



Government of the Netherlands

IAK

3 phases

The integrated impact
assessment framework for policy
and legislation

a practical guide

HOW TO USE THIS FLYER

The IAK provides structure for formulating sound policy and legislation. Usage of the flyer highlights all relevant decision information at the right moments in the policy-making process.

This flyer will help you with the practical implementation of the IAK questions at the start of a policy or legislation process. The questions are divided into 3 phases: **Problem analysis**, **Choice of intervention**, **Impact assessment**.

For each question, one side of the card states why answering that specific question is important and what you are supposed to do. It also gives a suggestion for a type of working method you can apply.

The other side of the card deals in more detail with answering the question and what you should look out for. A brief description of the possible working methods is provided in the back of the flyer.

In addition to being a working method, the IAK is also a source of background information and tools you can use to properly prepare policy and legislation.

The IAK is the Dutch impact analysis tool. This flyer is based on this tool. Please contact iak@kcwj.nl if you have any questions.

Phase 1

Problem analysis

Phase 2

Choice of intervention

Phase 3

Impact assessment

The starting point
Which parties to involve?
What is the problem?
What is the goal?
What justifies government
intervention?

Map the problem.

Phase 1

Which intervention is the best?
Interventions
Legality, effectiveness and
feasibility
Introduction of policy

*Determine which intervention(s)
should be used.*

Phase 2

What is the impact?
Evaluation and monitoring

*Determine the impact of the
proposed solution and indicate
how this will be evaluated.*

Phase 3

The starting point

Information on the driving force behind a proposal provides insight into the urgency, context and political relevance of the policy issue, the initial perspective from which a new proposal is formulated and the factors that play a role in answering the other IAK questions. You should therefore ensure that it is clear what the driving force is before starting a policy or legislative process.

Possible working methods

- Brainstorming session
- Meeting with political advisor
- Workshop why, what and which product?

PHASE 1 THE STARTING POINT

Describe the starting point behind the proposal. For instance, the coalition agreement, decision of the minister, commitments to the House of Representatives, a request from the industry, a research or evaluation report.

Please take the following aspects into account:

- How did the issue end up in your hands?
- Please state the site of the source that explains the cause.
- Please indicate the urgency of the policy issue.
- Please focus on the (political) context of the case.
- What are the preconditions to the follow-up?
- Take a broader view than the direct cause (a measure in the coalition agreement ensues from a need to solve a particular problem; an investigation is often the consequence of a previously determined issue).
- Please make a distinction between the starting point and the problem itself.

Which parties to involve?

In formulating policy or legislation, you need other parties in all stages of the process. For instance because they are stakeholders, have relevant knowledge or experience, can offer support or perform certain tasks.

After ascertaining the framework in which you will execute your policy task, it is important to determine the group of parties and/or individuals that are or should be involved before taking a closer look at the issue at hand. Consult with the relevant parties on what the problem exactly is and for whom it poses a problem, as this will improve the quality of the problem definition and the possible policy options.

Possible working methods

- Workshop stakeholder analysis
- Workshop why, what and which product?
- Appreciative inquiry

PHASE 1 WHICH PARTIES TO INVOLVE?

Together with the other parties involved, ascertain:

- Who the most relevant parties are.
- What you know about their interests and mutual relations.

Once this is clear, design a process in which it is made clear:

- Which other parties you will involve in the problem analysis, the choice of intervention and the impact assessment, and the timing of these elements.
- With who will you coordinate the policy or legislation product, who will be informed and who will be consulted?

What is the problem?

Defining the problem is vital, as it determines the appropriate type of solution.

Ensure you do a problem analysis that does not anticipate a solution. A problem in society is often caused by unwanted behaviour. If that is the case, please also make use of behavioural insights.

Possible working methods

- Appreciative inquiry
- Meeting with political advisor
- Problem tree

PHASE 1 WHAT IS THE PROBLEM?

- Define the problem with the parties involved.
- In a workshop, outline the facts together and do it in an as open as possible setting.
- In drawing up the problem assessment, ensure you make a clear distinction between the facts and their valuation.
- Please avoid including goals in your problem definition.
- Explore the problem and all different policy options and their associated support bases (ensure that the problem has been properly defined). Be aware of the political and other preconditions you were given.
- Please also be open and clear towards the involved parties about the room for manoeuvre you have.

What is the goal?

All government actions must have a clear goal. Specifying goals helps when you are exploring the various solution forms. Determine policy goals with the parties involved after drawing up the problem analysis.

Possible working methods

- Problem tree and goal tree
- Appreciative inquiry
- Workshop why, what and which product?

PHASE 1 WHAT IS THE GOAL?

With the parties involved, discuss which goals the policy or legislation is intended to serve. Formulate goals in such a way without presupposing the way in which you will achieve them.

- The more general the definition, the more room there is for various solutions.
- Discussing strategic goals together improves connection and promotes action.
- Review behavioural aspects of the problem and also the behaviour that may solve the problem.
- Formulate goals with the SMART formula if the problems contain simple causal connections, or otherwise formulate a direction in the form of a strategic or specific goal.

What justifies government intervention?

In a democratic state, government intervention must be justified by the presence of a public interest. Therefore, it is important to state why the government should solve this problem. What public interest is at stake? Why is government intervention necessary? Also explore what would happen if the government did nothing: the zero option.

Possible working methods

- Expert meeting
- Appreciative inquiry
- Stakeholder analysis

PHASE 1 WHAT JUSTIFIES GOVERNMENT INTERVENTION?

Ascertain whether there is public interest. Opinions may differ about this.

- Does the government have a public task here? (e.g., ensure safety, rule of law, classic and fundamental social rights, equal treatment, protection of children, etc.).
- Is a redistribution of wealth necessary?
- Is there a reason why the government should correct certain behaviour (e.g., anti-smoking policy)?
- Does the functioning of the market contribute too little or nothing at all to social welfare?

Also research the zero option to gain a clear picture of the need for government intervention:

- What would happen if the government did not intervene?
- Who will benefit or not?
- Will there be inequality as a result?
- Is doing nothing a violation of international agreements or fundamental rights?

Which intervention is the best?

For the government to realise effective interventions, it is important to assess what instrument is suitable for the intended goal. Please note that a certain intervention can have an entirely different outcome in one context than in another context.

Possible working methods

- Appreciative inquiry
- Expert meeting

PHASE 2

- Draw up a list of interventions with which you can achieve the intended goal.
- The starting point for government intervention is that it should link up with the self-regulating capacity of society as much as possible.
- Make a comparative assessment of the opportunities and risks of the interventions and scope, from the viewpoint of legality, impact and feasibility.
- Create an overview of the interventions you have assessed and why you have eventually settled for one or more interventions. Please also include the assumptions you made regarding the anticipated behaviour.

Nudging: feedback loops, framing, conduct contracts, and environmental stimuli (priming).

Gathering support or acquiring knowledge: experiment, dialogue, research and taskforce.

Financial triggers: financial incentives, subsidy, permits and voucher.

Social triggers: general information, specific information, benchmarking, best practices and capacity building.

Co-regulation and self-regulation: general terms and conditions, alternative dispute settlement, accreditation and conformity assessment, covenant, qualification system, code of conduct, certification, naming and shaming, standardisation, protocol, standard regulation, disciplinary law, benchmarking and self-regulation.

Rules that promote innovation or leave room for implementation: best available technique, goal instructions, experiment, right to challenge, referral to technical standards.

PHASE 2 INTERVENTIONS

Relation between new law or amendment law and existing legal situation: transitional law and other measures.

Implementation management: policy rules, circular letters, financial relations, input or throughput management (budget management), output or outcome management (performance management).

Regulations for the execution of a government task: attribution, delegation, mandating, privatization, corporatization (internal/external), decentralization and monitoring decentralized duties.

Control and compliance: compliance, choice of sanction system, inspection, monitoring, administrative compliance and sanctions, criminal-law compliance and sanctions and private-law standards, transfer of admission and compliance costs.

Ex-ante evaluation: impact analysis, impact assessment, stakeholder analysis, privacy impact assessment, risk analysis, feasibility analysis and implementation analysis.

Monitoring policy: survey, baseline assessment and screening.

Legality, effectiveness and feasibility

When you have drawn up a list of plausible interventions, the next step is to select one or more. In the end, your choice has to be based on an integral assessment of the opportunities and risks of the interventions and the scope, from the viewpoint of legality, effectiveness and feasibility.

Possible working methods

- Expert meeting

PHASE 2 LEGALITY, EFFECTIVENESS AND FEASIBILITY

LEGALITY

- Is the policy or legislative proposal in compliance with higher law, such as the Constitution and international law and with the (applicable) general legal principles?
- Is it in line with general, national legislation?

Seek legal advice well in time before answering these questions.

EFFECTIVENESS

- Are the benefits in relation to the costs? Policy and legislation must lead to the intended goals. Furthermore, the costs and benefits should be balanced. In order to assess this, the objectives and the substantiation of the objective/ tool relation must be sufficiently clear.

Seek advice from the Financial-Economic Affairs department well in time before answering these questions.

FEASIBILITY AND MONITORING

- Is the task to be performed clear and is the organisation sufficiently equipped (e.g., regarding capacity, ICT and competence) for an efficient implementation?
- What are the estimated costs for implementation and monitoring?
- What are the anticipated effects for implementation and monitoring?

Enter into a dialogue with the implementing and monitoring entities about the various options.

Introduction of policy

Once you have chosen the interventions to use to reach your policy goal, the next step is to describe what is needed to arrive at the desired situation from the current situation. Ensure there is balance between on the one hand policy continuity and on the other hand the option to intervene early based on lessons learned. Ascertain the following:

- Are additional or transitional measures necessary? If yes, how should they be given shape? Temporary or permanent?
- What is the time path of the various policy steps and are there dependencies?
- Are temporary staff measures necessary? This includes retraining and recruitment.
- How are the government and the industry prepared for the new situation?
- In case of decentralization: are decentral government authorities and implementation organisations sufficiently equipped?
- Can scenarios and fallback options be developed beforehand to allow for unpredictable behaviour of parties?

PHASE 2 INTRODUCTION OF POLICY

What is the impact?

By properly mapping out the consequences for citizens, companies, the government, ICT and the environment beforehand, you can take a well-considered decision. New policy and legislation are intended to have a certain effect in society. You should detail these effects as properly as possible. Secondary effects may also occur.

Possible working methods

- Expert meeting

PHASE 3 WHAT IS THE IMPACT?

In assessing the consequences, you can consider the following:

- How do the benefits of your proposal match up against the undesired secondary effects of your policy?
- How can these secondary effects be prevented or reduced?
- Is it necessary to formulate an alternative?
- Is preparation time taken into account?

Evaluation and monitoring

You need the following to make a good evaluation:

- Take future evaluation into account while developing the policy or legislative proposal.
- Formulate applicable criteria.
- Conduct baseline assessments in the starting phase of policy and legislation.
- Monitor data of criteria in order to ascertain whether you have reached the goal of the policy or legislation.
- Involve policy-makers, researchers, legislative lawyers and implementers in the evaluation so that they may learn from it.

- Ascertain when policy assessments take place so that there is consistency between the evaluation and policy assessment.

Possible working methods

- Expert meeting

PHASE 3 EVALUATION AND MONITORING

You can ask the following questions in the evaluation step:

- What was the policy theory?
- What is the purpose of the evaluation?
- What data do you need to conduct a sound evaluation?
- Do you have such data?

Working methods

You can use several working methods to conduct (parts of) the IAK analysis:

- Brainstorming session
- Appreciative inquiry
- Stakeholder analysis
- Problem tree and goal tree
- Workshop why, what and which product?
- Consult with a political advisor
- Expert meeting



Brainstorming session

A brainstorming session is a creative tool that is used to quickly generate a lot of new ideas about a certain theme or issue. The defining feature of a brainstorming session is that ideas are not valued until all ideas have been summed up.

Participants: between 3 to 10 people, one of who takes on the role of moderator.

Duration: one to several hours.

Goal: quickly generate a lot of new ideas about a certain theme or issue.

Approach:

- The people present try to say anything that comes to mind.
- Ideas are noted on a whiteboard or a flipover.
- The moderator ensures that everyone can make a contribution.
- The brainstorming session is usually divided into a phase in which as many ideas as possible are generated and a phase in which ideas are clustered into cohesive blocks.
- The next step is the systematic evaluation of ideas. Ideas are usually also prioritized.



WORKING METHODS

Starting points:

- The ideas put forward are not criticized.
- Try to collect as many ideas as possible.
- Thinking out-of-the-box is important.
- $1+1=3$. By combining existing good ideas, even better ideas can be achieved.
- It is important that there is a productive and creative atmosphere in the group.

Appreciative inquiry

A dialogue is a conversation in which you thoughtfully listen and share experiences with each other in order to explore an underlying question.

Participants: between 3 to 8 people under the guidance of a professional moderator who guards the rules of conversation and the steps.

Duration: 90 to 150 minutes.

Goal:

- For inspiration > prior to formulation of a vision.
- For orientation > shortly after start of vision formulation.
- For consultation > submit targeted questions.
- For deepening > request additional expertise or experiences for more insight.
- For activating/stimulating creativity > activating people/groups to take responsibility.



WORKING METHODS

Approach:

The four steps that are followed in the appreciative inquiry according to the method of 'Nederland in dialoog' are:

1. Introduction of the theme,
2. Sharing experience (discover),
3. Dream,
4. Design.

These four steps are converted into four questions, which serve as the guiding principle of the conversation.

Conversation rules for the dialogue.

- Let the other person tell his/her story.
- Treat each other with respect and kindness.
- Speak from your own point of view ('I think' instead of 'people say').
- Ask for an explanation if platitudes are presented.
- Postpone opinions and investigate them.
- Allow silence so people have time to think.

Stakeholder analysis

A stakeholder analysis helps to clarify who should be involved in what stage of the process and how (providing idea, contributing or co-deciding).

Participants: 2 to 16 participants led by a moderator.

Duration: one hour at most.

Approach:

- The moderator makes participants name parties who are involved in a problem or possible solution and writes their names down in a list on a flipover.
- The moderator may or may not add parties who play a role in each policy field, such as citizens, judge, enforcer and implementer.
- Participants select the parties who currently or will have the greatest interests. The parties concerned are written down on separate post-its so that they can be moved on the board.
- The moderator places parties one by one on the board at the location indicated by the participants, and reflects with the participants on the distance with the other parties and what that means.
- In case of a difference in opinion between participants regarding the right place, the moderator inquires further into the differences in opinion in order to arrive at a joint view.



WORKING METHODS

Approach (continued):

- The picture that is painted in this way is ultimately less important than the conversation. The moderator notes a number of conclusions or assertions that were prominently featured in the conversation in order to study them further with the participants in a next step. Each of the parties is discussed in brief. What are their main issues, interests and potential in relation to the subject and how are they related to one another? Some parties will have to be divided.
- The moderator asks follow-up questions regarding various scenarios for the future power dynamics. For instance, the expected situation in the next five, then or fifteen years. The moderators assesses with the participants whether

there are options by involving parties more or differently in the policy to ensure a better enforcement of the public duty.

Based on the picture painted and the collated conclusions, it is discussed which process should be followed in order to arrive at the correct policy analysis.

Problem tree and goal tree

Participants: 3-10 persons, including one moderator.

Duration: 60 minutes at most.

Goal: to get a clear idea what the problems are, for whom, what the central issues are and which objectives would contribute to solving the issues.

Required: flipover paper and markers.

Approach for problem tree:

- Identify the major problems.
- Choose one problem as the central issue.
- Write the direct causes of the central issue directly underneath the issue and the direct consequences above.
- Specify any behavioural components to the issue.
- Create a problem tree that shows the links between causes and effects.



WORKING METHODS

Approach for goal tree:

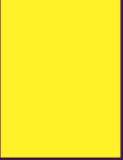
After creating the problem tree, you can convert it into a goal tree. The goal tree ensues from the problem tree.

Working method

- Write down the elements in the problem tree from top to bottom in order to arrive at the objectives (desired circumstances).
- Check whether the objectives tree is complete and valid.
- If necessary: review objective definitions.
- Remove any unrealistic or other meaningless objectives.

- Add new objectives. These may also be sub-objectives focused on removing barriers for behavioural change, for instance.
- From top to bottom, connect the objectives and their tools with a line.

Please note: Not every cause-effect relationship automatically becomes an objective-tool relationship.



Workshop why, what and which product?

Participants: 3-10 persons, including one moderator.

Duration: 60 minutes at most.

Goal: to get a clear idea of what the wishes and expectations are of the participants regarding the approach to a particular policy process.

Required: three colours post-its, conference table.



WORKING METHODS

Approach: The moderator sticks a post-it for “why” and “what?” and for “which product” on the table in different colours and distributes different colours of post-its among the participants. The participants have 5 to 10 minutes time to write their why, what and which products. They stick their coloured post-its in the relevant category. The moderator assesses with the participants whether there are agreements and differences in opinion and steers towards a joint view on the project.



Consult with political advisor

Legislative measures or policy proposals are often born from political wishes or political decisions. Such wishes are often briefly formulated and leave room for different execution methods. The goal of consulting a political assistant or advisor is to get a clear idea of the political wish, to map out the political scope for execution, and if applicable to select the proposals that require further detailing.

Participants: political advisor or assistant, policy official involved and legislative lawyer (if needed, a spokesperson may be invited).

Duration: one hour.



CONSULTATION WITH POLITICAL ADVISOR

Working method:

- Briefly list the relevant political wishes or decisions. This could include excerpts from the coalition agreement, motions, commitments, letters to the House of Representatives, election programmes, etc.
 - Discuss in the consultation the political consequences, both positive and negative, of policy options for the minister; it is important for him/her to be well-informed of the pros and cons of the proposals.
 - Be creative; there is often more scope than you would think at first glance. Involve government colleagues and social parties involved to inspire new ideas.
- Make use of the expertise and know-how of the political playing field of the advisors or other colleagues.
 - In the consultation, you may also want to discuss how to involve the minister in the follow-up process.

Expert meeting

This requires inviting the parties or persons involved who can help you answer the IAK questions based on their expertise. This includes the question whether government action is justified, what the best tool is or what the consequences could be.

There is no specific form attached to this working method and may depend on the subject you want to discuss.

Ensure that it is clear which questions you want answered, so that everyone can prepare. Also be transparent about the purpose of the meeting and about what you will do with the outcome.



EXPERT MEETING



www.naarhetiak.nl

The IAK flyer is based on the Dutch government website www.naarhetiak.nl and has been created in December 2016 by the Dutch Ministry of Justice and Security to support Dutch civil servants in the legislative and policy drafting process. This English version of the flyer has been produced in April 2017 in cooperation between the Dutch Ministry of Justice and Security and the Center for International Legal Cooperation (CILC).