



Ngā Tino Pūmanawa
Core Capability

UNIQUE SKILLS FOR ALL PUBLIC SERVANTS

Te whakamahi i te Tohutohu
Herekore, Motuhenga hoki k roto i
te Hātepe Kaupapahere
Applying free and frank advice to
the policy cycle



Applying Free and Frank Advice to the Policy Cycle

Free and frank advice is one of the five public service principles contained in the Public Service Act 2020. It is the foundation upon which we support ministers to make better decisions and how we give the public confidence that ministers' decisions are well informed.

If you are developing policy, it is important to consider free and frank advice throughout the policy cycle.

This resource utilises the policy cycle and provides information at each stage about free and frank advice, risks and questions for you to reflect on. This is not an exhaustive list of information or risks but is a prompt to reflect on at each stage.

You can just review a specific part of the cycle to get advice, or you can work through the cycle to see the process from beginning to end.

Each stage of the policy cycle is broken down into four sections: Task, Free and Frank Advice, Risk and Reflection Question.

1. Commission and mandate.

Task: Develop a clear understanding of the policy task, its purpose and scope, the key questions that need to be asked, and what you want the decision maker to do, or decide. Check back with the person commissioning the task to clarify anything, if needed.
Free and Frank Advice: Clearly communicate the urgency and importance of the mandate, emphasising any potential long-term consequences of inaction.
Risk: Failure to provide honest advice may lead to underestimating the problem, resulting in inadequate policy responses and worsening issues.
Reflection: Have you identified the critical issues at play and what you want your senior leadership to know about this issue?

2. Define the problem.

Task: Gather data to help you clearly define the problem and the need for change, including through public engagement if appropriate.
Free and Frank Advice: Highlight the risks of continuing with the current approach and the potential benefits of improving the approach.
Risk: If the wrong problem is defined, the solution could be an inadequate response or failure to meet expectations. There is also a risk of creating inefficiencies (or potentially failure of the project) because there is not a common understanding of the problem definition. You need to ensure that you aren't led to the wrong problem definition. And you also need to be frank about the problem definition because ministers need to agree that it is a problem worth solving.
Reflection Question: Are you clear what the core problem is versus the root causes or symptom/manifestations of the issue?

3. Set policy objectives.

Task: Establish clear objectives for the policy development, including through public engagement if appropriate.
Free and Frank Advice: Ensure that the objectives are realistic and achievable. Offer candid feedback on the feasibility of each objective and potential challenges.
Risk: Setting unrealistic or unachievable objectives can lead to policy failure and loss of public trust. Conversely setting policy objectives that are too conservative means we run the risk of eroding public trust because the public don't see it as meaningfully moving the dial.

If you see an opportunity, you should be providing free and frank advice to decision-makers, while still being clear about the associated risks.

Reflection Question: Are the objectives broad enough to ensure depth of consideration around the problem? Are the objectives driving the solution or is the solution driving the objectives?

4. Identify policy options.

Task: Explore various strategies that fit with the policy objectives, including through public engagement if appropriate.

Free and Frank Advice: Ensure that all of the relevant options are surfaced. While it is important to recognise government policies, there will be options that we know will be less palatable to the government of the day. Regardless, if they have merit they should still be brought to ministers' attention so they can be explicitly ruled out.

Provide an honest assessment of each policy option, including potential economic, social, and environmental impacts. Highlight any potential negative outcomes.

Risk: Ministers will sometimes have options they are naturally inclined towards. It is important that public servants always put forward all of the relevant options including, but not limited to, those that have been required or are likely to be preferred.

At this stage think about how it will be implemented, are there risks with implementation that need to be considered?

Reflection Question: Have options been identified that meet the objectives but might be different to what decision makers have asked for?

5. Analyse policy options.

Task: Conduct a detailed analysis of each policy option and their potential impacts. Consider conducting a cost-benefit analysis of different approaches and consider if public engagement is appropriate.

Free and Frank Advice: Offer a candid analysis of the strengths and weaknesses of each option. Include potential risks and unintended consequences as well as providing free and frank analysis about potential implementation risks.

Risk: Failure to provide honest analysis can result in a minister choosing suboptimal policies, leading to ineffective outcomes and potential negative impacts.

It can also lead to a loss of trust. Policy advice will generally become public (through OIA requests etc) and where stakeholders see poor options analysis, they may lose faith in the process and be less inclined to contribute in the future.

At this stage think about how it will be implemented, are there risks with implementation that need to be considered?

Reflection Question: Is there anything that should be flagged with senior leadership that has been highlighted from the analysis?

6. Policy advice and decisions.

Task: Present the policy options and recommendations to the minister. Provide free and frank advice on the best course of action, including potential risks and benefits.

Free and Frank Advice: Offer a candid assessment of the preferred options. Ensure that the advice is clear, honest, and based on thorough analysis.

Also provide free and frank advice about any implementation risks.

Risk: Ensure that your free and frank advice links back to the defined problem so that ministers can clearly see the link between them.

Include frank advice about the implementation risks for presented policy options, so that ministers are not making decisions that are impractical to implement.

Reflection Question: Have you clearly set out the best way to solve the problem?

7. Implementation.

Task: Develop an implementation plan, allocate resources, and establish timelines.

Free and Frank Advice: Advise on potential implementation challenges and suggest strategies to overcome them.

Risk: Failure to address implementation challenges can result in delays, cost overruns, and failure to achieve policy objectives, damaging credibility and public confidence.

Additionally, it is important, at this stage, to consider the risks of unexpected and/or disproportionate compliance costs on the public.

Reflection Question: Are your plans and timeframes realistic and have they been tested with those who will implement and deliver the policy?

8. Monitor and evaluate.

Task: Collect data and monitor impacts and stakeholder satisfaction. Assess the success of the policy and identify areas for improvement.

Free and Frank Advice: Provide an honest evaluation of the policy's outcomes, including any shortcomings or areas needing adjustment.

If the advice you've given has since changed, ensure that you update the Minister.

Risk: Without candid evaluation, ineffective policies may continue unchecked, leading to ongoing issues and missed opportunities for improvement.

Reflection question: Have you made sure that you can build the results of monitoring and evaluation into future advice on the issue? Is the policy solving the agreed problem?