

Open Government Partnership review with agencies

Te Kawa Mataaho Public Service Commission (TKM) is undertaking a review of the Open Government Partnership and how it is implemented in New Zealand. It engaged with agencies who currently and/or historically contributed to OGP National Action Plans in two ways: in a workshop that took place at the Commission on 26 September 2023, and 1:1 meetings with some agencies (who did not attend the workshop) in the first half of October. The notes set out key themes from across these engagements.

Agencies that contributed were: Public Service Commission, Ministry of Business, Innovation and Employment, Ministry of Justice, Department of Prime Minister and Cabinet, The Treasury, Serious Fraud Office, Department of Internal Affairs, Parliamentary Counsel Office and Statistics New Zealand.

Part 1: OGP in general

This part focused on general awareness and support within agencies, what it meant for agency work programmes, and extent of leadership awareness support/sponsorship. TKM asked – how does OGP add value for your agency? What impact has OGP had on your work programme? If we didn't have OGP would some of the commitments still occur (or occur in a different way?).

There is a low perceived value-add for OGP as currently implemented. Most agencies thought work committed under OGP would happen anyway, but possibly on different timeframes.

- OGP holds “negligible value” for most agencies’ work programmes and key open government work would have continued anyway. However, for a small number, the work would not have been prioritised in a changing environment if it had not *also* been an OGP Commitment.
- OGP was broadly perceived as a reporting tool for open government work that happens to be described as an OGP Commitment. While OGP brands itself as a mechanism to expand OG work, it doesn’t allow us to report on other open government work underway.
- Not all OGP work is perceived to “*promote ambitious open government reforms that stretch the government beyond its current state of practice, significantly improving the status quo*” (as per OGP handbook) as many Commitments are BAU work programmes for agencies.
- Agencies agreed that OGP has built a cross-government network and supported coordination e.g. sharing updates and “seeing the wider context of work rather than projects in isolation”. However, this was considered a small benefit in return for the resource invested.
- OGP may have potential for: supporting better agency collaboration on work toward transparency, accountability and participation; networking with and learning from other jurisdictions; and testing and developing early ideas with civil society / broad stakeholder input.

Senior leader awareness of OGP is low, but work toward open government in general (transparency, accountability and participation) does have leadership attention.

- Agencies felt OGP was not “noticeably” on senior leaders’ radars. Where leaders had priorities around increasing transparency, accountability and/or participation (open government goals in general), they were complementary to OGP rather than specific to OGP Commitments.
- Agencies highlighted the tension between the OGP Commitments, agency work programmes and Ministerial priorities, e.g. Commitments were not usually BIM priorities or in weekly updates. While Cabinet had approved the National Action Plan (NAP), it was not seen as a priority for all Ministers and agencies.
- Lack of leadership buy-in has impacted prioritisation and resourcing. Most Commitments are funded from baseline and compete for resources; agency budget bids are unlikely to feature OGP.

- Resourcing constraints also created tension with civil society, with agencies needing to manage expectations and potentially scale down aspiration and ambition of some draft Commitments.

Part 2: OGP process

This part focused on the ways in which OGP's expectations are enacted in New Zealand. TKM asked – thinking about the two parts (creating commitments and implementing them) what has worked well for your agency and stakeholders? What challenges have you faced in delivering commitments, what would you improve and why? How has your agency managed the budget and resources for implementation?

The OGP process has enough flexibility, but only if agencies can align OGP Commitments to existing work programmes, processes, resources and policy/budget cycles.

- Most agencies committed, adapted or enhanced existing work programme ideas to OGP. A few had new Commitments assigned as 'best fit' agency. The most successful Commitment development was aligning it closely to work programmes already in-flight. Agencies want to retain this flexibility.
- OGP cycles don't naturally align to NZ policy, budgeting and electoral cycles well enough.
 - The OGP approach of overlapping Commitment design with implementation (for a continuous focus on open government) stretches many agencies too far, especially when combined with the expectation that a 2-year action plan contains transformative commitments.
 - Some commitments are worthwhile strategic aspirations, but the current process doesn't offer sufficient time to scope, test, plan, cost & resource well enough, before implementation needs to start.
- Introducing a themed approach to future NAPs could help focus effort and resources and improve collaboration in one specific area of open government more relevant to New Zealand's context.
- Agencies could improve OGP's visibility in the machinery of government by sync'ing up opportunities to support each other's priorities and work (Ministerial briefings and agency reports).
- Agencies suggested exploring new funding models, and a dedicated OGP implementation team that could provide more tailored, technical assistance throughout the NAP process/cycle (drafting & negotiating commitments, re-scoping implementation, improving stakeholder communications).

Agencies want to improve how they work with civil society and the public.

- Engagement with civil society takes time and effort on both sides and agencies want to do it well. Taking time to establish a shared understanding and manage expectations about how government does OGP – especially who the decision makers are at each step and when/how decisions would be made – would improve later engagements.
- The early engagement phase on broad ideas and concerns around open government was especially useful to agencies without resource or stakeholder groups or a pathway to gather input, but OGP process expectations can sometimes be counter-productive, e.g. when long-established agency stakeholder groups aren't looped into OGP processes & structures.
- Agencies especially want to improve how they work with civil society during drafting of Commitments in a more collaborative way, to avoid repeated conversations and misunderstandings about scope – better digital tools may help.
- Agencies valued the public progress-reporting mechanism, but noted the extra resourcing needed.

Resourcing (staff FTEs, budget for delivery) is the greatest challenge; most agencies fund from a stretched baseline and making progress relies on a few individuals.

- All agencies discussed the challenges posed by fiscal constraint and shifting priorities. A "new focus on 'must do', at the expense of 'nice to have'" will impact OGP without dedicated resourcing.

- There was a general lack of continuity in OGP resourcing within agencies, with significant turnover, creating setbacks in both implementation and civil society engagement.
- FTE allocations within agencies varied, including across the lifecycle of a commitment. For most it was lower than what they needed and didn't always cover the specialist skills needed for implementation. Where there was more substantial resourcing, it may be at risk if priorities shift.

Part 3: Open Government

This part focused on other ways in which agencies are working on open government and how OGP fits with this. TKM asked – What other open government work is underway? What stakeholder groups do you use? If we didn't have OGP, how would it affect your work programme?

New Zealand is doing more in open government than agencies are aware of, and we can't report it against OGP NAP Commitments However, we still have room to improve.

- Broader open government work can have a low profile as it is not communicated well between agencies or to the public. Agencies thought OGP has a low level of public recognition.
- Agencies shared examples of work that supports open government but which is not reported through OGP, including: improving performance reporting, strengthening transparency in fiscal modelling and budgets, counter-fraud and procurement, strengthening capability for quality policy-making and long-term insights briefings, and efforts toward improving community engagement more generally.
- Some examples of areas in which New Zealand could continue work included: transparency, especially around data, algorithms and AI, and procurement; community engagement and feedback mechanisms; and digital tools to support good policymaking (especially engagement).
- Engagement was consistently mentioned as being central to success. While OGP offers agencies a further pathway for broad-based engagement, most agencies have well-established stakeholder groups. OGP's structure and regular meetings held potential for agencies as a way of testing ideas with broader stakeholder groups.
- Cross-government communities of practice and System Leads may also offer some further internal engagement and collaboration opportunities.