

Writing good recommendations: recording decisions and setting up for implementation

There's an art to crafting recommendations. They need to assist decision-makers in taking the decisions and then be the record of those decisions.

Framing recommendations is different in Cabinet papers than in Ministerial briefings

We think this should be done differently in your advice briefings to Ministers, compared to the requirements for Cabinet papers.

For Cabinet papers recommendations form the official record of collective decisions. They may be referred to as the basis for drafting regulations or legislation, or in judicial review proceedings. They are also a key accountability mechanism, i.e. that decisions taken are implemented and report-backs undertaken within particular timeframes.¹

However, in general briefings to Ministers, the purpose of recommendations is to guide decision-making, and take you to the next stage of the process. Of course, when Ministers are making statutory decisions – the same principles as for Cabinet decisions apply.

In this Masterclass we cover some of the principles for writing recommendations which stand the test of time.

Firstly, some principles for all recommendations...

They are the most important part of the paper

Recommendations become the record of decision-making and so are the most important part of the paper.

Considerable care needs to be taken in drafting them in the first place, then in refining them, to make sure they do the job. They should also be a major focus for discussion within the team writing the paper, with the manager signing the paper out, and for peer review.

For complex issues, it's often useful to get someone who only knows a little about the issue (as well as the experts) to review the recommendations to ensure they are clear and understandable without background. A fresh set of eyes in other words. This could be in addition to your normal peer review.

Most agencies have 'governance support teams' of some type – these people are expert in drafting and editing recommendations. For trickier papers, use those people to review the recommendations as part of finalising your paper.

Legal advice may also be required for recommendations relating to statutory decisions.

Make sure the recommendations flow from the Executive Summary

The Executive Summary usually precedes the recommendations in the paper. Care needs to be taken to ensure the recommendations follow naturally. (See our Masterclass 2 on writing Executive Summaries.²)

Many readers are pushed for time, they may only read the Executive Summary/Key points and then the recommendations. So, they need to be able to understand the decisions proposed, their rationale, and the benefits and risks.

¹ As you know the Cabinet Office keeps a track of required report backs – and send out reminders. The general rule is that if a report back is missed, then your Minister must write to the

Chair of the Committee and explain themselves. Not something they relish!

² <https://www.nzier.org.nz/learn/central-government>

Don't introduce new material in the recommendations

All the recommendations should be supported by material in the paper. And, if very important in the Executive Summary as well.

They are often used in a meeting to guide the discussion

This might be the Chair of a Cabinet Committee using the recommendations to focus the attention of other Ministers on the matters at hand, following a general discussion of the issues. This is often the key step before the decision is made. Or your Minister doing the same in a meeting with officials as part of summing up the discussion.

We've also seen plenty of examples of officials using them in discussion with their Minister to make sure the Minister considers all the matters raised in the paper – rather than just stopping at the high-level issues.

Being very clear in the recommendations about the options and the decisions to be made helps this process.

Further legal robustness is required in some cases

Some sets of recommendations require an even higher standard. They must satisfy the requirements of the legislatively prescribed decision-making process and withstand legal challenge. Statutory decisions, decisions to make Orders-in-Council, or appointments may fall into this category.

In these cases, there will be a highly prescribed format for recommendations and decisions for you to use. This is often honed following legal challenge in the area, or from cases decided in other parts of New Zealand public administration. In such circumstances it's good practice to get a legal review.

Financial recommendations require a particular format

Some Ministerial and Cabinet decisions require financial recommendations. These are usually related to the Budget, drawdown of contingencies, or transfer of funding between multi output classes.

Treasury have particular rules for these – you need to follow them.

Make sure you know what is required for these things. There is Treasury Guidance³ available on this as well as material in the Cabinet Office Manual.⁴

Drafting the recommendations first, or last?

Some authors write their recommendations first (after the thinking has been done, of course). This helps them structure the paper in order to support those recommendations.

Others prefer to draft the recommendations at the end, then check back to ensure that the structure of the paper works.

We don't have strong views about what is the best approach. Different approaches suit different people in different situations. But whatever you do, it is helpful to map out the structure of the paper clearly (e.g. through storyboarding) and make sure it fits with the recommendations.

Set out options clearly

Decision-makers need to be able to clearly distinguish between the different options in recommendations. This gets particularly tricky with complex sets of options with multiple sub-variants.

How you set these out matters.

The best advice we've seen on this is from the Cabinet Office. They are the experts in this. They'll often re-word or re-format recommendations in papers in order to make sure they are clear.

The format they suggest is:

- 1 **EITHER** [supported by [xx] department]
 - 1.1 agree to...
- OR** [supported by [yy] department]
 - 1.2 agree to...

Further work required

Recommendations can be used to set out the further work required on an issue and when this work should be completed and brought back to the Minister, a Ministers' group or Cabinet.

³ <https://treasury.govt.nz/publications/guide/writing-financial-recommendations-cabinet-and-joint-minister-papers-technical-guide-departments-2018>

⁴ <https://dpmc.govt.nz/publications/financial-implications-cabinet-papers>

In this case, make sure they are clear about what is required, by whom, and by when.

Make sure you don't propose deadlines which are unrealistic – that just puts you under pressure, and you may have to go back to Ministers (or your Minister might have to go back to the Chair of the relevant Committee) and explain why you've missed the deadline.

Of course, that may not stop decision-makers from giving you tight timeframes.

At the beginning or end of a paper?

Different agencies have different approaches. Our advice is: for a short paper – at the end is fine.

But for a longer paper, recommendations should be early in the paper following the Purpose statement and Executive Summary, or Key Points section.

They need to be easy to find and easy to use. And for super busy Ministers that's all they might read, or that part of the paper can be a quick refresh.

We know the Cabinet paper template has recommendations at the end – that's why the Cabinet Office do the cover sheet containing a summary of the paper and the recommendations.

A number of agencies have a template which repeats the recommendations on the cover page, often in short form. Take care with this – as they often differ from the main recommendations in more material ways. But are still useful as a heads-up to the decision-maker about what is required of them.

For Cabinet papers, and formal decision-making papers:

The Cabinet Office Manual and CabGuide includes plenty of helpful advice

It sets out the general requirements for recommendations.

<https://dpmc.govt.nz/publications/cabinet-policy-paper-template>

It also includes guidance on recommendations for a number of special cases:⁵

- Appointments papers
- Cabinet Legislative Committee papers
- International Treaty papers.

These recommendations should stand alone

Recommendations are converted to become Cabinet Minutes – the official record of a decision. So, they need to be clear, unambiguous, and flow logically. There are two main reasons for this.

Firstly, they need to record the decision of the Cabinet. These decisions may be subject to public scrutiny or legal challenge. This means they need to be robust and cover all aspects of the decisions needed.

Secondly, they guide the implementation of those decisions. If they are applicable immediately, those responsible for implementing them will have the benefit of the paper supporting the recommendation, and the actual discussion at Cabinet. So, they will have context if needed.

Even then, we are sure most of us have had the experience that the recommendations don't cover all the necessary permutations once we're in the thick of implementing the new policy. 20/20 hindsight can lead us to the conclusion that the recommendations could have been more clearly worded.

However, if they relate to a longer term change to policy or practice that needs to be implemented, then the resolutions need to stand the test of time. They become an important point of reference for future actions. In many cases, staff and Ministers may have changed so there will be no one to help interpret the original resolutions.

For briefing papers to your Minister:

Minimise the use of noting recommendations

Lots of noting recommendations aren't helpful. They tend to repeat the Executive Summary/Key points and can easily be skipped over.

⁵ <https://dpmc.govt.nz/publications/cabguide/writing-a-paper>

Furthermore, the key decision-making recommendations can be lost amongst the forest of noting recommendations.

However, there are times when a noting recommendation is needed. These are usually when there are statutory decision-making requirements. In these cases, they have to be very carefully worded and probably require some legal input.

Referring papers to other Ministers – say why!

Often papers recommend to your Minister that the paper is referred to other Ministers. But, remember to be clear about why you are referring it to that other Minister/s e.g. for information, for comment, for discussion, for a decision?

In the old days a cover letter would always be written. That's probably not necessary. But do make it easy for other Ministers to know what to do.

A special case: documents for information

These are documents you are asking decision-makers to 'note'.

These might be research or evaluation reports, monitoring reports on projects or Crown entities, or backgrounders on new issues.

But take care. These can eat into the Minister's reading time.

Make sure that the Minister does need to know – or wants to know and that there wasn't an easier way of doing it, e.g. in the weekly report. Noting recommendations can give it a status of nice to know anyway, but make sure it's not superfluous.

It also raises the issue as to what 'noting' means. Is it just that Minister has got the report? Or has he/she read it and will apply the knowledge to relevant future matters?

If the latter is the case, you can make this clearer by:

- Including more information in your noting recommendations so that specific items are noted and recorded in the subsequent resolutions, e.g. "note in particular that....."

- Adding "discuss" recommendations – if the document contains matters for discussion with the Minister it is better to say that and focus the cover paper on those issues. These can be specific or more general.
- Adding follow-up recommendations if you are intending further work or analysis on any points raised.

In summary

We leave the final word to the Cabinet Office:

"In summary, good recommendations:

- *identify all of the decisions needed;*
- *contain a minimum of noting recommendations;*
- *are accurate in every detail;*
- *don't leave any room for doubt about what is being decided;*
- *make sense independently of the paper;*
- *set out clear options for Ministers to decide between, if necessary;*
- *give clear instructions on the next steps or work required, identifying who is to do the work and by when;*
- *rescind earlier decisions, where necessary."*⁶

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⁶ <https://dpmc.govt.nz/publications/cabinet-policy-paper-template>