

Guidelines for Consultations promoted by the Italian Senate

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INTRODUCTION

The guidelines for Senate-promoted consultations identify eleven principles that the consultation procedure must observe. They then define the stages and main activities that it comprises.

The person responsible for the procedure and for ensuring compliance with the guidelines shall be the presiding officer of the body promoting the consultation. He/she shall, to such end, make use of the relevant Senate's Administrative Offices.

PRINCIPLES

Impartiality

Impartiality and pursuit of the general interest shall be ensured during consultation procedures.

Loyal Communication

Every consultation communication shall include the information required to ensure the informed participation of its addressees. Wording shall be formulated in such a way as to avoid ambiguities and leading questions.

Inclusion

Consultations shall be open to all stakeholders, unless it is deemed appropriate to select the addressees according to the consultation's subject-matter or purpose. In such cases, the

criteria for identifying the addressees shall be made known before the consultation is launched.

Accessibility

Consultations shall use all appropriate tools to ensure that those who do not have access to information technology may enjoy equal opportunities to participate. They shall favour the solutions that are least onerous for those consulted.

Structuring

Consultations shall be structured according to their goals and addressees. They shall use tools of enquiry and technologies that are fit for purpose and they shall be organized in such a way that the data gathered may be analysed, compared and used both by the promoting body and the stakeholders.

Transparency

The goals, subject-matter and duration of a consultation, as well as the criteria for identifying the addressees, the modes of participation and the use of input for decisional purposes shall all be made known before the consultation begins. So shall the criteria applied to personal data processing and the rules on the publication of input.

Publicity

The widest possible disclosure regarding consultations shall be ensured through the publication of information and documentation in a dedicated section on the Senate's internet site and by using modes of communication suited to reaching a consultation's addressees.

Clarity

The consultation document, any supporting documentation and any other communication relating to the consultation shall

be worded in a manner that is easily understood by the stakeholders.

Timeliness

Consultations shall be conducted within timeframes that can allow real and significant participation and guarantee that the information and data gathered is useful to reach a decision. The duration of a consultation shall be established in relation to the parliamentary proceedings in the context of which it is being conducted and shall, by and large, be between six and twelve weeks.

Confidentiality Protection

The applicable confidentiality legislation shall be followed at every stage of a consultation. The publication of input anonymously, at the interested party's request, shall be guaranteed.

Feedback

Adequate information about a consultation's outcome and its influence on decisions taken shall be ensured. More specifically, without prejudice to any confidentiality requirement expressed by consultees, details on participation shall be disclosed, distinguishing individual contributions from collective ones and making available an integral version of all the input received.

STAGES

1. PREPARATION

The preparation stage includes the essential planning needed to ensure that a consultation is fair and effective and that it complies with the transparency and publicity principles at every stage of its procedure.

Such planning shall include identifying the subject-matter, defining the goal, choosing the addressees and establishing the duration of the consultation. Before commencing this stage, it could be useful to check whether other public bodies have already carried out or begun consultation initiatives on the subject, so as to avoid duplicating activities.

Identifying the Subject-matter

Documents submitted for consultation can concern one or more national regulatory measures or a European Union instrument (either under consideration or already in force), a public policy or an issue or subject of public interest.

Defining the Goal

Consultations can be used in the context of parliamentary procedures to acquire information, comments and data, particularly for the purposes of drafting new legislation, ensuring an effective participation in the European decision-making process, checking on the degree of implementation and the effects produced by legislation already in force or assessing a public policy.

Identifying the Intended Addressees

Participation may be either open to all stakeholders or limited to certain persons identified according to the consultation's subject-matter and objectives, whilst observing the principles of impartiality, inclusion and transparency. In general, the more technical a subject is, the more the consultation will prioritize addressing individuals with special areas of expertise, so as to garner qualified comments or opinions.

Establishing the Duration

The timeframe for completing a consultation (not less than six weeks and no more than twelve, by and large) shall be set according to the complexity of the subject-matter, the parliamentary procedure in the context of which it is being conducted and the deadline for the decision, and in such a way as to ensure that the timeliness principle is observed i.e. that the information and data gathered are still useful.

Wording the Questions

The consultation document and its supporting documentation shall be drawn up by the parliamentary body promoting the consultation, with the assistance of the relevant Senate Offices and, if necessary, the involvement of external experts.

Identifying the Appropriate Tools

Depending on a consultation's goals, subject-matter and duration, the following tools may be employed, either individually or in combination and ensuring compliance with the principles of inclusion, accessibility, transparency and structuring in any event:

- publication of a consultation document requiring written responses, including in the form of comments, notes or documentation (“notice and comment”);
- the conducting of interviews or distribution of questionnaires eliciting closed answers, semi-structured answers or open answers;
- surveys based on structured interviews with persons from statistically-representative sample groups (“focus group”);
- platforms for dialogue between consultation participants (“Consultation forums”); and
- hearings.

Preparing the Supporting Documentation

In order to meet the clarity requirement, the consultation document shall be accompanied by additional material providing in-depth information supporting the consultation. This shall contain: content introducing the consultation’s subject-matter and indicating the main related issues; a description of the relevant legislative framework; an illustration of the reasons for the consultation and its goals and an indication of the type of input requested.

Promoting Consultations

In order to achieve the best possible results in terms of participation and input, a consultation initiative shall be guaranteed maximum dissemination via the means of communication deemed most appropriate and elements of the task may be outsourced if necessary. In addition to the dedicated sections of the Senate’s website, other tools and technologies such as press agencies, social media and press conferences may be used to involve stakeholders.

Decisions relating to Consultations

Decisions regarding when to launch a consultation, what activities shall be carried out and what documents shall be prepared during the preparation stage shall be taken by the promoting body, within the context of the parliamentary procedure of reference.

2. CONDUCTING THE CONSULTATION

A consultation shall involve the following activities:

- publicizing the consultation document and additional material providing in-depth information;
- creating a contact point for providing clarification and solving possible technical problems;
- monitoring the consultation's progress, including through regular statistical updates; and
- collating the responses provided by the persons consulted.

Without prejudice to the protection of personal-data confidentiality in accordance with the applicable legislation, the activities undertaken shall be governed by the principles of impartiality, transparency and publicity. Anonymous contributions or input that is expressed in an inappropriate manner or concerns topics falling outside the scope of the consultation shall not be taken into consideration.

3. DRAFTING THE FINAL DOCUMENTS

A report and an explanatory note on the findings shall be drawn up at the end of a consultation. All the documents shall be published in an open format, in a dedicated section of the Senate's website, and in compliance with the principles of transparency, publicity, feedback and clarity, as well as with the personal data protection requirements.

The report shall contain an account of how the consultation was conducted and the data on participation, together with a quantitative analysis including statistical data and supporting tables.

The explanatory note on the findings shall contain a summary of the information acquired by way of the consultation, such information being set out via statistical indicators and supporting tables where appropriate. If necessary, specialists may be involved in drawing up the note.

Without prejudice to the personal data protection requirements, all the input received shall, together with the consultation document, be attached to the explanatory note, so that readers may be permitted to check the conclusions and summary published in the document itself.

The result of a consultation and its impact on related decisions shall be made known via appropriate means of communication, including dedicated public events. The Senate Offices shall publish an Annual Report on the consultations conducted during the period of reference.

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www.senato.it/consultazionipubbliche