

H4 Consulting Brief

Legitimacy Gaps

Elections tend to focus on a few key issues, which can leave policy makers with a clear mandate for only some of the many decisions they are called upon to make. For some important policy questions, an identifiable and engaged 'public' may not even exist to express a view. Many publicly funded organisations try to bolster weak mandates through extensive public consultation, collecting information to fill perceived gaps in legitimacy.

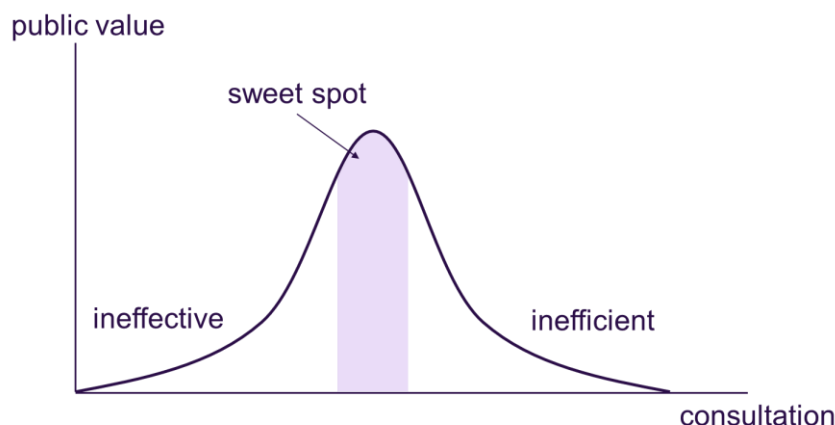
Publicly funded organisations derive authority from the public, usually via elected representatives. General publics, however, tend not to express, or even have, positions on most issues, and it would be impractical and expensive to consult widely on every decision.

Even when public opinion is recognisable, popular sentiment seldom responds to evidence in the way that policy workers must. Information, misinformation, and opinions are travelling faster, and healthy debate can be displaced by a cacophony of vested interests, clickbait, and poorly informed commentators expressing strong opinions that they hold weakly.

Policy debate has also become more partisan and contested, shrinking the space for public discussion of important issues while widening the gap between the authority to decide and the legitimacy of decisions.

In an effort to close that gap, many policy workers are engaging in more public and stakeholder consultation. Stakeholder opinions heavily influence decisions, but the solicitation of those opinions can be tokenistic, piecemeal, and often ineffective. Vocal or well-connected stakeholders are the easiest to engage, but seldom represent all the relevant interests and facts.

Ineffective consultation can result in policy that is out of touch, not acceptable to the public, and impossible to implement. Too much consultation can be expensive, slow, and get in the way of good decisions and outcomes. Policy processes that rely too much on asking stakeholders what they want can overwhelm or paralyse decision makers, crowd out other evidence and analysis, slow down policy responses, and unfairly benefit a subset of vocal stakeholders.



Publicly funded organisations exist to further the public good, which means that publicly funded organisations need to understand the public, and the good, that they exist to serve. It takes thoughtful, targeted, and timely consultation with the right people at the right times to close a legitimacy gap effectively and efficiently.

High cost, high intensity public consultation on specific issues usually only makes sense for a few big questions and at a few key stages. A green paper, white paper, or draft bill, for example, are opportunities for broad public conversations. Other, more efficient, methods like expert reference groups or advisory boards can offer more frequent, and often deeper, touch points on issues within a broad policy domain. These forums may include people with lived experience, peaks, academics, and technical experts.

Finding the sweet spot for consultation can help build legitimacy for policy and administrative actions that are not headline election issues. Large, highly public collaboration processes have their place, but tend to work best in domains that are already well served by political mandates. More frequent engagement with standing reference groups, including people who may not be traditionally active advocates, can create space for policy workers to build transparency and trust with stakeholders, and to incorporate analysis of complex evidence into policy discussions.

Consulting more is not the best, or only, way to inform effective and responsive policy. Longer engagement at lower intensity, and much lower cost, can do more to build the kinds of authentic partnerships and mutual understanding that closes widening legitimacy gaps.

To find out more about how you can use this approach in your organisation, contact us: info@h4consulting.com.au
Find additional resources at www.h4consulting.com.au/resources