer control all of the levers necessary to bring about fundamental change and that, in some instances, they are not the best equipped to deliver key programs and

services, even though they may need to continue to play a role in funding them. The most successful policy organizations recognize these realities and work effectively across all sectors to mobilize the full range of insights, expertise, resources, and institutions to develop sustainable solutions to complex problems. This is sometimes easiest when the issue or opportunity is a local one, and everyone has a clear stake in the wellbeing of their community, but regional and national level processes can also benefit from a similar approach.

CONCLUSION

In summary, policy development is complex, messy business with no guarantees of success at the end of the day, but voluntary organizations can dramatically improve their capacity to produce good policy by treating policy development as a process of iterative inquiry and learning, focused on aspirational goals, and broadly inclusive of all those who share these goals and want to contribute to their achievement. Successful policy processes are rigorous and critical, and invite debate as a means of clarifying understanding of the core problem or opportunity and how best to address it, and of forging a strong consensus to support future advocacy efforts. Throughout, government officials (political and civil service) are involved as key resources, as well as potential allies, and the strategic emphasis is always placed on identifying areas of common ground that can be built upon. Organizations that internalize these approaches will increase their policy effectiveness and likely find that governments are more and more interested in what they have to say and working collaboratively with them on policy matters. Not a guarantee of policy success, but a very good start.