



Drafting Effective Policies

Policy change is one way to support community efforts to increase access to healthy food and support active living efforts. But not all policies have the same force and effect. Written policies are more likely to weather leadership or management changes, and promote consistent implementation and enforcement. Written policies can help everyone understand both what is expected of them and how the policy will be applied

across a community, organization or department, which in turn can help promote a sense of fairness. Policies that are clearly understood and supported by community members are more likely to be self-enforcing, requiring less resources to monitor. This fact sheet provides checklists and tools to help readers understand the policy drafting process, and how to draft well-written policies that will help them achieve their public health goals.

This document includes three checklists that outline and illuminate the different steps, considerations, and elements that are required to draft an effective policy. These checklists are:

- 1 The Planning and Drafting Process
- 2 Elements of an Effective Policy
- 3 Policy Review: Cross the “T’s” and Dot the “I’s”

Types of Policies

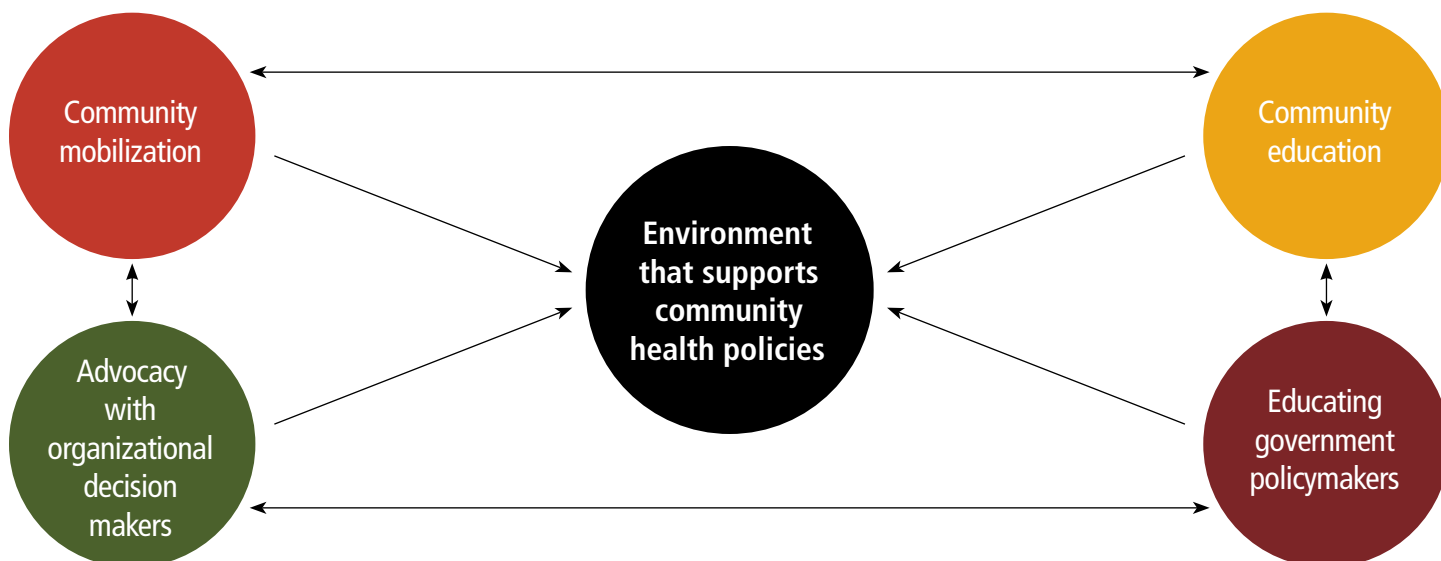
- **Laws and regulations:** these are policies passed by elected officials or government agencies that influence behavior. They include constitutions, charters, statutes, codes, ordinances, resolutions, orders, agency regulations, and proclamations.
- **Guidance documents:** these are policies created by governmental bodies that interpret laws and regulations.
- **Organizational policies:** these are formal policies adopted by businesses, organizations, and government entities that address how they operate, and which may impact their employees, members, volunteers, or visitors on their property.

WHAT IS POLICY?

Any **written** plan or course of action designed to **influence** and determine decisions.

This fact sheet is funded by the Kansas Health Foundation to increase the availability of healthy foods and support active living in Kansas.



FIGURE 1: Community Change Framework

Community Change Framework

Involving stakeholders and other community members in the development of a policy is critical. The Community Change Framework is a model the Kansas Health Foundation uses to promote

Leadership Competencies

Policy change requires leaders who can effectively diagnose inadequacies in a system, as well as catalyze community engagement. Further, powerful leaders can skillfully intervene in the system to drive policy change. Throughout the checklist “Policy Planning and Drafting Process,” leadership behaviors are identified that correspond to your work. Consider which behaviors you exemplify and how to best leverage those as competencies to implement effective policy change in your community.

For more information, visit the Kansas Leadership Center website: <http://kansasleadershipcenter.org/>

community and stakeholder engagement and bring meaningful change to Kansas communities in order to improve health and wellness.

Community members should be involved from the outset, and throughout the entire policy development process. Stakeholder engagement in the policy making process leads to better understanding of what the real needs are, and what approaches are more likely to work or not work on a practical level. It also promotes community support and buy-in, and can help anticipate or minimize the likely opposition.

The Community Change Framework is based on the premise that effective policy changes requires an array of stakeholders — government, citizens, media, organizations, businesses, and others impacted by policy change — who are educated about the issues in order to promote buy-in. Support from each stakeholder will strengthen the policy and subsequent decisions. The Community Change Framework identifies four components — Community Education, Community Mobilization, Advocacy with Organizational Decision Makers, and Government Policymaker Education — that when combined, create a comprehensive approach to community support and adoption of policy change.

1. The Planning and Drafting Process

This checklist contains the steps that should be used to plan for a policy, to develop the policy and ensure effective implementation. Not every item will be relevant to every policy, but all should be considered. The order in which each item is carried out may vary and some items may need to be repeated. Lastly, the furthest column to the right represents relevant leadership principles to invoke throughout the policy creation process. Keep in mind that the leadership competencies are not provided as a checklist. Rather, several of the most relevant or potential competencies to consider are provided for each policy development step.

POLICY PLANNING AND DRAFTING PROCESS	
Planning and Drafting Steps	Kansas Leadership Center (KLC) Civic Leadership Competencies
Identify and clarify the needs the policy is addressing and the goal it seeks to accomplish	<ul style="list-style-type: none"> Your purpose must be clear
Identify disparities or gaps that exist under current programs and priorities	<ul style="list-style-type: none"> Distinguish technical and adaptive work
Determine policy options available to respond to needs or goals	<ul style="list-style-type: none"> Test multiple interpretations and points of view
Determine who has authority to develop and implement policy <ul style="list-style-type: none"> Who is the decision maker 	<ul style="list-style-type: none"> Identify who needs to do the work
Identify the opportunity to support policy change <ul style="list-style-type: none"> E.g., grant funding opportunity 	<ul style="list-style-type: none"> Take the temperature Know your strengths, vulnerabilities, and triggers
Assess the stakeholder capacity to support the policy change effort <ul style="list-style-type: none"> E.g., substantive expertise; fiscal management; leadership 	<ul style="list-style-type: none"> Engage unusual voices Work across factions Start where they are Inspire a collective purpose
Identify any factors critical to the policy change effort <ul style="list-style-type: none"> E.g., process requirements; timelines 	<ul style="list-style-type: none"> Distinguish technical and adaptive work Understand the process challenges Take the temperature
Find and access existing laws or policies impacting the policy change effort <ul style="list-style-type: none"> E.g., city ordinances, state law 	<ul style="list-style-type: none"> Explore tough interpretations Understand the process challenges Take the temperature
Identify person(s) responsible for drafting the policy	<ul style="list-style-type: none"> Identify who needs to do the work
Identify and involve key stakeholders and their needs; involve them as appropriate <ul style="list-style-type: none"> E.g., supporters, opponents, and affected agencies 	<ul style="list-style-type: none"> Engage unusual voices Work across factions Start where they are Speak to loss Inspire a collective purpose Create a trustworthy process
Identify evidence base showing that the policy intervention will address the problem <ul style="list-style-type: none"> Understand the problem and why the policy change can address it 	<ul style="list-style-type: none"> Create a trustworthy process Understand the process challenges Test multiple interpretations and points of view

POLICY PLANNING AND DRAFTING PROCESS	
Planning and Drafting Steps	Kansas Leadership Center (KLC) Civic Leadership Competencies
Conduct a risk assessment and develop plans to manage risks	<ul style="list-style-type: none"> ■ Act experimentally ■ Conduct SMART experiments
Identify sample or model policies	<ul style="list-style-type: none"> ■ Choose among competing values
Draft policy (use Policy Elements Checklist)	<ul style="list-style-type: none"> ■ Make conscious choices ■ Raise the heat
Review policy (use Policy Review Checklist)	<ul style="list-style-type: none"> ■ Hold to purpose
Check for conflicts and ensure consistency with existing policies or laws	<ul style="list-style-type: none"> ■ Work across factions ■ Speak to loss
Review draft policy with stakeholders	<ul style="list-style-type: none"> ■ Work across factions ■ Speak to loss ■ Create a trustworthy process ■ Inspire a collective purpose
Review draft policy with legal counsel or legal technical assistance provider	<ul style="list-style-type: none"> ■ Make conscious choices
Review and finalize policy	<ul style="list-style-type: none"> ■ Make conscious choices ■ Hold to purpose
Complete the approval process for the policy	<ul style="list-style-type: none"> ■ Understand the process challenges
Publicize and implement the policy	<ul style="list-style-type: none"> ■ Inspire a collective purpose ■ Speak from the heart
Identify means to monitor progress and evaluate performance	<ul style="list-style-type: none"> ■ Hold to purpose



2. Elements of Effective Policy

This checklist contains the elements of an effective policy. The scope of each section will depend on the nature of the policy.

ELEMENTS OF EFFECTIVE POLICY	
Findings	Findings are brief statements of fact and/or statistics relevant to issue being addressed and that support the need for the policy. Think about: <ul style="list-style-type: none"> ■ Are the findings evidence-based? ■ Do the findings support the purpose of the policy? ■ Do the findings anticipate challenges?
Purpose	The purpose is a statement that explains the goal(s) of the policy.
Definitions	The definitions are detailed explanations of the key terms in the policy. Think about: <ul style="list-style-type: none"> ■ Are all the key terms defined? ■ Are any unnecessary terms defined? ■ Are the definitions written broadly enough to encompass new or emerging concepts or products without being overly broad?
Main policy provisions	The main policy provisions state the prohibitions and/or requirements of the policy and identify the parties to whom the provisions apply. Think about: <ul style="list-style-type: none"> ■ Are all the requirements and prohibitions reasonable? ■ Do the provisions address the purpose? ■ Are the provisions consistent with other policies and laws? ■ Are the provisions clearly stated? ■ Is it clear to whom the policy applies?
Exceptions or exemptions	This section contains any exemptions or exceptions to the prohibitions or requirements that are necessary to achieve the purpose of the policy. Think about: <ul style="list-style-type: none"> ■ Are the exceptions or exemptions limited and written as narrowly as possible?
Enforcement	The enforcement section identifies the parties responsible for enforcement, outlines the enforcement procedures, any penalties or fines that may be imposed, and any appeal process.
Implementation	The implementation section states the effective date for the policy and the steps to disseminate and publicize the policy.
Evaluation	The evaluation section outlines the timeline and process to assess the effectiveness of the policy, including how it meets the goals, as well as providing a framework for policy revision.



3. Policy Review: “Cross the T’s and Dot the I’s”

The following considerations should be referenced throughout the policy development process to ensure that the policy is comprehensive and understandable.

- **Be clear and concise**
 - Use definitions appropriately
 - Eliminate unnecessary words
 - Keep language simple
 - Be precise
- **Be consistent**
 - Use language that is consistent with policy objectives
 - Check for internal and external policy language consistency
- **Be specific**
 - Include all policy elements
- **Be practical**
 - Consider ability to achieve purpose (cost, effective dates, ability to follow policy)
- **Do your homework**
 - Involve stakeholders
 - Review sample policies
 - Seek legal technical assistance
 - Identify deal breakers
- **Tailor policy language to your community**
 - Review other communities’ policies and tailor for your community
 - Anticipate challenges (political, bureaucratic, and legal)
 - Consider whether exemptions make sense
- **Draft and exchange ideas with others**
 - You are not alone (stakeholders, legal assistance, other grantees)
 - Your policy is not an island (existing laws and policies; local, state and national trends)

Drafting effective policy is adaptive work; it requires a clear purpose, the willingness to continuously learn about the problems and solutions facing one's community and to engage with stakeholders. These tools are meant to be used as a guide, but not a substitute for legal technical assistance in policy drafting efforts. For more information on how the

Public Health Law Center can support your efforts, please contact Natasha Frost (natasha.frost@wmitchell.edu), Mary Marrow (mary.marrow@wmitchell.edu), or Julie Ralston Aoki (julie.ralstonaoki@wmitchell.edu), or review the Public Health Law Center's Kansas-specific resources¹ and webinar.²

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Endnotes

- ¹ "Kansas Resources," available at <http://www.publichealthlawcenter.org/topics/special-collections/kansas-resources>.
- ² "Public Health Law Center Helping Kansas Communities," available at <http://publichealthlawcenter.org/webinar/public-health-law-center-helping-kansas-communities>.