

Comments on the Open Data consultation.

Patient Opinion

The Open Data consultation and the Open Public Services White Paper both set out 'User feedback on services e.g. comments and suggestions from users of health, personal or social care services' as a key objective (Section 5.1 of the OD Consultation). However the subsequent discussion of how to achieve this receives significantly less attention than other aspects of Open Data.

Based on our experience at Patient Opinion since 2006 we would strongly support transparent feedback as an aspect of open government that can contribute to:

- Choice
- Improved services
- Social cohesion

In order to deliver feedback at scale about all government services it is essential that this is delivered independently of government or public service providers themselves.

To do this the government needs to structure the market so that any market in public feedback delivers amongst other things:

- Pooling of all feedback about a service across all platform providers so that public and staff know they are reviewing all relevant feedback not just one provider's.
- There are sanctions against inappropriate business models such as advertising for medical negligence firms against NHS comments
- Providers and other relevant stakeholders have a free right of reply to comments about them
- The legal responsibility for publishing any given comment is made clear to public and providers.

This paper sets out how such a market could be achieved using Patient Opinion's experience in the NHS as a foundation.

Aims of a market in on-line feedback

Feedback makes public services more transparent and user-centred in three main ways:

- Informing choice by publishing feedback from past users.
- Highlighting insights from users about how services could be improved in ways that are useful to busy staff
- Using the transparent nature of on-line feedback to drive providers to make improvements

Proposal

To realise this potential the on-line feedback market within any given public service should be structured so that it:

- Aggregating all ratings, stories and responses across all platforms so that public and staff know they are viewing all relevant feedback about a given public service regardless of which platform is used.

- Manages risks to authors and staff and allows clear allocation of legal responsibility to the originating platform for any harm that occurs¹.
- Ensures rapid innovation and adaptation to changing consumer and technical opportunities.
- Delivers the above at no direct cost to government

The GDS could do this by requiring platform providers to sign up to a Public Interest Licence Agreement (see below). In return the content from licensed platforms will be²:

- Deemed sufficient to meet the needs of public service providers performance management contractual obligations in relation to on-line feedback
- Syndication to relevant government websites (e.g. NHS Choices, DirectGov) at no cost to the platform provider.

To create a low cost, low friction market there will be no contract other than conformity to something like the following 'Public Interest Licence Agreement'.

Key attributes of Public Interest Licence Agreement:

- *Sharing*: All content and agreed rating questions published under this licence must be made automatically available to all other relevant feedback platforms via an agreed API at no cost to government or other platforms.
- *Completeness*: Appropriate APIs are developed that ensure that all feedback platforms display the whole conversation (i.e. all relevant responses from any relevant organisations in the correct order). All quantitative data will be shared so as to allow summation across platforms.
- *Right of reply*: give all providers right of reply to postings about their tax-funded services at no cost.
- *Taxonomic coherence*: to facilitate the accurate allocation of feedback across changing markets all platform providers will make their service taxonomies available to all other relevant licence holders via their APIs.
- *Origination*: All platforms must display the originating platform when republishing any story
- *Legal responsibility*: Platform providers accept all legal responsibilities for any story or response originating with them.
- *Take down*: platforms will automatically alert all other republishers when a posting has been taken down or modified.
- *Limit gaming*: Platforms agree to act in ways that limit gaming and other artificial manipulation of the story pool for their own or any other organisations commercial or reputational advantage

¹ Possible risks to authors include: inadvertent defamation of staff leading to legal action; inadvertent disclosure of personal details; being subject to on-line abuse from others; posting stories whilst exceptionally vulnerable.

Possible harms to staff include: defamation; being subject to on-line 'hate campaigns'.

² This approach has much in common with the 'apps' model. Looking at Terms of Use developed by Apple and others who have created a market for apps may be helpful.

- *Advertising*: platforms will conform to agreed advertising policies (for example no advertising for negligence lawyers)
- *Zero cost to government*: providers will make all published stories and responses available to government at no cost.

All secondary matters such as editorial policy, timeliness of response etc will be left to market forces to deliver.

Providers who fail to meet the Public Interest Licence Agreement will be denied access to government websites and will cease to be deemed legitimate source of feedback for regulation/performance management of public service organisations.

People visiting government websites who wished to give feedback about public services would be presented with stories from a range of providers with the originating platform shown on each story via standardised descriptors. They could then choose the platform they wish to use to give feedback by clicking on the descriptor logo.

Outcomes

Structuring the on-line feedback market in this way in this way will:

- Create an open market between on-line feedback platforms whilst avoiding the risks of fragmenting the pool of stories across many platforms.
- Encourage feedback platforms to develop business models that add value to stories directly via reporting, supporting busy staff to respond, incentivising service improvements etc
- Avoid the risks of any single platform failing or deciding to withdraw from the market
- Create strong pressure on feedback platforms to be innovative
- Provide strong pressure to make the service to staff and public service as easy and useful as possible.
- Do all this at zero cost to government.