

Story of the UK National Action Plan 2013-15

What we did, and what we learnt doing it - reflections by the UK civil society coordinators



'We have consistently made clear our commitment for the UK to become "the most open and transparent government in the world". Our resolve has not weakened. Indeed, our engagement with civil society to develop and agree the stretching and ambitious commitments in this second Open Government Partnership UK National Action Plan has strengthened, not lessened our commitment to open government. The result of this partnership is a set of commitments that take important steps towards increased openness.'

Rt Hon Francis Maude MP, Minister for the Cabinet Office and Paymaster General, October 2013

'The formation of country national action plans provides governments with the opportunity to put into practice the principles of open government by including voices from civil society. While the development of this plan has not been without its challenges and disagreements, we believe the process has itself demonstrated the benefits of greater openness. The result is a set of stronger and better thought through commitments with greater prospects for delivery than would otherwise have been the case.'

The UK OGP civil society network, October 2013



Launch of the UK 2013-15 National Action Plan at OGP Annual Summit - London 2013

Table of contents

01. Introduction
 02. Steps of the process
 03. Benefits of the process
 04. Recommendations based on the UK experience
-

Annex A. The UK experience: What happened & what we learnt

- i. Formation of the civil society network (April 2012 to October 2012)
- ii. Early meetings with the Government (November 2012 to January 2013)
- iii. Draft National Action Plan (February 2013 to June 2013)
- iv. Finalising the National Action Plan (July 2013 to October 2013)

Annex B. Next steps (October 2013 onwards)

01. Introduction

On 31 October 2013, at the Open Government Partnership Summit, the UK launched its 2013 to 2015 National Action Plan¹. Over the preceding 12 months, this plan had been developed in partnership by the UK Government and a network of UK civil society organisations. This process was developed with the intention that it should itself model the principles of open government, being transparent and participatory, and benefitting from the expertise and energy of government and civil society.

The collaborative process of developing the National Action Plan (NAP) was not without its challenges, but it ultimately resulted in a more robust and ambitious plan. Among other things, in the plan the UK Government committed to implement a public register of beneficial ownership, a cross government anti-corruption plan, and a global standard of financial transparency and accountability in the extractive industries (oil, gas and mining).

The UK had published its first Open Government Partnership (OGP) NAP in September 2011 at the launch of the initiative. The preparation of this plan in the early days of the OGP meant it was developed with little civil society engagement - a point acknowledged by the Government in its self assessment of the plan. The process for developing the second NAP was very different. Though it was by no means a straightforward or linear process, with blockages and setbacks along the way, it was successful in both modelling a new way of working between government and civil society and in delivering a NAP with some strong and ambitious commitments.

This report summarises the UK process and its benefits, and sets out a series of recommendations - based on the strengths and weaknesses of the UK process - for other countries developing new NAPs. This is followed by a detailed account and reflections on how the UK process operated in Annex A and next steps in Annex B. This report has been developed by the UK OGP civil society network coordinators, with input from members of the civil society network and UK Government officials, including through a dedicated workshop exploring the lessons learnt. We have sought to provide as balanced and impartial a reflection as possible based on these inputs, but not all participants in the process will necessarily agree with every point made.

1

<https://www.gov.uk/government/consultations/open-government-partnership-uk-national-action-plan-2013/open-government-partnership-uk-national-action-plan-2013-to-2015>

Steps	1. Establishment of independent civil society network with coordinating body	2. Scoping of possible commitment areas between government & CSO network	3. Government & CSO working groups draft commitments. Narrative drafted by government & CSOs	4. Draft NAP finalised by government & CSO network and signed off for use in public consultation	5. Public consultation on draft NAP & additional engagement & outreach	6. Government & CSO working groups finalise commitments. Narrative agreed by government & CSOs	7. Final NAP is signed off by government and CSOs
							
Approx. time period	Meetings held by CSOs as required and online networks established	Four weeks, with initial meeting to agree high-level areas, with subsequent meetings on each	Four weeks, with at least one meeting held of each working group, with remote collaboration & additional meetings as required	Minimum of two weeks, allowing adequate time for relevant government and CSO sign off processes, and meetings as required.	12 week public consultation period, with outreach events held in different regions of country	Four weeks, with at least one meeting on narrative & meetings held as required on commitments	Minimum of two weeks, allowing adequate time for relevant government and CSO sign off processes, and meetings as required.

02. Summary of the UK process

The chart above sets out the high level steps of the UK process, outlining the intended process and approximate timescales. In practice, the key stages of the UK process were as follows:

i. Formation of the civil society network (April 2012 to October 2012)

- Civil society network formed in response to the UK’s first National Action Plan. Network members write to Francis Maude (Minister for the Cabinet Office) and produce a collaborative analysis of the UK’s first NAP.
- The Minister responds to the civil society network’s letter, welcoming the engagement of CSOs in the OGP and NAP.
- Members of the civil society network agree on the need for a civil society coordinator, and Involve is asked to take on the role
- A one-day workshop is held by members of the civil society network to develop a shared vision for the OGP.

ii. Early meetings with the Government (November 2012 to January 2013)

- Francis Maude (Minister for the Cabinet Office) gives his support for the NAP to be developed in partnership between government and civil society.

- Meetings are held between government officials and CSO network members to co-design and agree the NAP development process.
- A series of open meetings are held between the CSO network and government officials to scope out the action plan and commitment areas.

iii. Draft National Action Plan (February 2013 to June 2013)

- The narrative for a draft NAP is co-developed
- Members of the CSO network hold a session on the draft National Action Plan at an open data event in Manchester
- The draft NAP, which included commitments agreed by government and civil society and an annex of additional civil society asks, is published for public consultation

iv. Finalising the National Action Plan (July 2013 to October 2013)

- New policy leads meet with civil society network members and government policy leads
- Cabinet Office Transparency Team sets up and facilitates meetings between civil society network members and policy leads on relevant commitments
- Public consultation is held based on the draft NAP
- Commitments are developed and agreed in further detail between government and civil society, and meetings are held to clear up any issues arising from some commitments
- An open letter is sent from the civil society network to the Prime Minister calling on him to make a series of ambitious commitments
- Plan is launched at OGP Summit

Annex A outlines these stages in detail, including highlighting the issues encountered in this process.

03. Benefits of the process

The development of the UK's 2013-15 NAP² by government and civil society through an open and collaborative process had a number of important benefits:

- The process itself sought to model the principles of open government, and as a result demonstrated the UK's commitment to the OGP
- The active involvement of CSOs introduced new and alternative expertise and perspectives into the process, resulting in links being made with other initiatives and the development of more robust commitments that will better achieve their intended outcomes
- The active and constructive involvement of CSOs made government officials more inclined and confident to advocate for commitments internally
- The influence of CSOs over the NAP's narrative and commitments resulted in a plan that CSOs could support, enhancing the NAP's prestige
- Engagement with government officials enabled CSOs to better evaluate the likely success of advocacy for particular reforms, and determine where to target efforts for greatest likely impact
- By constructively engaging in the process, CSOs were able to influence the reforms that were considered and the detail of commitments that were included, improving their quality and ambition
- Robust but constructive negotiation between government and CSOs ensured that weak commitments were not included within the NAP, and those that were included were suitably framed
- The respect and trust built between government officials and CSOs through the process helped to ensure that differences of opinion and potential conflicts could be negotiated and overcome, strengthening rather than weakening the final NAP
- The open and collaborative nature of the process enabled a full and frank review of its weaknesses, as well as its successes, ensuring that the UK (and other countries) can build upon what was learnt for the development of future action plans

2

<https://www.gov.uk/government/consultations/open-government-partnership-uk-national-action-plan-2013/open-government-partnership-uk-national-action-plan-2013-to-2015>

- The partnership approach will continue into the delivery of commitments, ensuring civil society involvement throughout implementation

04. Recommendations based on the UK experience

The recommendations listed below are based on a combination of the successes and weaknesses of the UK 2013-15 NAP development process. A more detailed account of the lessons from the UK can be found in Annex A.

- Civil society organisations should form a network to engage with government. This network should be formed independently from government, be open to any civil society organisation to join and be fully transparent about its activities. CSOs should nominate a coordinator to facilitate engagement with the government on the OGP.
- Government and civil society should work together to agree the process for developing the National Action Plan. This could include the development of a partnership agreement that outlines how each party agrees to work and how decisions will be made. A work plan should be agreed with clear milestones for when activities need to be completed, leading up to the publication of the National Action Plan.
- The work plan should include adequate time for relevant sign off processes within CSOs and government departments. It should be discussed and agreed at an early stage of the process how sign-off will occur.
- Lead OGP officials should facilitate engagement by policy officials with the development of a NAP. In partnership with the civil society coordinator, they should connect relevant policy officials with relevant CSOs to form working groups to develop commitments. Internal stakeholder engagement should be built into the early stages of the process to ensure buy-in and ownership, and benefit fully from policy officials' expertise.
- Government should ensure that adequate and consistent staff capacity is devoted to the development and implementation of a NAP, and ongoing engagement with CSOs. Likewise, CSOs need to allocate adequate staff time to engage in the process.
- Meetings should be held on a regular basis between government officials and CSO representatives to scope out, develop and agree the commitments to be included in the NAP. These meetings should take place in a neutral location and, as far as possible, be open to remote participation. The chairing of these meetings should alternate between government and CSOs to reflect the partnership nature of the OGP. Meeting notes should be published to enable any interested individuals to review what was discussed and agreed.

- Web based tools (e.g. Google Docs, webinar platforms) should be utilised to enable collaborative working between meetings. The establishment and use of a civil society email list and blog is useful for coordinating activities, making the process accessible to any interested CSO and being transparent about what is taking place.
- Both government and CSOs should have responsibility for expanding the group of stakeholders involved in the process. Beyond ensuring the process is accessible to any interested parties, targeted outreach is needed to reach beyond the self-selected groups that proactively engage.
- CSOs must balance their dual roles of collaboration (working within the process) and challenge (pushing from outside it). Both roles are important and legitimate in their own right. Sceptical, but constructive, voices on the outside are important for keeping those inside the process honest.

Annex A. The UK experience: What happened & what we learnt

The following sections set out in detail the key steps, descriptions of activities and the learning from the development of the UK's 2013-15 Open Government Partnership National Action Plan. The key stages of the process were as follows:

- i. Formation of the civil society network (April 2012 to October 2012)
- ii. Early meetings with the Government (November 2012 to January 2013)
- iii. Draft National Action Plan (February 2013 to June 2013)
- iv. Finalising the National Action Plan (July 2013 to October 2013)

i. Formation of the civil society network (April 2012 to October 2012)

Key steps

- Civil society network forms in response to the UK's first National Action Plan. Network members write to Francis Maude (Minister for the Cabinet Office) and produce a collaborative analysis of the UK's first NAP.
- The Minister responds to the civil society networks letter, welcoming the engagement of CSOs in the OGP and NAP.
- Members of the civil society network agree on the need for a civil society coordinator, and Involve is asked to take on the role
- A one-day workshop is held by members of the civil society network to develop a shared vision for the OGP.

Description

In the months following the launch of the UK's first National Action Plan, a network of UK civil society organisations with an interest in open government began to form in response. Members of the network established a mailing list and a blog for collaboration and engagement.³

In early April 2012 these CSOs wrote to Francis Maude (Minister for the Cabinet Office, with responsibility for the OGP) welcoming the UK's membership of the OGP and calling for greater engagement with civil society and a broader focus (i.e. beyond open data⁴) going forward. In addition, these CSOs produced a collaborative analysis of the NAP and wider open government policy environment which was published in mid April 2012.⁵

³ <http://www.opengovernment.org.uk/>

⁴ <http://www.opengovernment.org.uk/open-letter-to-francis-maude/>

⁵ <http://www.opengovernment.org.uk/civil-society-perspectives-on-uk-national-action-plan/>

In early June 2012 the Minister responded, welcoming the engagement of civil society organisations in the UK's co-chairmanship of the OGP, stating his personal commitment to "open consultation and civic engagement", and proposing the formation of a civil society forum to "meet regularly to review UK Government commitments and performance, to provide feedback on progress and to challenge the UK government to do more."⁶

It was suggested by the Minister and government officials that the CSO network should appoint a high-level representative to meet with the Minister on a regular basis. CSOs, however, were concerned that this would introduce a gatekeeper into the process, with the chance that they may capture it for their own means. It was also felt that there was no suitable candidate with sufficient seniority and understanding across the breadth of open government, and that this reflected too much of a traditional model of policy making. The CSO network therefore decided against appointing a high level chair.

In September 2012, after a number of discussions about how the civil society network could better function, it was agreed that a coordinator was needed to facilitate engagement with the Government, reduce the burden of engagement by organisations and support collaboration across the network. Involve⁷, a UK based CSO with a focus on public participation, was asked by other members of the network to take on this role.

At this point, initial meetings were held between members of the CSO network and officials with responsibility for the NAP from the Cabinet Office Transparency Team to discuss the role of the network in developing the UK's second NAP.

On 11 October 2012 members of the CSO network met to develop a shared vision for what the network wanted to achieve from the OGP. This full day workshop - organised and facilitated by Involve and Tim Davies - was divided into two parts, with the morning consisting of introductions and updates on the OGP and quick-fire presentations covering key open government issues, ideas and initiatives. The afternoon took the form of an open space discussion on key civil society priorities for the OGP. In preparation for the meeting, CSO representatives were asked to produce one page briefings⁸ to inform the discussions, and following the meeting group rapporteurs wrote up their notes of the open space discussions.

In the days following the civil society workshop, members of the CSO network collaborated over Google Docs to develop a UK civil society network vision for the Open Government Partnership.⁹

⁶

<http://www.opengovernment.org.uk/wp-content/uploads/2013/03/MCO-response-to-CSOs-letter-to-UK-OGP.pdf>

⁷ <http://www.involve.org.uk>

⁸ <http://www.opengovernment.org.uk/briefings/>

⁹

<https://docs.google.com/a/involve.org.uk/document/d/10LUtHbjqrMh5t1su4cny3PBaGSMi7y76Quk5qPEeuDs/edit#heading=h.5xexfq4lykfh>

This became a source document that informed many of the discussions with the Government in the following months.

Reflections

- The existence of the civil society network was important for government as it provided a ready-made point of contact with civil society. However, the downside of this was that it perhaps reduced the impetus to engage more broadly. The status of the network and its relationship to wider civil society was a recurring issue throughout the process. On the part of the network, members were careful not to claim to speak for “civil society” and acknowledged that they primarily came from a particular segment of civil society interested in governance and accountability issues. The need to engage wider civil society was recognised throughout the process, but good intentions were hampered by a lack of resources being devoted and breaks in the process due to staff capacity.
- The mailing list of the civil society network, which has grown steadily since it was established, was essential for maintaining communication between members of the network. Those on the list were involved in the development of the NAP to varying degrees, with some very heavily involved, others dipping in and out, and some lurking in the background. This mixture of engagement levels is an unavoidable result of trying to achieve a breadth of engagement. It is also arguably desirable as it allows the process to be driven forward by a core group of engaged CSOs, but remains accessible to others to enter if/when issues arise that have relevance to them. The blog was also important for publicising the activities of the network, communicating open invitations to meetings and recording the discussions and outcomes of meetings between the civil society network and government. They both helped to ensure a good degree of transparency and participation in the process.
- The decision of the CSO network not to appoint a high level representative to meet with the Minister has been discussed on a number of occasions since. On the one hand it could be considered to have been a missed opportunity as the process did suffer from a lack of engagement between CSOs and senior government ministers and officials. However, on balance the general feeling remains within the CSO network that it was correct not to appoint a high level representative for the same concerns expressed at the time (i.e. concern it would install a gatekeeper and lack of an appropriate candidate).
- The civil society coordination role proved to be vital to the success of the engagement between government and civil society. Key was that the coordinator was chosen by civil society organisations, and remained independent of government. Securing sufficient resources for the coordination role proved to be a challenge. Funding from government for this role was discussed, but it later became clear that this could have restricted the ability of the civil society coordinators to challenge government when needed.

- The production of the civil society network vision proved to be important for coordination and collaboration within the network, and as a starting point for conversations with the Government. It was successful from a civil society standpoint in leading and framing the discussion with government officials. However, the one sided nature of proposals at this stage proved to be problematic later in the process. It became clear that commitments should have been proposed by both civil society and government at this stage, to avoid the issues later encountered with the draft NAP being considered to be just a wish list from civil society and commitments from government being proposed late in the process.
- The lead officials from the Cabinet Office Transparency Team demonstrated a strong desire to develop an open and collaborative process with civil society, and were open to the process itself being co-developed with civil society. This required them to make the case to Ministers and take on a significant amount of risk. Early meetings between officials and the civil society coordinators were important for acknowledging these risks and reassuring officials of the worth of taking them on. CSO network members recognised the personal commitment to the process of officials, which helped to reassure individuals of the value of engaging.

ii. Early meetings with the Government (November 2012 to January 2013)

Key steps

- Francis Maude (Minister for the Cabinet Office) gives his support for the NAP to be developed in partnership between government and civil society.
- Meetings are held between government officials and CSO network members to co-design and agree the NAP development process.
- A series of open meetings are held between the CSO network and government officials to scope out the action plan and commitment areas.

Description

On 17 October 2012, Francis Maude announced at a conference - "The Future is Open" - that the UK's second National Action Plan would be developed in partnership with civil society. The following week members of the civil society network and Cabinet Office officials met to discuss the process for developing the NAP, including the key milestones and how collaboration would take place.¹⁰ It was agreed that a draft NAP would initially be produced to be launched at a OGP Steering Committee meeting in late April 2013, which would subsequently become the basis for external engagement and further collaboration, with the final NAP being published at the OGP

¹⁰ <http://www.opengovernment.org.uk/25-oct-2012/>

2013 London Summit.

This led to the establishment of a series of working lunches between the civil society network and government officials (hosted at the Open Data Institute) to begin to scope out the narrative and contents of the NAP.¹¹ These included an initial meeting on 15 November 2012 where four areas were agreed as a focus for the subsequent discussion: Extending the principles of openness and transparency; Moving forward the global agenda on openness and transparency; Participation and open policy making; and Anti-corruption.

A document¹² was drafted, based on this initial discussion and the civil society vision¹³, which outlined the policies and issues that the civil society network wished to address under each of the themes. This subsequently informed a series of meetings on each of the four themes over the following couple of months. Each of these meetings were roughly two hours in length, with the chair alternating between government and civil society. Cabinet Office Transparency Team officials were present at all of the meetings and sought to bring in relevant officials from other departments where possible.

These meetings were open to any representatives from civil society, with each advertised through the civil society network blog and social media. Though in principle these meetings were open to any representatives from UK based CSOs, in practice the location and timing of these meetings in London at midday restricted access. In an attempt to mitigate this, remote participation was established for meetings through a webinar service. Notes of each of the discussions were also recorded and posted on the CSO network blog¹⁴ to ensure that the process was transparent to any interested observers.

Reflections

- These initial meetings were successful in building up good working relationships between civil society representatives and Cabinet Office Transparency Team officials. Taking place in a “neutral” location and in an open and collaborative manner they helped to establish a different way of working. It also helped to develop understanding of what could and could not likely be achieved through the process.
- Not all relevant officials were included in these meetings and connections were not maintained with many of those who did attend. As a result, key stakeholders from departments were not fully engaged in the development of draft commitments at this stage. There was a misunderstanding on the part of members of the civil society network about what could be driven and achieved by the Cabinet Office Transparency Team in isolation, meaning that too much focus was put on developing what CSO representatives

¹¹ <http://www.opengovernment.org.uk/odithursday/>

¹² <https://docs.google.com/document/d/15U2-cDIU3dgv-lnjHKKaz32d3OxvulHjpNGRHBEXCQs/edit>

¹³ <https://docs.google.com/document/d/10LUtHbjqrMh5t1su4cny3PBaGSMi7y76Quk5qPEeuDs/edit>

¹⁴ <http://www.opengovernment.org.uk/category/process/>

considered to be a perfect NAP and not enough on engaging relevant officials. This led to problems in the subsequent phase.

iii. Draft National Action Plan (February 2013 to June 2013)

Key steps

- The narrative for a draft NAP is co-developed
- Members of the CSO network hold a session on the draft National Action Plan at an open data event in Manchester
- The draft NAP, which included commitments agreed by government and civil society and an annex of additional civil society asks, is published for public consultation

Description

Following the discussions on the each of the themes, a meeting was held in mid-February 2013 to discuss the narrative for a draft NAP.¹⁵ Based on this discussion, officials in the Cabinet Office Transparency Team developed a first draft of the narrative. This was subsequently shared via a Google Doc with members of the civil society network, who commented on and edited the narrative. After a few iterations, a common narrative was found that linked the open government commitments that had been discussed over the past five months, and presented a vision of open government driving both prosperity and democratic renewal.¹⁶

Following the earlier meetings on each of the themes, members of the civil society network had continued to develop the proposals for commitments. The intention had been at this stage that the Cabinet Office Transparency Team would facilitate collaboration between relevant members of the network and policy officials to develop the commitments. In part due to the team being under-resourced, this did not take place. Instead, the civil society network developed its own draft of the NAP, which included the co-drafted narrative alongside civil society asks.¹⁷

Departments were engaged during this time on which commitments could and could not be made by the Government, leading to further iterations of the plan. This included a series of commitments that could be made in the main body, with an annex of additional civil society asks that would continue to be discussed. When a final draft had been reached through collaboration between the CSO network and Cabinet Office Transparency Team, it was submitted for a departmental sign-off process to secure agreement for publication. However, at this stage the lack of strong cross-departmental engagement resulted in a number of unanticipated issues arising, with officials being concerned about the inclusion of some commitments within the draft NAP and about the status of the civil society annex. This ultimately meant that the intended

¹⁵ <http://www.opengovernment.org.uk/narrative/>

¹⁶ <http://www.opengovernment.org.uk/quick-update-on-progress/>

¹⁷ <http://www.opengovernment.org.uk/quick-update-on-progress/>

publication date for the draft NAP was not met.

At this time, the two key lead officials who had driven the process both left the Cabinet Office Transparency Team, resulting in a two month gap with nobody in post. By the time the posts were filled in early June, the draft NAP had been delayed by two months, and the momentum was set back and optimism that had built up around the process had been damaged.

During this time members of the CSO network held a session on the draft National Action Plan at related events in Manchester and London. It was intended that this would lead on to a number of similar outreach events on the draft NAP around the country led by government officials, but the pause in the process caused by the loss of personnel from the Cabinet Office team resulted in this not happening.

In mid June 2013, members of the civil society network met with Nick Hurd MP (Minister for Civil Society) and the new Cabinet Office Transparency Team leads on the NAP. Concerns were expressed in these meetings at the delays in the publication of the draft NAP and the gap in personnel at a key stage of the process. Critically, the Minister and Cabinet Office officials were open about the problems that had been experienced and were committed to solving and learning from them, which gave members of the CSO network renewed confidence that it was worth remaining engaged.

The draft National Action Plan was published at the end of June following these meetings and became the basis for a public consultation.

Reflections

- At a number of times throughout the process, collaboration between government and civil society was hampered by the restrictions of government IT; including, for example, not being able to access Google Docs, which the CSO network used regularly for collaborative drafting.
- It became clear during this period that key stakeholders within government departments had not been engaged sufficiently, which led to significant delays in the process. The OGP at this stage was still relatively unheard of throughout much of government, meaning that officials in the next phase had to commit time to “selling” the OGP to departments whilst also attempting to secure commitments and finalise the NAP against tight deadlines. This reinforces the necessity of ensuring that all key stakeholders are engaged in the process as early as possible. Civil society similarly needs to be mindful of this and support it taking place. The allocation of responsibility for the OGP to officials within each department would, perhaps, be a way of ensuring greater understanding and engagement with the OGP. It is important that the coordinating department functions as a facilitator - rather than gatekeeper - connecting relevant CSOs and government officials together and being on hand as an intermediary to resolve any issues that arise.

- The two month break in the process with no lead government personnel threatened the success of the NAP by restricting the amount of time available for public consultation and finalising the NAP, and diminishing the trust and momentum that had been built up. Consistency of resources and personnel throughout a collaborative process such as this is critical to its chances of success. Key to the process getting back on track was the openness of the Minister for Civil Society and officials to the issues that had been encountered, and the commitment and energy they showed to build on the positives from the process and learn from the negatives.
- The lack of handover time between government officials meant that the new policy leads came into the process cold. Not having a background in open government meant that some time was lost as officials acquainted themselves with what is an extremely broad agenda, including the technical language and how commitments fit together. Conversations were repeated between government and civil society that had taken place with a number of other government officials, suggesting a need for better handover and contact records management systems.

iv. Finalising the National Action Plan (July 2013 to October 2013)

Key steps

- New policy leads meet with civil society network members and government policy leads
- Cabinet Office Transparency Team sets up and facilitates meetings between civil society network members and policy leads to set up working groups on relevant commitments
- Public consultation is held based on the draft NAP
- Commitments are agreed between government and civil society, and meetings are held to clear up any issues arising from some commitments
- An open letter is sent from the civil society network to the Prime Minister calling on him to make a series of ambitious commitments
- Plan is launched at OGP Summit

Description

Over the following months, the new lead officials in the Cabinet Office Transparency Team held a series of meetings with members of the CSO network and policy leads in other government departments. Their commitment to the process helped to regain much of the trust and momentum that had been lost due to the earlier delays and gap in personnel.

The focus during this period was primarily on the civil society asks within the annex of the draft NAP that had potential to become commitments for the final NAP, as well as further developing the detail of a number of the commitments that were included in the draft.

The conversations between civil society network members and government officials were aided by the development of a template for commitments by the Transparency Team. This helped to focus people's minds and ensure that collaboration was productive. The Transparency Team also played an important role in facilitating these meetings and in some cases playing an internal advocacy role to push commitments along and ensure that they were as ambitious as possible, which also helped in building the trust and engagement of CSOs.

The majority of the meetings held during this time were of small groups of CSO network members and government officials working on the detail of specific commitments. However, one large group meeting was held on 1 October to discuss progress across the commitments and the narrative for the NAP, which was again drafted jointly by government officials and civil society representatives. It was agreed at this meeting that, subject to what happened in the following weeks as the NAP was finalised, the process had been a partnership between government and the civil society network.

Commitments had progressed well and were stronger than had previously been the case, but it was felt by members of the civil society network with a month to go before launch that there were no standout headline commitments that showed significant ambition from the Government. It was felt that this was problematic for the success of the NAP and continued civil society engagement, but also for the success of the OGP if - as lead co-chairs - the UK did not announce something significant. Therefore, an open letter from the civil society network was sent to the Prime Minister calling on him to make a series of ambitious commitments.¹⁸

Up until this point, most of the discussion had centred around commitments that had been proposed by members of the civil society network. However, in the final few weeks before the publication of the NAP new commitments were suggested by government departments. In some cases there was disagreement between civil society and government over whether these suggested commitments should be included and little time to properly discuss them. This threatened to undermine the partnership nature of the NAP as CSOs would be unwilling to show support for the document as a whole if it contained commitments that they felt could be damaging.

Some of the commitments suggested at this stage were either supported by civil society network members or were considered to be uncontroversial, so after some work to further develop the commitment were included in the NAP. After some discussion between government officials and civil society network members, a few of the other proposed commitments were

¹⁸ <http://www.opengovernment.org.uk/open-letter-to-the-prime-minister/>

agreed to be not strong enough or not directly relevant to open government, so were not included in the NAP.

One commitment, however, on health data, had significant support from within government and health related civil society organisations, but was a source of concern for privacy and open data CSOs. Specifically, it was felt by these CSOs that the framing of the commitment conflated linked data with open data, which was considered to be a danger for the privacy of citizens and for the open data movement. In an attempt to find some agreement, meetings were held between representatives from these CSOs and key policy officials, facilitated by the Cabinet Office Transparency Team and the civil society coordinators, to discuss the intentions behind the commitment and the concerns of CSOs. After some intense discussion and further iterations of the commitment, agreement was found over wording that reframed it in such a way that CSOs no longer considered its inclusion to be damaging.

During the final few weeks of the process, drafts of the NAP were shared with members of the civil society network. There was some concern from government officials that the NAP would be leaked, but a recognition that for the partnership to work civil society organisations needed to have access to the final drafts of the NAP, not least to go through their own internal sign-off process for the civil society foreword and commitments they were associated with. It was therefore agreed that the final drafts should only be shared with those CSOs that had been engaged in the process, rather than the full network mailing list.

In the final two weeks leading up to the publication of the NAP, it was circulated around government departments for sign-off. Due to the level of engagement with departmental stakeholders by this stage, and because commitments had already been signed off as they were completed, no problems arose in the sign-off process this time. In a parallel process, CSOs developed and signed off the civil society foreword and agreed to being associated with commitments.

One commitment, however, continued to be outstanding at this stage. Discussions within government and between government and CSOs had been ongoing on whether a commitment would be made to a public register of beneficial ownership. Government was analysing responses to a recently closed consultation on the subject. The final decision to include this commitment was not taken until the day before the NAP was announced.

Reflections

- A few months prior to the launch of the NAP, the UK Government had chaired the G8 at which it launched a number of transparency initiatives. As a result, in a number of areas policy officials felt unable to make additional commitments for the OGP. This issue stemmed partly from a lack of awareness of the OGP, but also from there not being a strategic view of what should be launched and when. Attention needs to be paid to how the OGP fits with other international initiatives.

- The gap in policy leads and the delay in publication of the draft NAP meant that the 12 week public consultation was squeezed into the process and not given the attention it needed to secure significant input. This resulted in a very limited response and little time to feed the results into the final NAP. The original intention had been to conduct external engagement after the publication of the draft NAP. However, the delays meant that this fell over the summer months, during which time there were no events that could be piggy-backed on, and the Transparency Team did not have enough staff capacity to devote to engagement with the other demands on their time. CSO network members had previously proposed a series of dedicated outreach events¹⁹, but these suggestions were not taken up due to lack of resourcing. The result was that there was very little outreach to different sections of society. This reinforces the need for engagement to be properly resourced, with dedicated staff time, and the need for consistency of resources and personnel across the process as a whole.
- The publication of the Independent Reporting Mechanism's report on the UK's 2011 to 2013 NAP at this stage came too late to inform the development of the 2013 to 2015 NAP. The need for the IRM to come at the end of a NAP period suggests that the ongoing self-evaluation of progress by government and civil society will likely be critical for informing the development of new NAPs.
- The development of the template for commitments proved to be critical for focusing government departments and civil society organisations on the task in hand. Earlier discussions would have benefited from this template being developed at the beginning of the process.
- The Cabinet Office Transparency Team played an important role of facilitating conversations between policy officials and civil society network members to develop commitments. These small working groups were successful in getting into the detail of commitments and jointly developing them. However, these smaller group meetings were not as open as previous large group meetings had been, meaning that in a few cases key people were not invited. In the case of some cross-cutting agendas, it was also sometimes unclear who the government lead was or should be, which hampered collaboration. The OGP can add value to existing civil society - government conversations through inter-departmental discussions of cross cutting issues.
- For civil society during this time a delicate balance needed to be found of demonstrating commitment and optimism towards the partnership to government officials (to maintain goodwill and engagement on their part) at the same time as putting pressure on Ministers through more traditional advocacy methods. Perhaps unsurprisingly, there was some

¹⁹

<https://docs.google.com/document/d/1wxmxbhHSS4lp9S3d5MIQrWCXDa-cczHk-EITwiX9o28/edit?usp=sharing>

disagreement between government and civil society over the level of ambition of the commitments, while messages that were not perceived to be particularly negative by civil society network members were heard as being quite negative about the process and NAP by government officials. The trust that had been built up to this point, as well as strong and robust communication, were needed to ensure that the process hung together.

- The fact that there were no leaks of the NAP in the final weeks reflected the amount of trust and goodwill that had been built between government officials and civil society network members. These relationships proved to be critical at every stage of the process, ensuring that issues were quickly dealt with calmly and did not undermine the process. However, the process could have been perhaps strengthened and earlier issues avoided if similar relationships were in place with officials at more senior levels within the government. Likewise, the civil society network lacked a direct line to the Minister, in part due its decision not to appoint a high level chair through fear of installing a gatekeeper. Civil society would benefit in future from developing an advocacy strategy to ensure that important relationships such as these are developed.
- There was some disagreement during this stage about the nature of the partnership and, indeed, whether the process constituted a partnership at all due to the imbalance of power between government and civil society. At all times it was understood that Ministers held the final decision over which commitments the government would agree to include. In turn, civil society held a veto over whether the process was considered a partnership or not, based on the principle that a partnership required joint ownership of the plan, which provided some leverage for ensuring commitments were not included that members considered to be damaging. However, the asymmetry between the two parties for some continued to be a source of concern over the language used, particularly when new commitments were added by government. This will be an every present issue, and it is right that a NAP is the site of tensions between what civil society wants and what government is prepared to do. Government will always have the final say over whether a commitment is included, but working on the basis of partnership and co-ownership should mean that robust discussions are had to find compromise on the tensions inherent in the process. It is the working through of those tensions that delivers a strong and robust NAP. The overriding principles should be: no regression and no surprises.
- The late suggestion of commitments by government departments threatened to undermine the partnership process at the end. This was primarily due to the contradiction of timeframes between typical policy processes and what is needed for a partnership process, but also awareness of the OGP becoming more widespread due to the efforts of the Transparency Team. This experience demonstrated the need for a clear timeline with a cut-off point beyond which new (particularly controversial) commitments cannot be added, backed up by high level buy-in to the partnership process and its implications (i.e. no last minute surprises). An important principle to work to is that any commitment

included in a NAP has sufficient time for consideration of its implications and is subject to a rigorous approach.

- More dedicated resource within government could have resulted in a stronger and more ambitious NAP. Two full-time staff is not sufficient given the intensity of work, complexity of the process and range of stakeholders involved. The development and implementation of a NAP should be approached as an ongoing programme of work, rather than a one off project.
- The OGP NAP process and the OGP Summit provided an impetus for some of the commitments, which otherwise may not have been made at all or at this time. These included the public register of beneficial ownership, a timeline for the extractives transparency commitment and the cross departmental anti-corruption plan.
- The process has set a precedent for a new way of working - itself modelling open government in action - and is the beginning of a cultural shift within government

Annex B. Next steps (October 2013 onwards)

Planning for the next steps of the UK process is currently underway, but a number of priorities areas have already been identified by government officials and the CSO network:

Present learning

Present the learning from the process to date to the Minister for Civil Society and other countries set to develop their new NAPs.

Resourcing of CSO coordination

Secure ongoing resourcing for the coordination of the CSO network to facilitate continued CSO involvement in the process and conduct activities outlined here

Building the network

Continue to build the breadth and depth of the CSO network to increase its diversity and make it more representative of wider civil society

Developing detail of commitments

Where necessary, government officials and CSOs to continue to work together to develop and agree the details of commitments

Ensuring delivery of commitments

Continued collaboration between government and CSOs to implement commitments and track their progress.

Running record of commitment progress

Establishing an ongoing record of progress against each commitment to enhance transparency and accountability of their implementation

Rolling action plan

Explore the potential of transitioning to a rolling action plan, with the possibility of new commitments being made when identified and agreed, published alongside regular progress updates. The bi-annual NAP could then be presented with a new, ambitious and stretching 'wow' commitment alongside an update on all the other commitments.

Partnership agreement

Revisit and develop the partnership agreement between government and civil society.

Engage devolved administrations

Work with government and civil society from devolved administrations to greatly increase their involvement in future NAPs

Engage political parties

CSOs to build the understanding of open government and the OGP across all UK political parties

Ownership across government

Continue to build knowledge and ownership of the OGP across government departments, and facilitate new civil society - government partnerships

Further information

For further information, contact:

Tim Hughes, [Involve](#)
[UK OGP civil society network](#) coordinator
tim@involve.org.uk
[@TimJHughes](#)
