



Paper 36

Advice or advocacy

“We must support our organisation to provide robust and unbiased advice.

We apply high standards of professionalism to the advice we prepare for our organisation, regardless of whether that advice is for Ministers or other decision-makers.”¹

Over the years, we have reviewed the quality of policy advice, and the question of the difference between public policy advice and partisan advocacy keeps coming up. This note offers pointers on distinguishing these and hints on how to stay professional.

Advocacy and advice are both legitimate activities. But the context can change their appropriateness. This note is about advice in the specific environment of public policy analysis work. By way of contrast, it also deals with the role of personal or, more widely, partisan opinions – advocacy – where might they fit in?

All material provided to support decision makers will include a degree of personal judgement – that is an inescapable part of analysing complex policy issues. This aspect may be as limited as editing down the number of options by ruling out some as unhelpful or choosing when to close off consultation. But as the above extract from the Code of Conduct shows, the expectation is that the adviser should be professional about it.

Professionalism is about objectivity and independence

The Public Service Commission advice noted includes an Appendix on What it means to be professional in the State Services.

A range of issues are mentioned, but two elements related to the issue here are:

- “preparing advice, delivering services, and reaching decisions by using analytically sound, well-rounded, informed and inclusive approaches
- tendering that advice when required, with objectivity, courage, tenacity and independence.”

There are similar sorts of provisions in local government – the Local Government Act 2002 requires that all councils have Codes of Conduct applying to elected members² and their dealings. These are usually translated into parallel codes of conduct for staff, which have a range of similar provisions.^{3, 4}

We can drill into the different aspects of professional behaviour as they form part of advising Councils and Committees.

Two aspects must be considered

The two sides are negative and positive.

The **negative side** is the conflict-of-interest aspect. In practice, it means avoiding even the appearance of being partisan or venal. Professionals ensure there is no chance of one’s advice reflecting the special interests of

¹ Te Kawa Mataaho Public Service Commission Understanding the Code of Conduct – Guidance for State Servants. See https://www.publicservice.govt.nz/resources/code-guidance-stateservants?e198=action_viewall

² <https://www.lgc.govt.nz/assets/Uploads/LGC-report-to-MoLG-Local-government-codes-of-conduct-Sept-2021.pdf>

³ <https://www.aucklandcouncil.govt.nz/about-auckland-council/performance-transparency/Documents/code-conduct.pdf>

⁴ A useful article on the need to maintain political neutrality https://taituara.org.nz/Story?Action=View&Story_id=278

one's family, friends or associates. They also avoid any suggestion of being driven by causes or groups the author favours. In principle, it even encompasses pushing the barrow of one's own agency or organisation. This aspect is readily identified and avoided by most.

The **positive side** relates to the actual content of the advice and the style of presentation of that content. To be professional, it must be neutral.

Complications make the logic and its application tougher

As indicated above, the circumstances can make simple distinctions harder. In this section, we discuss these.

Some Council bodies' roles include an element of advocacy

For example, local boards; some CCOs focused on particular areas of business, or even some functional groups within Council, e.g. those responsible for arts and culture; or economic development.

The trick is to adopt a position of showing how the proposition under discussion affects the group's key concern or interest. Such analysis should be conducted in a rational, sensible and factual way. Thus, these group-specific factors contribute to the consideration of the issue – they are part of the background advice rather than advocacy.

How can the views of others be fairly represented?

It is demanding to describe the full range of views accurately and fairly on any topic. But you have a lot of experience in this. Writing up the conclusions from public consultation and engagement exercises are effectively doing just this. These provide a rich source of both qualitative and quantitative data which allow you to clearly set out stakeholder views. This can be augmented from social media analysis, market research and the like.

It becomes a bit trickier when you are providing advice on an issue which hasn't had much in the way of formalising public engagement.

But this is a skill that the experienced adviser works up. Seeking assistance from others and adopting their methods can be one route to success. Like many aspects of this task, it becomes easier with practice.

Professionals are seen as having their own problems with advocacy

A consequence of being 'professional' is being part of an interest group – the rest of that profession. As a group, it will have generally accepted ways of doing things and widely held views on topics, including possibly those covered in the policy. And familiarity makes it difficult to avoid tending to see the virtues of the training and approaches of that occupation. This can lead to unconscious bias.

But a good analyst has to put these internal and (possibly unconscious) biases to one side. The task is to be neutral and rely heavily on the factual aspects. The extent to which this has been successfully carried out can be checked by having a professional from another group or sector read through the draft.

Danger lurks in becoming a crusader – even for good causes

The crusader may be making the world a better place – as they see it. But that is not what an adviser does. A professional's role is to provide the full picture, with the choice about what decision improves the world left for the decision maker. An adviser has to ensure that the information provided accurately reflects the essential material to make an informed choice.

Another related aspect is to ensure that the choice of words is apt. The language must be objective, deliberate and unemotional.

So, the individual's views need to be suppressed. Any opinions proffered in advice must be clearly labelled and given a

justification to allow them to be assessed by the reader.

What about 'fake news'?

Anyone looking around the web can be taken in by what looks to be genuine factual information – the internet is awash with well-crafted false material. But to produce useful advice, these fakes must be identified and weeded out.

There is no all-purpose way of doing it, but sticking to reputable sources and cross-checking key claims against several references should provide some assurance.⁵

Of course, good practice means always providing a full reference for important pieces of evidence. This allows others to follow up.

What is the difference between advocacy and advice?

It is not necessarily a simple distinction. In some cases, the difference is quite hard to sort out. And it is likely to be situationally dependent. So specifics of the circumstances can matter.

We now offer a discussion that may assist and, in the Appendix, hints and checks to help sort them out.

Think about it this way

The difference can be seen as reflecting the different roles the two modes relate to.

Advocacy, as discussed here, is the approach used by those trying to influence another's decision. It is aimed at achieving a specific outcome of the choice. In other words, shaping a decision *output* – is typically an action.

Advice, as used in this context, is about *input* to a decision. It is essentially the selected 'raw material' proffered by an agent to assist a principal in forming an apt view about an

issue. Its method involves supplying appropriate information and analysis to allow an informed conclusion to support a choice.

It may amount to a strong case for a particular outcome – the best advice always comes to a conclusion and usually has a firm recommendation. But it is the neutral way that position is reached and presented that distinguishes advice from advocacy.

We might sum this up in short-hand: advocacy is opinion while advice is reasoned.

Key characteristics – the positive and negative aspects

To be practical, we provide a few ideas that relate to the process.

Positive

Components of reasoning:

- Have aims related tightly to the objectives of those being advised – this will surface in the selection of criteria for the assessment of options.
- Sets out a preferred alternative chosen by assessment of options against criteria or an equivalent method of determining the best candidate from the contenders.⁶
- Provides clear justification – it should be logical, balanced and openly supported by sound (checkable) analysis.
- Will have reliable, authoritative sources cited – a research approach.
- The discussion of the data used (sourced appropriately) and the assumptions will establish their aptness and show how they provide evidence for this circumstance.
- Indicate the range of material on offer in the literature and shows that the citations used are representative.

⁵ There are hints about this in our Masterclass No. 8 Presenting Evidence, see https://www.nzier.org.nz/hubfs/Masterclasses/Local%20Government/brief_8_presenting_evidence.pdf

⁶ There is help in Masterclass No. 18 Options analysis, see https://www.nzier.org.nz/hubfs/Masterclasses/Local%20Government/brief_18_options_analysis.pdf

Local Government advice MASTERCLASS

- Identify opinions as offered and state reasons for advancing them.
- Are dispassionate – no personal stake is included without sound cause and clear labelling.
- Use neutral and unemotive language.

Negative

Opinion is characterised by some or many of the following attributes:

- Solely the views of the advocate – typically represented as the only way to address the issue.
- One-sided presentation without alternatives discussed and assessed.
- Often no clear assessment of the status quo.

We sum up these hints in Table 1.

Table 1 Key differences using a Policy Quality Framework checklist

	Advice	Advocacy	Hints – ask yourself
Context	Includes balanced, complete picture Gives careful history of issue	Presents background from one side Omits important aspects	Does the background cover the full range of views? Would a neutral reader see context as comprehensive?
Analysis	Problem is stated clearly without implying one solution Carefully develops a range of options Looks for community views Uses Council's strategy, policy and plan objectives as criteria Is careful to use high-quality data and evidence in support Includes a Treaty analysis and explores te ao Māori perspectives	Problem statement looks to one specific solution Focuses on a single option Only one view of the prospects Uses own criteria or some modified version of Council aims	Are the options realistic? What criteria are proposed/ used? And why? Does it look too easy? Have you provided sources for key evidence? Are all three key Māori elements (Treaty, te reo and Māori implications) explored?
Advice	Risk treated carefully and comprehensively Diverse views, experiences and insights covered Wording is unemotive and neutral	Risk presentation biased Limited range of differing opinions Words are chosen for their emotional power to influence	What is the worst thing that could happen? Is this the full spectrum of attitudes? Is this language trying to influence?
Action	Regular reports against targets Scheduled review/ evaluation	No monitoring No reviews included	How will we track implementation? What will we learn from this?

Source: NZIER

This paper was written at NZIER, September 2023.

For further information please contact any of our policy advice team:

Cathy Scott cathy.scott@nzier.org.nz John Yeabsley john.yeabsley@nzier.org.nz Todd Krieble todd.krieble@nzier.org.nz
NZIER | (04) 472 1880 | econ@nzier.org.nz

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