

Report from the External Advisory Group for the Better Use of Data in Government Consultation

In May 2016, as part of an ongoing Open Policy Making Process¹, an External Advisory Group met to review the Government's analysis of the responses to the Better Use of Data in Government Consultation (29 February 2016 to 22 April 2016). This report documents the working process of the appointed External Advisory Group and sets out a list of key recommendations to the Data Access Policy Team at the Cabinet Office.

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¹ Datasharing.org.uk

Introduction

In 2012, the Cabinet Office started to develop an open policy making process to explore three proposals to facilitate the sharing of data between government departments and selected public authorities. The open policy making process looked at the suitability of data sharing for three purposes:

- a) Enhancing the availability of high quality research and statistics from government administrative data;
- b) Preventing fraud and helping citizens manage the debt they have with government; and
- c) Ensuring the right services are offered to the right person at the right time.

The policy's development involved interested parties from civil society, academia, government departments and the wider public sector who helped in strengthening the policy and ensuring robustness and consistency. Between 2012 and 2016, a series of online and offline debates were held, which covered detailed elements of the policy including definitions, scope, purpose and safeguards. On 29 February 2016, the final proposals were presented for consultation under the name of Better Use of Data in Government.

Developing a process for greater transparency in government consultations

With the support from the Minister for the Cabinet Office, it was decided to open up the government's analysis of responses to the Better Use of Data in Government Consultation for external review. Based on the principles of transparency, accessibility and collaboration, the review took the form of an external quality assurance process, carried out by 'an External Advisory Group' which comprised of selected representatives from civil society groups and academia.

Although as we lay out below, the objectives changed, initially they were set out as:

- a.) Quality assuring the methodological approaches taken to analyse any responses received
- b.) Quality assuring the government's findings and consultation analysis
- c.) Continuing the Open Policy Making principal of external challenge

A document outlining the details of the selection process for representatives to join the External Advisory Group was shared with the Open Policy Making Network for comment and suggestions. The list of selection criteria for the External Advisory Group can be found in Appendix I.

Nominations were invited from the organisations and individuals on the open policy making data sharing list coordinated by Involve. Candidates were asked to provide a very short explanation of what specific knowledge they bring to the Group in relation to the data sharing proposals and the cross-cutting issues, and to confirm that they were willing to contribute in the spirit of the open policy making process.

At the close of nominations Involve assessed whether the criteria laid out for the Group as a whole were met. Out of 10 nominations, two candidates did not meet the essential criteria of representing a civil society organisation and of being strongly involved in the open policy making process. As a result eight representatives were appointed on 13 April 2016.

Members of the External Advisory Group

Claudia Pagliari	<i>University of Edinburgh</i>
Daniel Nesbitt	<i>Big Brother Watch</i>
Edgar Whitley	<i>London School of Economics and Political Science</i>
Javier Ruiz Diaz	<i>Open Rights Group</i>
Kieron O'Hara	<i>University of Southampton</i>
Matthew Woollard	<i>UK Data Archive, University of Essex</i>
Roeland Beerten	<i>Royal Statistical Society</i>
Vanessa Cuthill	<i>Economic and Social Research Council</i>

The review was structured as a two-step process. In a first step, the Group offered advice on the government's general approach to analysing the responses. On 14 April 2016, the Data Access Policy Team provided the Group with a document outlining a proposed approach for the analysis. The Group responded within a week providing both general advice as well as specific comments relating to: the proposed principles for analysing the responses; the qualitative and quantitative analysis of the responses with a specific focus on coding and theming of the feedback; and the data analysis tools.

The second step of the review was a workshop for the members of the Group and the Data Access Policy Team at the Cabinet Office. The workshop was facilitated by Involve and intended to look closely at

specific findings and proposed conclusions, and to discuss the presented analysis alongside a sample of consultation responses. The remainder of this report focuses on this aspect of the review process.

Adapting the Terms of Reference for the External Advisory Group

The full day workshop took place at the Cabinet Office on 9 May 2016 two weeks after the consultation closed. Kieron O'Hara and Daniel Nesbitt sent their apologies. Roeland Beerten was represented by Olivia Varley-Winter from the Royal Statistical Society. In addition to the External Advisory Group, participants included the members of the Data Access Policy team, and three staff of Involve to facilitate the process and take notes.

The workshop's aim, prior to its start was to cover three previously identified key areas of the analysis:

1. The general approach and principles;
2. The weighting of responses; and
3. The details of the quantitative and qualitative approaches taken to arrive at specific findings.

During the workshop it became apparent that the Cabinet Office had received 282 responses, most of which arrived on the final day and not using the format of questions the Data Access Policy Team had set out in the consultation document. The Cabinet Office team had only been able to collate the responses, carry out an initial coding of the answers, and carry out a preliminary thematic analysis of the data presented.

It was therefore not possible for the Group to undertake a detailed examination of the analysis at this stage, and given the time constraints for the publication of the formal response, the Group were not able to carry out any quality control on the final report; as a consequence the Group agreed to adapt the structure of the workshop and the Group's Terms of Reference.

Instead of reviewing specific conclusions the Group took on an advisory role and provided a set of key recommendations on how the full analysis should be approached. This report lays out those recommendations.

Key Recommendations from the External Advisory Group

The External Advisory Group prioritised four types of questions in the consultation document which would present particular challenges to the analysis.

These were;

- Questions that assume assent or do not ask the question that people want to answer (Questions 11, 14, 18)
- Compound questions, where two or more questions are asked but only one answer is allowed (Questions 15, 5, 16)
- Questions where the interesting results will be in the free text rather than the yes/no response, for example where suggestions were asked for (Questions 7,1, 2, 10)
- Complex questions that the respondent may have difficulty in understanding or answering, but where their answer will shed light on their views about this issues within the consultation (Question 9)

The External Advisory Group felt strongly that the mixture of Yes/No and open questions was inimical to the general type of analysis which the Cabinet Office was able to undertake. The Group felt that in order to maximise the analytical potential of this type of consultation, it would have been helpful to have done some testing of typical responses from core audiences in advance of the release of the consultation.

The Group examined the initial analysis of a sample of responses to questions that they felt fitted into these categories and discussed the issues that these raised. As a result of this discussion the Group recommended that the Cabinet Office team could improve the analysis in a number of ways.

General Principles

- Individual responses to the consultation should be made public as noted in the consultation document in the spirit of the open policy making process.
- The Group recognises the time constraints on the Data Access Policy Team following this meeting and recommends that the team is open about this, and only attempts analysis which it has the capacity to do robustly and fairly.

Weighting and classifying groups of people

- The policy team should use the language of the questionnaire when classifying people rather than attempting to reclassify people into new categories.
- The report of the analysis should include both general findings and a breakdown based on the types of respondents. This will help to identify those topics specific groups particularly cared about, and whether there were polarised views on certain questions.
- Many of the questions provided space for respondents to provide detailed comments. A number of these questions were relatively complex and had very different response rates, some of them being answered by a relatively small number of people. This made it difficult to draw robust, quantitative conclusions. Given this the Cabinet Office should take an overview of the responses in order to report broad levels of support, assent or dissatisfaction about the proposals, and to identify dominant issues for particular sectors, for example businesses or civil society groups.

Data Analysis

- The analysis should examine the distribution of answers to different questions by different groups of respondents. First in order to detect questions phrased in a way that was difficult to understand or open to misinterpretation. Examples include questions with no answers or those unusually polarised compared to other questions. The analysis should take account of the type of respondent, which may influence their interest in answering particular types of questions or the strength and direction of their agreement.
- Where a pair or group of questions are related to one another they should be analysed together. An example would be those answers that can only be interpreted with reference to a previous question.
- Data summarised from free-text should reflect the true content of the statement. This means for example that 'at least two years' should not be interpreted as two years, and it should not be assumed that answers perfectly match the question.
- Some respondents may answer questions in a way that was not intended, for example making points relating to other questions in the consultation. However, since these may nevertheless contain relevant points, they should be acknowledged. New content categories may be required for sorting and coding responses of this type.

- Some questions actually ask two or more questions in one. In these cases a simple analysis of yes/no responses will be inappropriate, since it may be unclear which of the questions they relate to.
- Similar answers from more than one person should be treated as individual responses rather than as a single collective group submission, and the coding process should ensure that variations in the responses are not missed despite their similarity.
- Before embarking on the qualitative data analysis, consultation responses should be checked to identify non-essential text, such as a preamble about the responding organisation, as well as essential text that didn't relate to specific questions.
- The Cabinet Office should prioritise the identification of responses with direct implications for the proposed policy, including for example areas of strong disagreement and any disparity between what is proposed and existing legal or regulatory requirements.
- It is important to ensure that outliers are included within the analysis, and are not lost within the summary of responses made by the majority of responders, since they may be indicative of significant minority views.

In addition, the Group agreed to explore the idea of providing some additional comments about how to develop and run effective consultations.

Appendix I

Selection Criteria for Appointing the External Advisory Group

Members of the Consultation Quality Assurance Group will

- Demonstrate a strong commitment to the OPM process and have attended at least one of the OPM events;
- Have sufficient expertise to be able to contribute fully to one or more of the proposals or cross-cutting themes that arise;
- Be working for a recognised civil society or academic organisation;
- Be willing to act solely in terms of the public interest;
- Avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence their judgement;
- Declare and resolve any conflicts of interests;
- Act and make judgements about the consultation impartially, fairly and on merit without discrimination or bias;
- Be willing to submit themselves to public scrutiny if necessary; and
- Be willing to make their assessment in an open and transparent manner.

As a whole the Group will

- Cover a strong knowledge of the breadth of policy areas and cross-cutting themes;
- Present deep understanding of concerns and issues raised during the open policy making process; and
- Broadly representing the breadth of opinions represented at the open policy making sessions.
- Commit to work collaboratively towards consensus decision making; and
- Commit to confidentiality about the consultation responses and their review until the government's response is published.