

Summary

Ex ante research under review

Numbers, types and use of ex ante policy studies by the Dutch government

Background and research questions

Most policy evaluations are retrospective, and many meta-analyses and meta-evaluations incorporate such ex post evaluations. Ex ante policy evaluation, however, has drawn less systematic attention by researchers and policy makers. Nevertheless, the overall interest for effective and evidence-based interventions and policy programs still seems to be on the rise.

An aim of this report is to enhance the insight in the amount and types of ex ante policy research performed for the Dutch (central) policy departments. In the course of 2011, the Direction of Legislation and legal affairs of the Ministry of Security and Justice made a request for such an inventory. Other questions regard the context of ex ante analyses: their use in policy decision making and their consistency with findings from later ex post evaluations. We formulated four research questions to address these topics.

- 1 *How many ex ante analyses (reports) on the level of national policy-making have been published between January 2005 and December 2011?*
- 2 *How can the reports be typified? (a) what were the backgrounds of the studies and who commissioned them? (b) at what stage of the policy proposals did the analyses take place? (c) which type of policies were addressed (e.g. simple interventions, projects, or programs) (d) how many policy alternatives were studied in each report? (e) what types of research can be discerned and which designs were used within each type?*
- 3 *How and to what extent have the ex ante studies been used in the decision-making on policies and legislation, and how can this be explained?*
- 4 *To what degree are ex ante studies followed-up by ex post evaluation? What can be learned from the later evaluations about the predictive power or accuracy of ex ante analyses?*

By 'ex ante analysis' studies are meant that regard the consequences of policy proposals. Performing ex ante research is not obligatory in the Netherlands. An obligation to *consider* it was abandoned in 2006 – except very costly policy programs – and replaced by the wider obligation to use as much as possible knowledge from ex ante research in the consideration of policy alternatives. A few specific ex ante 'tests' are nevertheless obligatory, regarding for example the effects on the environment, administrative burdens (e.g. for the private sector) and practicability. The number of these and other tests increased rapidly and 120 of them were reduced to 16 obliged tests and various other checks in the 'IAK' (Integraal Afwegingskader) for new legislation and policy plans in 2011. The IAK is regarded as the Dutch version of the Regulatory

Impact Assessment (RIA) at the EU-level; it furthermore entails the obligation to address seven main questions.

Recent meta-studies regarding ex ante research, especially regarding RIA's have identified pitfalls in the use of (obliged) ex ante research. For example, ex ante assessments were used to address smaller issues rather than the foundations of policy plans: the context of decision making is dominant.

Demarcation and number of ex ante studies

The first research question was: *How many ex ante analyses (reports) on the level of national policy-making have been published between 2005 and (the end of) 2011?*

Our final data set contains 306 published ex ante studies covering the period of 2005-2011. These resulted from a search strategy using about 15 search terms both separately and in combination. Ready-made overviews of ex ante studies were not available. The search terms were applied to: (a) the official policy budgets and annual reports of each policy department (b) ministerial web sites (c) the internet (d) the web sites of a wide range of (semi-) government and private organisations (possibly) conducting ex ante research. A first search on the basis of a wide definition ('future-oriented') resulted in no less than 550 reports. Narrowing down our search to only those reports regarding the *consequences of one policy proposal or several alternatives* finally resulted in 306 ex ante studies. 'Consequences' can regard a range of things, varying from effectiveness and efficiency to consequences for implementation, administrative burdens, the environment, or consistency with other laws and regulations. This implies that reports addressing solely policy problems or methodological issues were left out of the meta-study. Due to capacity restrictions we also excluded about fifty studies regarding regional infrastructure projects as well as a number of titles that could not be downloaded or found in full text. The search strategies and the draft lists of search results were sent to key informants within each policy department for feedback. The focus on published reports has probably caused publication bias in our findings; for example, sounder or more 'convenient' reports may have been published more often than other ex ante studies.

Characteristics of ex ante research

In Chapter 2, the second research question *How can the reports be typified?* is addressed based on the 306 ex ante studies regarding policy proposals. To be able to describe the contents of the ex ante studies, each report was summarised in terms of a predetermined list of characteristics and 'condensed' into first, a qualitative data set and second, a quantitative one using mostly cate-

gorical variables. A check on inter-evaluator reliability was performed on a limited percentage of the scores. The results only regard the contents of the reports, no interviews or desk study were performed in addition.

Policy domains

Most of the ex ante studies were commissioned in the domains of infrastructure and the environment, followed by the health ministry and multiple policy departments. The finance domain was the least covered, but the finance department regularly co-commissioned ex ante research.

Year of publication and authors

The number of ex ante reports reveals an increasing trend over the years: reports published in 2005 and 2006 are underrepresented, reports dated 2011 are overrepresented. Most of the ex ante studies were outsourced to private bureaus (43%) and 26% were commissioned to academic research institutes. Executive bodies account for 7% of the studies and 4% were performed inside the policy departments. Around 14% of the studies were conducted by a temporary alliance, most often between a private and an academic institution.

Objective

More than half of the ex ante reports primarily served to sustain the development of and decision making regarding policy plans or proposals. 12% of the studies followed a parliamentary question or motion. 15% were meant to enhance the insight in a variety of potential effects of particular plans or alternatives and 9% served the implementation of national or EU (draft) policies. In the remaining studies we encountered a mix of occasions, or it was obliged to deliver an ex ante inquiry.

Type of policy studied, stage and alternatives

A significant share (44%) of the ex ante reports regards a policy programme, like the one surrounding a new system of transport taxes (by kilometer). This programme has been the topic of research at least fifteen times. In 29% of the reports the focus is on a single instrument or programme component, like covenants in energy policy. In more than one third of the cases the report offers no clarity as to whether legislation would be involved; probably because the policy proposal was not sufficiently articulated by the time of study.

The further a policy has been articulated, the less one is able to weigh alternative interventions and the less one is able to affect decision-making.

Almost 85% of the studies were performed at the draft stage, 15% were performed after decision making. In these cases the analyses most often served to further articulate the decisions or to prepare for implementation.

On average, 3.4 policy alternatives were studied in the ex ante reports. Not surprisingly, the number of studied alternatives is higher at the development

stage than after decision making: 3.7 versus 1.8. In cost-benefit analyses, at least one policy alternative (but usually more) and a baseline option are studied. The number of alternatives varied with the policy domain and the organisation performing the analysis. For example, in the infrastructure domain and in reports by private companies, relatively many alternatives were studied. Over the research period (2005-2011) there has been no increase in the average number of policy options studied.

Types of studies

On the basis of a pilot exercise we distinguished eight types of ex ante studies and one combination category. The distinction between these types is not strictly exclusive, it is a global typology. More than one quarter (26%) of the ex ante studies are a combination of study types. Apart from these combinations, cost-benefit analyses and explorative studies were most prevalent. In a cost-benefit analysis (CBA, 16%), one or more policy or project alternatives are compared with the baseline (the status quo) in terms of various – if possible, monetarised – costs and benefits. The end conclusion is a positive or negative balance in a band with depending on the chosen scenario. In a Social CBA (SCBA), various types of advantages and disadvantages are included. The share of social CBA's in the total of CBA's has increased over the research period and (S)CBA's have gradually spread from the domains of infrastructure and the environment to other policy domains, such as economic and internal affairs. In most (S)CBA's, index numbers are used based on previous experience; for example, the price elasticity of specific goods. Exploratory studies (16%) regard policy options in a relatively early stage, or the research itself is (highly) preliminary in its approach and conclusions. Of the ex ante studies 14% addressed only specific consequences like the environment, legal or administrative consequences for companies or (local) communities – not being the main goals of the plans under study. Thirteen percent of the studies were typified as 'ex ante effectiveness evaluations' as they focused on direct goals or end objectives. An example is the report addressing the question whether the change in nature policy by the department of agriculture will result in the desired ecological effects. Designs are more varied than in CBA: half of them were (partly) quantitative studies based on index numbers, the other half were qualitative analyses based on a mix of data sources. Consequences for implementation or practicability are the key focus of 11% of the studies, for example in terms of finance, organisation or information technology. In many cases, the executive bodies responsible for the (potential) implementation conducted the ex ante study. Approach and design vary between the executive bodies: for example, the immigration department invests a lot in stakeholder analysis. Feasibility research often featured in combination with other types of ex ante research.

The least prevalent types of ex ante analysis (1-2% percent each) were: analysis of the programme theory, risk analyses and cost-effectiveness analyses (CEA). Risk analyses were often part of practicability studies: which consequences of policy plan X are most likely and what is their potential impact? The main differences between CBA and CEA are that the latter lacks a baseline alternative and expected effects are not expressed in monetary terms. Advisory committees were installed in relation to 37% of the ex ante studies with a view to, for example, research quality or stakeholder input. Policy advisers formed part of most of these committees (75%) followed by field experts (59%) and academics (39%).

A correlation was observed between the occasion leading to the study and study type. For example, ex ante evaluations of effectiveness relatively often served to address parliamentary motions or questions. A relatively large part of studies into specific (side) consequences like environmental effects resulted from a statutory obligation. Many feasibility studies not surprisingly addressed the stage of implementation, but were to provide feedback on the policy drafts equally often. Exploratory research and quick scans took place in relatively early stages of policy formulation, while research into specific consequences and practicability regularly followed later. A small number of (S)CBA's and ex ante effectiveness evaluations were performed after decision-making, limiting the potential for their use in policy development.

The use of ex ante studies in policy making and possible explanations

The third chapter focuses on research question 3: *How and to what extent have the ex ante studies been used in the decision making regarding legislation and policies, and how can this be explained?* This question was addressed through a multiple case study design encompassing five ex ante studies of potential legislation regarding five different policy domains. Data collection involved interviews and desk research. The ex ante analyses regard the following topics: a proposal by the European Commission to prolong pregnancy and maternity leave in EU-member states, a proposal to further enhance a topographic registration system in the Netherlands, a draft EU-equal treatment directive, a proposal to allow private institutions for higher education to apply for public funding and a proposal regarding limited forms of privatisation in the Dutch prison system. A random selection of cases from the full set of 306 studies was not practicable, limiting the representativeness of the five cases.

In each case we encountered policy positions or policy 'directions' dating from before the ex ante analyses. None of the conclusions in the later reports contradicted these: in three reports findings were generally affirmative and in two, uncertainty margins were too large to draw definite conclusions. These

two studies are particularly susceptible to varying interpretations by potential users.

Based on the literature, we discerned three stages of direct use: perusal, influence on policy positions and effects on decision-making. In addition, we applied the term strategic use if a study was cited to underpin pre-existing policy positions or directions.

Use in practice

Each case study revealed clear indications of perusal or examination of the ex ante studies by members of government or parliament, policy officials and other stakeholders. Only in one case (regarding the higher education system) evidence of perception by parliamentarians was lacking. The likelihood of influencing policy positions increases with perusal. Indications for actual influence on policy positions varied between the five cases. Two reports (regarding maternity leave and limited forms of privatisation in the prison system) were used in the appraisal of the issue by parliamentarians. In another case (regarding the topographic system) the report featured in questions by parliamentarians about the legislative proposal. In all cases the reports were followed by a government response, in terms of a minister's position or response to parliamentarians' questions or in the explanatory memorandum. Stakeholders in the field used the report in their positioning in four cases. Three of the five reports had a tangible effect on decision-making; in two cases this regarded the negative government position on the EU-proposals about maternity leave and equal treatment. The reports regarding the higher education and the prison systems had no effect on decision-making. The minister for higher education postponed a real decision on opening up the higher education system, partly in reference to the uncertain results. The distinction between strategic use and direct use in this case is rather unclear. With regard to privatisation in the prison system, decision-making did not take place because of the cabinet's resignation.

Use explained?

Based on the literature, we identified five potential explanations for the use of ex ante studies in policy making: the decision-making context of the studies, contact between the commissioning party and the researchers, the timing of study delivery, the (perceived) quality of the research and the width and intensity by which findings are communicated.

First and foremost, the decision-making context turned out to be decisive with regard to the use of ex ante research. Some topics of analysis were more politically contested than others. For example, the need for an enhanced topographic registration system was hardly disputed by politicians. The ex ante report featured in the decision-making by the council of ministers, in the explanatory memorandum and in the subsequent parliamentary debate. By contrast, the cases regarding the higher education and prison system

regard politically complicated issues. Findings were sometimes used to underpin pre-existing policy positions. Decision-making did not take place or did not reflect the findings of the ex ante study.

Second, the timing of the ex ante reports proved to be a factor of importance in relation to their use. Four reports were timely in relation to planned decision-making. The report with the worst timing (about the higher education system) did not influence decision-making: a cabinet change took place in the course of the research and the new minister chose to await the results of another research initiative.

The quality of the ex ante research, the width and intensity by which findings had been communicated and the contact frequency between the commissioning party and the researchers were all judged to be high. These factors therefore reveal too little variance in order to draw conclusions regarding research use. For example, all reports were put online and four out of five were sent to Parliament. Moreover, in all cases an advisory committee was installed for regular consultation between (at least) the researchers and the commissioning party. Nevertheless, research use varied between the cases, stressing once more the importance of political context and timing.

Apart from the decision-making context, uncertainty surrounding the findings of the ex ante studies very likely affected the way and degree in which they were used. For example, results of an international literature study into forms of privatisation in the prison system yielded mixed conclusions terms of cost-effectiveness. A vast degree of scientific uncertainty is typical for future-oriented research. Particularly in controversial political issues like the privatisation of the prison system, we found that the same uncertain conclusions were used to underpin a diversity of policy positions.

To what degree were ex ante findings confirmed by findings from ex post evaluations?

The fourth chapter addresses the fourth and final research question: *To what degree are ex ante studies followed-up by ex post evaluation? What can be learned from the later evaluations about the accuracy of ex ante analyses?* According to some, addressing this question may shed light on the use of ex ante studies.

First, we took stock of the number of ex post evaluations published in relation to the full data set of 306 ex ante analyses. No more than 34 evaluations were found, relating to 47 of the ex ante studies (15%). If the plan addressed in the ex ante study was relatively concrete, twice as many evaluations were found. Probably, more concrete plans were more likely to have come effectuated and then evaluated. The vast majority (85%) of ex ante studies were not followed by an evaluation. Taking a closer look at a vast share of these studies learned that: 1) the plan was abandoned 2) the plan was still a plan, for exam-

ple, a number of draft EU-directives 3) the plan was effectuated but no evaluation was found – in some of these cases it was too early for ex post evaluation, 4) an evaluation is forthcoming and 5) some material was found but did not qualify as an evaluation. Absence of later policy evaluations is not automatically ‘wrong’, as some topics of ex ante research are not suitable for ex post evaluation. Nevertheless, ex post evaluations are a valuable asset for future ex ante research that can benefit from empirical knowledge on the effects of various possible (types of) interventions.

Second, we assessed to what extent the focus of the ex ante studies and of the later policy evaluations are sufficiently alike to allow for a comparison, particularly in terms of the research questions and the (draft) policies under study. More than half of the evaluations turned out to be ‘ex durante’: a mid-term evaluation or an evaluation of the implementation process, rather than an actual ex post evaluation of effectiveness (the latter being the focus of most of the ex ante reports). In part of the cases it was probably too early for a full effectiveness evaluation, given the publication dates of the ex ante studies (2005-2011). The ex ante analyses and later evaluation studies did not allow for an accurate assessment of the extent to which (at times highly complex) policy plans were modified after the ex ante research. In more than a third of the cases, the actual policies largely resembled the policy plans investigated ex ante.

In the end, the question of whether ex ante predictions ‘came true’ could be answered on the basis of 16 substantive policy files extracted from the full set of 306 studies. A mixed conclusion results from five of these files that contain explicit feedback to ex ante findings: sometimes predictions were confirmed, sometimes they were not. In another five files lacking direct feedback but with a high degree of comparability, conclusions from the empirical evaluations were more or less in line with the expectations beforehand.

Main lessons and conclusions

In the concluding chapter 5, a number of overarching conclusions were drawn.

- More future-oriented policy research was found than expected on the basis of earlier research. The distribution of these studies over policy domains is skewed, however: by far the most regard infrastructure and the environment.
- About half of the ex ante studies regard the end goals of policy plans. The other reports address practicability, other specific consequences (e.g. legal or environmental) or are highly explorative.
- The use of ex ante research in policy making depends on the political decision-making context to a large degree. Ex ante studies are but one element in the policy process. Nevertheless ex ante analysis can ‘enlighten’

decision-making, particularly when performed at the stage when important policy choices are still to be made.

- There are only few ex post studies that provide (partial) feedback on ex ante ‘predictions’ and from these a mixed-to-positive conclusion was drawn regarding the accuracy of ex ante findings. Ex post evaluations are a valuable asset with regard to future ex ante research work, that can benefit more from additional empirical insights and experiences.

