Citizen Participation and Public Petitions Committee

Informal Meeting, 11am – 12.30pm, Wednesday 16 March 2022 (Fully virtual - MS Teams)

Public Participation in Scotland – Summary Note of Session with Experts

In attendance:

Members of the Committee: Jackson Carlaw MSP (Convener); David Torrance MSP (Deputy Convener); Ruth Maguire MSP, Alexander Stewart MSP.

External witnesses: Sarah Allan, Director of Capacity Building and Standards, Involve; Claudia Chwalisz, Innovative Citizen Participation Lead, Open Government Unit, OECD; Professor Cristina Leston-Bandeira, Professor of Politics, University of Leeds; Anthony Zacharzewski, President & Director-General at Democratic Society.

SCPB Staff: Lynn Tullis, Pauline McIntyre; Alanis McQuillen; Vicky Moyes; Thomas Watt; Kirsty Rimmer; Shona Skakle; Gillian Baxendine; Alistair Stoddart.

Apologies: Paul Sweeney MSP

What is participative and deliberative democracy?
Participants noted that the reason there was sometimes confusion around definitions of participative and deliberative democracy was because there are many methods that can be used at different points in the policy making process – from participation at an early "strategic stage" in policy making and traditional consultation, to decision making processes such as participatory budgeting and full-scale deliberative processes such as Citizen Juries and Assemblies.

Participative and deliberative democracy are "broad" concepts used to describe the participation of citizens between elections, with deliberative democracy focussing on involving a "wide cross section of society" given the conditions for "everyday people to grabble with the complexity of a policy issue, find common ground and make proposals."

The spectrum of public participation was highlighted, with participants noting that most public participation sits within the "consult, involve, and collaborate" aspects of the spectrum. However, the key thing for the Parliament to understand is how to "use citizen voice and opinion as a tool for scrutiny"; to embed citizen participation in the

"end of the policy cycle" and involve the public in reviewing outcomes, scrutinising implementation and starting the revision process of the policy cycle.

Where does it sit within elective representative structures? Is there a tension?

It was highlighted that elected representatives already do enormously valuable work and that participatory and deliberative democracy is about complementing and strengthening the role of elected members to ensure they hear from the full diversity of people in Scotland. Deliberative processes bring together different geographies and different interest groups that we may traditionally hear from separately, giving them a chance to find common ground.

Witnesses highlighted that "elected representatives are still the ones taking decisions, and are responsible and accountable for their decisions, but the process by which they get to those decisions has become more democratic and opened up for everyday people and creates the conditions for everyday people to grapple with the complexities of the issue that comes up."

Deliberative democracy deals with any potential tensions between roles as it creates the conditions, the time and the resources to help participants "understand the depth of the issue, to hear from all reverent stakeholders and experts, and listen to one another and find common ground" and make recommendations; politicians still have discretion on the implementation of those recommendations.

Deliberative processes seek to enhance the democratic process and are "helpful to elected representatives to have a deeper understanding of the issues that are the hardest to act on." Using such processes can also help "legitimise representative democracy decisions" and "strengthening their mandate" as politicians are seen to be listening and representing the public.

Witnesses stressed that receiving "input from the public between elections is not new … but what we have learned is that only few people choose to engage in consultation and this creates a real imbalance in who responds … these (participative and deliberative) methods bring in a much wider range of people including people who have never voted, have never participated in consultations before, and want to take part in a deliberative process because it was different and they felt able to come along and give their perspective … The number of people who don't wish to engage is much smaller when you use deliberative methods".

Deliberative and participative engagement helps MSPs "understand where the public is on an issue" and "how the public feels about certain policy trade offs."

Does an increase deliberative and participative democracy increase the risk of disillusionment if they don't agree with the final decision?

Witnesses said that the main goal of a deliberative process was not necessarily to implement every recommendation put forward by a mini-public but rather to "explain what is being taken forward, what has not been taken forward and why" and participants are in fact "very happy" and "understanding" with those outcomes as

they know they have been part of an open, welcoming process, they've considered the issues deeply and they understand why a final decision has been made.

How to embed participative and deliberative engagement in Parliament?

Experts called for deliberative processes to be planned for in advance; "building processes" over time with "a clear plan over several years" would "bring lots of benefits including reduced costs and capacity to deliver."

They felt it was important for parliament to build on its work in this area by ensuring capacity to deliver was maintained and strengthened.

How do we make deliberative engagement affordable and sustainable?

Experts recommended:

- Ensuring you have in-house capacity and skills to deliver such processes (and the Parliament's work in this area was praised by witnesses)

- Saving money on venues by using the Parliament building as an asset and using spaces in the building that are flexible and accessible

- Choice of method, and being sure that the use of more expensive methods are being used for the right issues

- Viewing the investment in these processes as "building democratic infrastructure" and not as stand-alone consultations helps highlight quality of outcomes and process

- Costs can appear high because the entire process appears as "headline costs" but doing forward planning and building skills of in-house facilitation and "creating structural approach to recruitment" can save on costs.

Random selection for deliberative engagement helps increase diversity, but what more can we do to involve people who would be less likely to engage with the Scottish Parliament?

Suggestions included:

- Continuing to use random selection recruitment and to foster the idea that people are "lucky to be chosen" to participate in such processes

- The use of honorariums to facilitate incentives to participate

- Providing a range of services to reduce barriers to participation, childcare, travel costs etc.

- Inviting pairs of participants, so each participant comes with someone they know and feel more at ease in taking part

- Harnessing the "usual suspects" to widen their networks to help find different types of people – this takes time

- Creating training and support to empower people to feel comfortable and confident to participate

- Oversampling minority voices or run parallel process in places where minorities feel safe with trusted people

Can you give any examples of deliberative processes that have had a positive impact on parliamentary scrutiny?

Experts stated that there were plenty of examples of deliberative processes having a positive impact on scrutiny, but also made clear that impact on scrutiny is not just about the final output, such as Bill or a report, but also about "moving the debate and policy conversation forward, raising awareness of issues" and using public input to question ministers and hold them to account.

They stressed that engagement should be strongly "linked to parliamentary business" and not carried out in parallel to other work, and that elected members should be involved in the process to help ensure the process has as much impact as possible on scrutiny.

They explained that these engagement processes "arm members very well for scrutiny conversations," and make "a unanimous report" more likely.

Witnesses highlighted that participants were keen to continue being involved following the conclusion of the process and recommended "formalising the mini-public's relationship with committees" to continue to involve them in scrutiny following the engagement process.

Processes in Ireland were highlighted as good practice where subject committees were strongly linked to mini-publics and tracked the impact of implementation of recommendations.

Another example is using deliberative events out in communities and then bringing a selection of participants into the Parliament for round-tables with the Committee, as the Scottish Parliament did with the Primary Care Citizens' Panels in Session 5.

Citizen participation is more than just deliberative engagement and the Scottish Parliament has increased support to bring lived experience into our work. What other innovations should we be thinking about to help more people engage with the work of the Scottish Parliament?

Witnesses agreed the Parliament should continue to be sensitive and mindful about how people share their lived experience and being careful not to retraumatise participants and allow them to share their stories in ways that they are comfortable with.

They stressed the need to go to people where they are and work with trusted partners to facilitate vulnerable people to share their stories.

It is important to "make voice effective" and bring "equality of voice" and balance people in the room deliberating and who is visible giving evidence.

Other options to increasing the visibility of lived experience and minority voices included a discussion on the benefits and pitfalls of "oversampling" minorities in representative processes and alternative approaches such as running parallel processes in collaboration with trusted partners that would then feed into the broader process.

The way parliaments work often means there is a gap between participation and any outcomes. What more can we do to ensure the public see the impact of their engagement?

Witnesses agreed that Parliaments could improve how they communicate the outcomes of their engagement initiatives by using different channels and different means to explain to the public what has happened as a result of participation in a "timely manner". They advised that the Parliament should acknowledge any times when there will be a "gap" between the end of the engagement process and the final outcomes and provide "updates" about the Committee work as it continues.

They also advised the use of a "clear feedback mechanism" for engagement process to link into other strands of work which could include making the engagement outcomes "real and come alive" by involving participants in providing direct feedback to the Committee and/or Ministers.

When the Scottish Parliament was established, our petitions system was a world leader. Is that still true or are there changes that would make the petitions system a better vehicle for people to raise their concerns in the Scottish Parliament?

Witnesses agreed that Parliament was a world leader in terms of the openness of the petitions process and the low barrier (one signature) for petitions to be considered. That being said, they felt the Committee should look at the resources available to it in order to be "more ambitious" and "take that next step" to make petitions more visible, less procedural and more public led, and improve communication and how petitions are linked to other work in the parliament.

Another suggestion was about the Committee going to communities and exploring how it works and how certain communities can engage with petitions and have impact and establish trust. "Working with groups that are trusted by minority groups help build confidence and convince them that petitions are an effective thing to do... strengthening relationships with communities leads to a virtuous circle."

Developing resources to talk to a variety of communities is vitally important.