



DEVELOPMENT OF PUBLIC ENGAGEMENT WITH THE WORK OF THE SCOTTISH PARLIAMENT COMMITTEES

FINAL REPORT

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EXECUTIVE SUMMARY

AIMS OF THE RESEARCH AND METHODS USED

1. The research had two overall aims:

- To consider how committees of the Scottish Parliament have used civic participation in their work
- To investigate how the approach of committees can be extended in the future toward active engagement

2. There were four main elements to the research:

- Reviewing the existing academic literature on public participation
- Analysing key Parliamentary documents
- Gathering information from key academic informants
- Conducting and analysing semi-structured interviews with MSPs, committee clerks and representatives of organisations external to the Parliament

3. In all we interviewed seven MSPs, ten members of the clerking service and 20 representatives of organisations.

MAIN FINDINGS OF THE RESEARCH

4. Among those interviewed, there was a general agreement that committees of the Parliament had made good progress in furthering most of the founding principles of the Parliament (accountability, accessibility, openness, participation and promoting equal opportunities). However, there was a feeling that the committees had not made the same progress in promoting power sharing between the Parliament, the Executive and the people of Scotland. Some respondents felt that power sharing was not only something that the Parliament would have difficulty in developing but also questioned whether the Parliament should be trying to promote power sharing. Published research suggests that achieving the type of power sharing enshrined in the Parliament's founding principles is in tension with the principles of representative government, as they have developed over the years. There were also differences between respondents about the extent to which organisations external to the Parliament should be able to shape or determine the agenda to which committees worked.

5. A number of writers have argued that public participation in the Parliament will be constrained by the role of political parties, the position of MSPs as elected representatives of the people and the relations of the Parliament to the Executive. Interviewees mentioned the tensions that exist between the Parliament's position as a representative body and its commitments to promoting participatory democracy.

6. Representatives of organisations external to the Parliament expressed the view that the tensions between the Parliament's representative and participatory goals could produce problems for those participating if the purpose and goals of participation were not made clear. It was seen as important that the expectations of participants were kept within realistic bounds.

7. The literature on public participation suggests that one of the reasons why those who have participated in the work of public bodies feel dissatisfied is a lack of information about the outcomes of participation exercises. This view was also expressed, in our interviews, by some representatives of external organisations. It connected to a view that the Parliament was not particularly good at communicating with the public.

8. One of the main ways in which interviewees, MSPs, clerks and representatives of external organisations, believed committees could engage with the public was by making visits to organisations and geographical areas. Fact-finding visits and public meetings with agendas that were seen as important by MSPs, Parliament staff and external participants were viewed as particularly good.

9. Other examples of successful participation events, in which committees engaged with groups who have an interest in a topic, were mentioned in the interviews. Events mentioned included: the lifelong learning convention organised by the Enterprise and Lifelong Learning Committee; videos made of children as part of the Education Committee's work on the establishment of a Children's Commissioner; events organised by the Equal Opportunities Committee with people from minority ethnic groups to commemorate the twenty-fifth anniversary of the Race Relations Act and with disabled people during disability year in Europe; and a deliberative polling event organised by the Justice 1 Committee. These events tended to rely on organisational networks which committees had developed. This approach, however, might not reach people who are not connected to organisations that are part of the networks of committees.

10. The ability of different committees to promote engagement with the public was seen to vary due, in part, to the legislative demands placed on them. Those committees with a lighter legislative load were in a better position to do exciting things on the participation front. However, it should be borne in mind that the difficulties in this area may relate more to time constraints associated with a heavy legislative load than with processing legislation *per se*. If committees have sufficient time to process legislation then they can use the processing of legislation as an opportunity to engage with the public.

11. It was suggested during the interviews that committees would benefit from taking a more strategic approach to participation. By planning their work in advance, it was argued, committees would be able to think through appropriate types of participation and to organise events well in advance. Such planning might also aid working between different departments of the Parliament.

12. Committees have made use of a variety of Information and Communication Technologies (ICTs), especially the internet and the use of ICTs was commended by some interviewees. Others, however, felt that computer-based ICTs cannot take the place of more conventional forms of communication and their use could act as a deterrent to some engaging with committees. It is also argued in the literature that technology is no cure all for the ills of democracy.

13. Empirical research shows that there is a relationship between low participation in public affairs and social disadvantage. There also seems to be a difference between the opinions of those who participate in civic life and those who do not. As a result, the views of the under-privileged are less likely to gain a hearing than those of others. In a society that aims to promote inclusive democracy that cannot be a desirable situation.

RECOMMENDATIONS

14. We would make the following recommendations:

15. The research has shown that there is a tension at the heart of the Parliament's position as a representative institution and the commitment to power sharing between the Executive, the Parliament and the people. We recommend that MSPs and Parliament staff address the question of whether the principle of power sharing is possible and desirable in order to move forward with the Parliament's position and practice on public engagement.

16. No one type of mechanism is suitable for all forms of public participation. Deliberative democracy has become very popular among theorists and writers on democracy. Deliberative mechanisms are particularly useful where participants are expected to assimilate a large quantity of information and to reflect on complex issues. Deliberative participation is also useful where the aim is to encourage people with different views and experiences to engage in a dialogue and to learn from each other. However, deliberative mechanisms are expensive and time-consuming. Committees engaging in inquiries should consider the use of deliberative mechanisms which might also be considered by committees wanting to engage with the public on complex issues.

17. We strongly support the continued use of fact-finding visits by committees. Visits to organisations and locations are to be encouraged. However, the purposes of the visits need to be clear, for MSPs, Parliament staff and participants, if visits are to maximise their success.

18. Our research suggests that with the right topic, and if held in an accessible place and at an appropriate time, public meetings can be a useful form of participation. We would, therefore, recommend that committees use public meetings where an issue has particular topicality and a fairly representative sample of the population with whom the committee is hoping to engage is likely to attend the meeting.

19. When a committee has decided which groups and individuals it wants to involve in its participation exercises, and why it wants to engage each group and individual, it should reflect on the methods that are most suitable for the required engagement. It will almost certainly be necessary to be selective in the methods used. Our research has shown that the appropriateness of methods varies according to circumstances and the groups who are to be engaged.

20. When organising participation events, it may be worthwhile for committees to consider working with interest groups, as well as conference organisers. Some interest groups may have good contacts with individuals who are marginalised from formal politics and working with the groups might enable committees to engage with people who otherwise would not participate. However, the danger in working with interest groups is that certain organisations may be perceived as gaining an unfair privilege in the participation process and the use of certain organisations might discourage some people from participating. In each case, the potential benefits of working with an interest group would need to be weighed against the potential disadvantages.

21. Research has shown that reporting back to those who have engaged with committees is important, for otherwise participants may feel frustrated and disappointed with the participation process. While reporting back is not always easy, we would recommend that, at the least, the proceedings of participation events are published and made available to members of the public, including those who participated. It should also be made clear to participants what will happen to the results of participation exercises.

22. Some of our respondents raised the issue of training for staff in public participation. There is a need to ensure that staff who carry out, or who are responsible for organising, participation exercises are trained to do so. We recommend that the Parliament makes this one of its priorities. It may be necessary to use experts who are external to the Parliament to organise and run some participation events.

23. Finally, we recommend that committees go out of their way to clarify the purposes of participation, as this would:

- make it easier to decide who should be included in the participation and on what basis
- make it easier to decide on appropriate participation mechanisms and
- make it easier to determine if the participation has been a success.

CHAPTER ONE: INTRODUCTION AND BACKGROUND

Research aims

1.1. The context of the proposed research is the SPCB's interest in the development and workings of participation techniques in committees of the Scottish Parliament. The overall research aims are to consider how Committees have used civic participation in their work and to investigate how their approach can be extended in the future towards active public engagement. For the purposes of the research, the definition of civic participation used in the specification, which excludes the general work of the Committees in evidence-taking, will be used. The definition of civic participation used in the report is 'engagement on policy issues with individuals and organisational representatives outside the normal routine of committee meetings'.

1.2. In particular, the research is to assist in future development, building on the 24 civic participation initiatives already undertaken in the Parliament's first session. In doing so, the research will address the broader questions of how the public can be involved in the political process, with specific reference to the role of Parliamentary committees and attention to the potential tension between representative democracy and a participative approach.

1.3. A key output of the research will be practical guidance on the use of civic participation techniques, tailored to the perhaps unique needs of the Parliament.

1.4. The specific aims of the research were to provide:

- an overview and analysis of the methods of civic participation introduced during the first session of the Scottish Parliament
- an outline and analysis of the relevant theoretical and empirical literature on public participation in parliamentary, government and other bodies in Scotland, the UK and internationally
- practical guidance on how the Scottish Parliament can advance citizen participation in its activities, based on the analysis of initiatives already introduced in the Scottish Parliament and elsewhere

Research methods

1.5. The research methods used in the research were:

- a review of academic literature on public participation
- analysis of key Parliamentary and Assembly documents relating to specific civic participation initiatives in Westminster and the devolved UK institutions
- information on international experiences from key European Consortium for Political Research (ECPR) network informants

- qualitative interviews (with Committee members, committee clerks, representatives performing different roles from a range of external organisations with strong interest in promoting the views of groups of people traditionally excluded from citizen participation in the political process)
- data analysis, interpretation and report writing

1.6. The research was undertaken in two main stages. Stage 1 of the research covered:

- reviewing the literature
- analysing key Parliamentary documentation, including such documentation on practice at Westminster and other devolved jurisdictions in the UK
- contacting the ECPR network and other key academic informants
- developing interview schedules
- finalising the interview sampling

1.7. Stage 2 of the research involved arranging, conducting and analysing a number of semi-structured interviews with MSPs, committee clerks and representatives of organisations and groups external to the Scottish Parliament.

1.8. As part of the review, we conducted and analysed a number of semi-structured interviews. 20 interviews were conducted with officials and members of voluntary organisations who have a key interest in promoting civic participation among groups traditionally excluded from the political process. The organisations were selected on the basis that they represented groups such as poor people; women; disabled people; children and young people; elderly people; and members of minority ethnic groups or, if umbrella organisations, had members who represented people in some or all of the categories. An inter-faith organisation was also included in the interviews. A number of the organisations selected are statutory or voluntary umbrella bodies. The organisations selected were:

- Moray Against Poverty
- Children 1st
- Cambuslang Health and Food Project
- Scottish Inter-faith Council
- Grampian Racial Equality Council
- Age Concern
- Voluntary Arts Scotland
- Aberdeen Council of Voluntary Organisations
- Voluntary Service Aberdeen

1.9. In the majority of cases, interviews were conducted with a number of people from within the organisation. However, in some instances, it only proved possible to interview one representative from an organisation. Where more than one representative of an organisation was interviewed, those

selected for interview were involved at different levels or had different roles within the organisation, either as staff or as members. The aim was to get a variety of opinions on different public participation initiatives. In some cases this proved possible, in others it did not.

1.10. Interviews were also conducted with members of Parliament committees and committee clerks. Ten members of the clerking service were interviewed, nine of whom were clerks on different committees and one a senior manager. A total of seven MSPs were interviewed.

1.11. The topic guides for the respective interviews are set out in Annex 1.

1.12. We approached a number of additional organisations and groups. However, for a variety of reasons, representatives either felt that their organisation was unable to participate in the research or, while they were willing for their organisation to participate in theory, it proved impossible to arrange interviews, in practice. It is possible that, had representatives of some or all of the additional organisations and groups been interviewed, the findings of the research may have been different. Similarly, it proved quite difficult to arrange interviews with MSPs, given their other commitments. A number of MSPs, other than those interviewed, were contacted but it proved impossible to arrange interviews.

1.13. A range of topics was discussed with interviewees. The topics ranged from the general to the specific. Interviewees were asked about their overall opinion of how successfully the committees of the Scottish Parliament had furthered the founding principles of the Parliament (accountability to the people; accessibility, openness, responsiveness and a participative approach; power-sharing between the people, the Parliament and the Executive; and equal opportunities). Interviewees were asked to reflect on the strengths and weaknesses of the participation processes and initiatives introduced by committees of which they were aware. In particular, they were asked to focus on initiatives they felt had been particularly successful. Further topics addressed in the interviews included interviewees knowledge of participation initiatives introduced by public bodies, other than the Scottish Parliament, if the Parliament had lessons to learn from such initiatives and the developments they would like to see during Session 2 of the Parliament.

CHAPTER 2: CIVIC PARTICIPATION IN BRITAIN

2.1. As part of the ESRC's *Democracy and Participation* programme, a citizen audit examining civic attitudes and behaviour has been completed. The Citizen Audit was conducted using a stratified, clustered random sample of adults aged 18 and over across Britain. The research was based around 101 local authorities in England, Wales and Scotland. A face-to-face element was included based around three postal districts randomly selected in each of the 101 local authorities. 20 households were selected at random in each area. A mail survey was also completed using 238 names and addresses selected at random in each local authority. A 62 per cent response rate was achieved for the face-to-face interviews and 38 per cent for the postal questionnaires. As well as looking at people's attitudes, those surveyed were also asked about action they had taken in the past 12 months to influence political outcomes. Based on an analysis of the face-to-face research, Pattie, Seyd and Whiteley (2003, pp. 632-633) reach conclusions that are relevant for the review of civic participation in the Scottish Parliament.

2.2. The research findings suggest that it is people with higher household incomes and with a university education who dominate a great deal of the political activity that takes place in Britain and are most heavily involved as members of civic organisations. On the other hand, they conclude that 'The less well resourced are unlikely to participate in civic life' (Pattie, Seyd and Whiteley, 2003, p. 633).

2.3. This distribution of participation might not matter if there was evidence that the privileged and the under-privileged shared broadly similar political attitudes. Jane Mansbridge (1983) has argued that the political participation of individuals is only important if others who share their opinions do not participate or where the participation of the individuals will have a significant impact on political outcomes. The research findings, however, suggest that the opinions of those who do not participate are significantly different from the majority of those who do participate. The evidence suggests that, in respect of issues relating to state involvement in the provision of collective rights and services such as full employment, health care, retirement benefits and housing, the less well resourced have quite different attitudes from the well resourced (Pattie, Seyd and Whiteley, 2003, pp. 632-633). In such a situation, it must be worrying that, in a democracy that claims to be inclusive, the opinions of significant parts of the population are not gaining a political hearing.

A CONTINUUM OF DEMOCRACY

2.4. Initiatives to increase public participation are generally introduced with the aim of enhancing democracy. However, it is argued that democracy can be, and has been, defined in a variety of ways. In Gallie's terms democracy is seen as an 'essentially contested concept' (Gallie, 1955-6, p. 169). Against that view, Beetham (1993 p. 55) has argued that the concept of democracy has a meaning which is clear. He argues that democracy is:

a mode of decision-making about collectively binding rules and policies over which the people exercise control, and the most democratic arrangement to be that where all members of the collectivity enjoy effective equal rights to take part in such decision-making directly – one, that is to say, which realizes to the greatest conceivable degree the principles of popular control and equality in its exercise.

2.5. Beetham (1993, p. 55) further argues that democracy should be seen as at one end of a spectrum (or continuum) with, at the other end, systems where the people are totally excluded from collective decision-making and any control over the process of collective decision-making. For him:

Disputes about the meaning of democracy which purport to be conceptual disagreements are really disputes about how much democracy is either desirable or practicable; that is, about where the trade-off should come between democratic and other values, or at what point along the spectrum a given set of institutional arrangements for realizing the principle of control by equal citizens is in practice sustainable.

2.6. It is possible to place the institutional approaches adopted by writers who 'support' democracy along Beetham's spectrum. Those writers who are closest to the democracy end of the spectrum argue for the use of binding referendums and the direct involvement of the public in decision-making (cf. Saward, 1998). Those who are furthest away from the democracy end of the spectrum, while still considering the most feasible way to institutionalise democracy, are writers, such as Joseph Schumpeter (1976), who regard pure representative democracy as the best form of democracy. In between those positions on the spectrum, are a range of opinions held by writers who argue that elements of representative democracy should be supplemented by greater citizen participation or participatory democracy to create a workable and more complete form of democracy (cf., for example, Beetham *et al.*, 2002, Green, 1985).

2.7. People support more or less democracy, in Beetham's terms, for a variety of reasons. Those who oppose the involvement of the people in collective decision-making generally do so because they argue that the people do not have the skills or knowledge to govern successfully and bad decisions will result from the people's participation (cf. Plato, 1955). Others support a minimal involvement of the people in collective decision-making so that the people can be protected from the state (cf. the arguments of writers set out in Parry, 1972, pp. 19-26). People adopting the 'protective position' tend to restrict the participation of the people to voting in periodic elections. Of more interest and importance for the focus of this report, are those who want to see the people engaging in collective decision-making beyond simply voting in periodic elections. It can be suggested that people support participation 'beyond the ballot box' for a number of reasons. We would suggest that there are six basic reasons why people support public participation:

1. Public participation helps people to become more fully human, to develop their capacities and potential. This is a position that has been associated with a number of social theorists and philosophers and the implications of the approach were considered by C. B. Macpherson (1973 and 1977).
2. The opinions you hold might be ignored or might not have the impact they would if you participated. This is the view adopted by Mansbridge (1983) and is considered above.
3. Decision-making will be improved if the participation of the people is maximised. People, individually, lack knowledge and decision-making will be aided through the pooling of individual knowledge. This justification for public participation relates to arguments advanced by writers like Jürgen Habermas (1994, 1996) and others who support deliberative democracy, as deliberation is seen as forcing participants to give reasons for their opinions, reasons that do not simply reflect their own sectional interests but connect with the wider public interest.
4. Support for public participation has also grown as a result of what is seen as disenchantment with representative democracy among the people. Low turnout at elections and the low esteem in which politicians are held by the public are seen as worrying signs of the poor health of representative democracy (BBC, 2002). These factors fed into the analysis of the Consultative Steering Group (CSG) which was set up in 1998 to consider the principles which would underpin the Scottish Parliament when it was established. (The principles enshrined in the CSG report will be considered below).
5. Public participation can be supported on the grounds that it makes governing easier. If groups and organisations, and perhaps also individuals, can be successfully encouraged to engage in the political process there is a greater chance that problems that might arise if the groups were estranged can be prevented from arising and dealt with more easily if they do arise. Moreover, public participation might be supported on the grounds that if groups and individuals participate the likelihood that decisions will be accepted within society, rather than opposed, is greatly increased.
6. Research (such as the Citizen Audit considered above) has shown that the socially disadvantaged are less likely to engage in civic affairs than others in the population. Some argue that democracy is necessary and desirable as a means of preventing domination and oppression by ensuring that the basic interests of individuals are not undermined or ignored (cf. Shapiro, 2003). On this argument, the participation of people from all sections of the collectivity is required to avoid domination.

THE CSG PRINCIPLES AND PARTICIPATORY DEMOCRACY

2.8. Following the results of the referendums on the establishment of the Scottish Parliament and its tax varying powers, the government created a Consultative Steering Group to consider the principles to which the new Parliament should work. Four principles were established in the CSG report (Consultative Steering Group, 1999). The principles were:

- the Scottish Parliament should embody and reflect the sharing of power between the people of Scotland, the legislators and the Scottish Executive;
- the Scottish Executive should be accountable to the Scottish Parliament and the Parliament and Executive should be accountable to the people of Scotland;
- the Scottish Parliament should be accessible, open, responsive, and develop procedures which make possible a participative approach to the development, consideration and scrutiny of policy and legislation;
- the Scottish Parliament in its operation and its appointments should recognise the need to promote equal opportunities for all.

2.9. Those principles were subsequently adopted by the Parliament. The principles reflect a formal commitment to the development of public participation. The first principle, with its call for power sharing between the people, the Parliament and the Executive, in particular, suggests a commitment to a participatory form of democracy. The principles are, however, open to interpretation. They may also reflect a tension within the aims and practice of the Parliament (Winetrobe, 2001, p. 161). It is partly in response to the perceived disenchantment with representative democracy that the members of the CSG supported a participatory approach for the Parliament (Consultative Steering Group, 1999). However, it is argued that the Scottish Parliament is based on, and gains its legitimacy from, the selection of representatives in competitive elections. The overwhelming majority of MSPs are elected as representatives of political parties. The elected MSPs fought the elections on a party manifesto which contained certain policy commitments. The commitments of different parties often conflict. The political parties organise within the Parliament to either further their election commitments or to oppose policy proposals by other parties, with which they disagree. If a serious analysis is to be conducted into the ways in which public participation can be encouraged by Parliament committees, the nature and importance of political parties within the Scottish Parliament, and the often adversarial nature of parliamentary politics, must be recognised. The CSG report makes little mention of political parties or the nature of party politics in parliaments.

2.10. Moreover, James Mitchell (2000) has argued that the emphasis placed on the public participating with the Parliament has meant that public participation with the Scottish Executive has largely been ignored. However, he argues, it is the Executive which has the biggest policy input and power lies within the Executive. In even starker form, Jordan and Stevenson (2000, p. 179) have argued that with the establishment of the coalition in the

Executive in the first Parliament (and re-confirmed in the second) the influence of the Parliament was greatly reduced. They write:

Once it was decided to go for the convenience of a coalition rather than a minority administration, then the likelihood of much significant negotiation within the Parliament, and between forces in Parliament and the wider society, was curtailed. To be blunt, once politics became a matter of for or against the secure Executive, then the focus has to be on the civil servants and politicians in the Executive, rather than on civil society and the Parliament.

2.11. In addition, Jordan and Stevenson (2000, p. 181) argue that there *should* be limitations on the impact that most organisations can have over policy in the Scottish Parliament. They write:

It is the responsibility of civil servants, perhaps major national organisations, parties and the full time politicians to make policy. This suggests restraint on expectations about the impact of the micro organisations; citizens who are not active should not have less control over public policy processes than the tiny fragment who are mobilised in small groups. There is a potential here for a new bias.

2.12. Norman Bonney (2003), while supportive of the aim to increase public participation, none-the-less argues that there are dangers in the way in which participation has tended to work in Scottish Parliament committees. For Bonney, certain voluntary organisations have gained a special relationship with the Parliament committees. As he writes: 'it is possible, however, for certain better-organised or influential interests to become regular and key sources of advice to the committees, perhaps to the extent of elbowing aside other potential sources' (Bonney, 2003, p. 467). However, against Bonney's point it may be that many professionally staffed voluntary organisations can offer expertise and knowledge that will help committees to reach better decisions. It could be argued that it would be remiss of committees not to make use of such expertise and knowledge. Bonney concludes by stressing that consultation with the public will always be limited, as decisions have to be made ultimately by elected representatives.

2.13. Bernard Manin (1997, p. 6) has traced the evolution of representative government from Ancient Athens through to the present day. He has concluded that there are four principles which are central in defining representative government today. The principles are the election of representatives for fixed and short periods of time; freedom of speech; representatives having autonomy in decision making (representatives are not delegates); and open debate and discussion. The interesting points from this approach for our analysis are that regular elections are at the heart of representative government, and are the main way in which citizens have control over the political process, and the importance given to the decision making autonomy of representatives. Those two points suggest that the idea of power sharing between the Scottish Parliament, the Executive and the

people may be difficult to achieve while maintaining the principles of representative government

INSIDER AND OUTSIDER GROUPS

2.14. A distinction is made in the political science literature between 'insider' and 'outsider' groups. 'Insider groups' are organisations that are routinely consulted by, and have close working relationships with, policy makers, while 'outsider groups' are rarely consulted and are distant from policy makers (Grant, 1985). Some of the organisations involved in our research engaged closely and frequently with the committees of the Scottish Parliament. They were aware of invitations to give evidence to committees, took advantage of opportunities to participate and were sometimes pro-active in their connections with committees. These organisations relate to 'insider groups' in the literature. They are also often referred to in respect of participation in the Scottish Parliament as the 'usual suspects'. Other organisations involved in the research had little or no engagement with Parliament committees. The representatives of a number of such organisations said their organisation had engaged with the Scottish Executive in various forums and/or with individual MSPs but not with the Scottish Parliament or its committees. In some cases, it was clear from the comments of representatives that they had little idea of the workings of the Scottish Parliament and its committees and no clear idea of the opportunities for organisations to engage with Parliament committees. These organisations represent 'outsider groups' in the literature.

CSG PRINCIPLES

2.15. Having set out the arguments of writers in favour of, and opposed to, participatory democracy, and having considered some of the arguments in respect of the CSG principles, we will now set out the approaches of those we interviewed to the founding principles of the Scottish Parliament. The general feeling among those interviewed was that the Parliament was still very young but there was widespread agreement that it had already made good progress in furthering its founding principles and that the committees had played an important part in this. Respondents commented on the success of the Public Petitions Committee. On the general success of the Parliament, one member of staff of a voluntary organisation put it as follows:

I'd like to say, put it on record, that I think the Parliament has been tremendous. It's so much better to work with than the old Scottish Office. It's not just a geography thing (Edinburgh is nearer than London). It's a culture thing. Scotland and Scottish concerns are now taken seriously.

2.16. For another representative of a voluntary sector organisation, 'Scotland is small enough that everything is two phone calls away. There is a sense of community within Scotland'. The Parliament was seen as reflecting that sense of community. Other respondents argued that, given its short existence, the Parliament and committees had made good progress but there was room for improvement.

2.17. Both MSPs on committees and the clerks associated with committees were seen as accessible and committees were seen as generally acting in an open way. Some respondents were unhappy about the amount of business that was held in private and that some briefing documents were not made available to the public. One MSP commented, 'Apart from the problems of things going on in secret, we are doing well with the other [CSG] principles'. Others, mainly clerks and MSPs, argued that it was often necessary for contentious issues to be considered in private. Private discussion, it was argued, could allow the flexibility that was needed for agreement to be reached on contentious or divisive issues. However, one clerk was quite sceptical about the CSG principles, reflecting some of the comments in the literature. It was argued that:

There is a lot of stuff written about CSG, a lot of this doesn't fit in with political reality. Scotland is a very political country. All this stuff about partnerships, power sharing etc. is all very good. In reality the real politics are always supreme, structures of power overarch that.

For this clerk the committees had important achievements to their credit in the area of public engagement.

2.18. There were some differences between what we have termed 'insider' and 'outsider' groups in their attitudes to the Parliament. Representatives of outsider organisations generally had lower expectations of public engagement with the Parliament and its committees and/or felt that working with the Scottish Executive or with individual MSPs offered a route for them to make their views known. One representative said 'The Parliament's a bit remote'. The respondent meant by this, not only that the Parliament was physically remote but somewhat remote as an organisation.

2.19. For an MSP there were dangers in giving too much importance to promoting public engagement, especially if this meant engagement with interest groups:

There is too much emphasis on the public engagement issue. What concerns me is that we are a Parliament for all Scotland, not just interest groups. Although it is important to engage with civil society, we must talk to everybody. I am wary of giving special privileges to certain sections of society.

2.20. Another MSP argued in a similar way: 'I do not feel the relationship is right. I don't agree with the special status that interest groups get within Parliament; they have a cause and want to fight it'.

2.21. Of the CSG principles, the one that created most uncertainty among those interviewed was that relating to power sharing between the Parliament, the Executive and the people. Many of the responses on this issue exposed a perceived tension between the representative reality of the Parliament and the commitment to a form of participatory democracy enshrined in the CSG

principles, especially the commitment to power sharing. A number of interviewees said they were unclear about what power sharing might mean in practice and argued it did not seem to be a principle that could easily be implemented. The responses of interviewees on this topic tended to reflect those expressed in the Procedures Committee inquiry into the Parliament's founding principles (see Annex 3).

2.22. There was support for the idea that the people's representatives should have autonomy in decision making, one of the principles of representative government as set out by Manin. The view that MSPs were elected to make decisions, and that was what gave the electoral process its legitimacy, was expressed by a number of MSPs, committee clerks and organisational respondents. A fairly typical view was expressed by a director of a voluntary organisation, who said:

I have a problem with power-sharing. I think we should be able to influence decision making. And we should be able to know that MSPs on committees have taken seriously what we say when we give our opinions. But I don't think ... it would be wrong if we made the decisions. That's not right. That's not our job. That's what we elect them [MSPs] for. Why should anyone want to be an MSP if they don't do that?

2.23. One clerk said that 'Participation is always going to be secondary. It is politics that is the main function – scrutiny of the executive – everything else is secondary'. A respondent from the clerking team pointed out that while the CSG report had called for individuals to be co-opted as members of committees, this was not, in fact, legally possible. Decision making power rested with MSPs.

2.24. Representatives of a voluntary organisation, however, questioned why the people, especially from politically marginalised social groups, should participate at all if their participation had no impact on policy decisions. It was argued: 'The Parliament seems to be committed to representative democracy but the CSG wanted to see participatory democracy'. It was further argued that committees sometimes did not take into account the opinions of those who participated. The issue of smacking children was raised as an example of this. Children opposed smacking but the Justice 2 Committee, it was argued, supported the retention of some use of force, thus ignoring the opinions of the children who had made their views known. An additional point was made that committees were not very good at reporting back to those who had participated. The comment was made that 'If people don't know what has happened after getting involved, why should they do so in future? Putting everything on the web isn't really good enough'. The points about people's participation influencing outcomes and the importance of feedback are also mentioned in the literature on public participation.

2.25. The question of the influence those involved in participation exercises can or should have over decision making exposes potential tensions between the participatory and representative nature of the Parliament. It also reflects

the variety of views and experiences that may be collected during the public engagement process on any topic. As the Parliament works, different opinions and concerns will influence committee decision making but MSPs will have to exercise final decision making judgement. MSPs will face pressure from a variety of influences. These will probably include:

- the views of constituents
- pressures to support the party line
- general public opinion (as far as that is known)
- re-election concerns
- their own particular moral positions
- the views expressed during formal public engagement activities.

The importance of the different influences will vary across issues and the weight given to specific influences will differ according to the topic. The views collected in the public engagement process on any particular topic will be one factor among others that will influence final decision making. Moreover, the views collected during public engagement activities may not be uniform, resulting in a complex relationship between committee decision making and civic engagement.

2.26. Feeding information back to those who have participated is a difficult task, given the scale and scope of committees' work. In order to communicate effectively, the Scottish Parliament has given a high priority to the development and use of Information and Communication Technologies (ICTs). Committees make considerable use of the internet to provide information. One clerk stated: 'Everything goes on the web and people can access it. People can know what we're [the committee] are doing and get access to documents etc'. However, others expressed concerns about the limited access some people had to the internet and there were a number of respondents who doubted if the internet would ever make other forms of communication redundant. A fairly typical view was expressed by a committee clerk, who commented:

The web can be really useful for letting people know what's going on. We put virtually everything on the web. The problem is is that the web doesn't reach everyone. But, then, I think however much we try, whatever we do, we won't reach everyone.

2.27. Views differed about the extent to which the public or external organisations should be able to influence the agenda to which Parliament committees worked. Some believed it was legitimate for external organisations to try to have an impact on the topics members of committees considered. As a member of an external organisation commented, 'We want to influence what they [committees] do. If we don't get them discussing what's important to us, what's the point in participation? It's pointless'.

2.28. Other interviewees had a different emphasis. For example, one MSP argued, 'No, the public shouldn't decide what we do, what we discuss. We must decide our own priorities, do what we think's important'. That comment

does not preclude support for organisations that are outside the Parliament *influencing* the agenda to which committees worked. A clerk expressed a view that was quite widely held: 'Much of what committees do is reactive. We often are responding to what the Executive's doing or proposing'. That point will be considered later in the chapter when the different roles of committees are considered.

2.29. There were more sceptical opinions of what the Parliament, and committees within it, had achieved on the participation front. For example, questions were raised by some interviewees about what the Parliament meant when it talked about public or civic participation. One respondent from an organisation external to the Parliament argued that if you analysed what the Parliament had done in this area against the criteria advanced by Sherry Arnstein (1971) with her ladder of participation, the Parliament was really only committed to consultation. Some doubt was also expressed about the extent to which staff of the Parliament and MSPs had adopted a culture which embraced public participation. For some, a culture of participation had to permeate an organisation, for the commitment to participation to be effective.

2.30. It was generally accepted that the Parliament, and its committees, had taken the issue of equal opportunities seriously. However, representatives of an organisation external to the Parliament argued that the Parliament's approach to children's rights was inconsistent and this fed through to committees. The Parliament had not endorsed the UN Convention on The Rights of the Child and this had led to different approaches in committees and on various issues, it was argued. One clerk argued that more work could be done on equal opportunities. The clerk commented that the Equal Opportunities Committee now had the task of monitoring equal opportunities in other committees and this was seen as a good thing. 'We now will be monitored on how we do on equal opportunities. I'm not sure how that will be done but that's a good thing'. It was stated that there had been discussions about whether there should be a separate equal opportunities committee or whether equal opportunities should be mainstreamed across the Parliament. However, the respondent who raised this argued that the two approaches were not mutually exclusive and, indeed, the second requirement could be effectively promoted by the establishment of an equal opportunities committee.

SUMMARY OF POSITIONS

2.31. Within each of the groups of people interviewed, MSPs, clerks and representatives of organisations external to the Parliament, there was no single opinion about the founding principles of the Parliament. Across groups there was an uncertainty about the desirability or practicability of power sharing between the people, the Parliament and the Executive. Most MSPs who expressed a view, argued that power sharing was not suitable for the Parliament. Among respondents from organisations, there was a feeling that it was MSPs who should take decisions. However, there were members of one organisation, which had engaged with the Parliament, who argued that the Parliament was sending out confusing signals, with the Parliament in its

practice acting in line with representative democracy, while promoting participatory democracy in its principles. Representatives of 'outsider' organisations tended to have lower expectations for the Parliament and of public participation in the Parliament. While MSPs tended to argue that they should set the agenda to which committees should operate, most representatives of external organisations argued that external organisations should be able to shape, if not control, the agenda of committees. Some MSPs, along with most clerks, argued that the ability of committees to set their working agenda varied according to the legislative programme to which each committee had to work. Committee clerks, MSPs and representatives of external organisations generally felt that the Parliament and its committees had made good progress in advancing the principles of openness, accountability and equal opportunities.

ROLES OF SCOTTISH PARLIAMENT COMMITTEES

2.32 In evaluating public engagement with the committees of the Scottish Parliament, it is important to be clear about the roles the committees perform. The Consultative Steering Group argued in its report that the Parliament committees should carry out six functions (Consultative Steering Group, 1999, p. 5). These functions are:

1. to consider and report on the policy and administration of the Scottish administration
2. to conduct inquiries into such matters or issues as the Parliament may require
3. to scrutinise primary and secondary legislation and proposed European Union legislation
4. to initiate legislation
5. to scrutinise financial proposals and administration of the Scottish Executive
6. to scrutinise procedures relating to the Parliament and its members.

2.33. The committees of the Scottish Parliament, therefore, have an important role in scrutinising legislation, along with the administration and financial proposals of the Executive and the procedures of the Parliament. The emphasis on scrutiny suggests that much of the work of the committees will be reactive, responding to activities, procedures and policies proposed, introduced and implemented by others. While the committees have the right to initiate legislation, and some have done so, the vast majority of new legislation introduced by the Parliament has originated inside the Executive. This has meant that committees that have been responsible for scrutinising and processing legislation have largely been reacting to an agenda and proposals determined by the Executive. There are opportunities for committees to engage the public in their scrutiny of legislation. However, committees that have a large amount of legislation to scrutinise and process will only have a limited amount of time to engage in other functions. This point was made by a number of interviewees. For example, an MSP stated:

In the early part of the Parliament the Justice committee was swamped with legislation. There was little the committee could do other than work on the legislation. Other committees had virtually no legislation to deal with. That's why Enterprise and Lifelong Learning and others were able to do so many other things. If you're swamped by legislation, the chances for doing exciting things on civic engagement are limited.

2.34. Another MSP felt that there was a need to think more strategically about how the Executive's legislative programme could be managed. As far as possible, it was argued, different legislation covering the same subject area should be phased in over the lifetime of the Parliament or greater consideration should be given to how legislation is distributed across committees.

2.35. While for some committees it is a major part of their work, both in terms of priorities and of time, scrutinising legislation is not the only role of committees. There was a widespread feeling, among those interviewed, that while committees had tried to be inclusive in their engagement on legislation, there was often more scope for innovative types of civic engagement in the other work that the committees conducted. The functions of the committees, other than scrutinising legislation, offer more opportunity for the committees to follow their own agendas and priorities.

EVALUATION OF PARTICIPATORY MECHANISMS

2.36. The report of the Consultative Steering Group (1999) made recommendations for a participative approach to be followed by the Parliament, and set out a number of mechanisms to seek public participation in the work of the Parliament. The CSG report included a list of general mechanisms for encouraging participation, including social partnerships; consensus conferences; citizens' juries; deliberative opinion polling; citizens' panels; and public petitions (CSG report, Annex G). However, the report did not analyse in any detail the extent to which individuals or groups might be involved in direct decision making. (A consideration of mechanisms that might be appropriate for use by Parliament committees is to be found in Annex 2).

2.37. The number of in-depth evaluations of participation mechanisms that have been applied in public sector organisations is limited. Much of the in-depth research which has been conducted on the evaluation of techniques of public participation has been completed in respect of local government in England. This may not immediately seem particularly relevant for evaluating participation in the Scottish Parliament. However, the research findings raise points which relate to experience in the Scottish Parliament. Some of the most extensive evaluation has been carried out by Vivien Lowndes and her colleagues. In two articles, Lowndes *et al.* (2001a, 2001b) set out the attitudes of local government officers, local councillors and citizens to public participation in general and to a variety of participatory initiatives. The research with citizens was based on 30 focus group discussions conducted

with citizens from 11 local authority areas. The researchers made a special effort to recruit citizens from traditionally excluded groups, such as members of minority ethnic groups and disadvantaged geographical locations. Each focus group had ten members. There were four types of group, one of which included those who had participated in participatory initiatives; another included activists in community or voluntary organisations; a third was made up of young people; and the fourth involved 'ordinary' citizens who were selected at random.

2.38. The focus groups found that participants would take part in consultations where the issues mattered to them. These included litter, graffiti, dog fouling, open spaces and children's play areas, crime (and drug related crime, in particular), housing developments and health. While people said they would participate on important issues, few had actually done so. An example of this was a man who regarded the closure of six secondary schools in his city as a major issue but had not become involved in any actions around the closures. Lowndes *et al.* suggest it may be that people reported what they felt, in theory, they *ought to do*, in terms of public participation, rather than what they were, in practice, *prepared to do*.

2.39. Those who had participated in local authority initiatives tended to be involved in other areas, such as on community groups, or in other forms of consultation. Of those who had participated in local government activities, the ex-citizens' jurors seemed most happy and positive about participation. The authors argue that their research suggests the desirability of using different methods of participation to meet different circumstances and the demands of different citizens' groups.

2.40. Respondents whose involvement in participation exercises was continuous over a period of time, such as membership of a youth council, saw these forums enabling people to contribute on a range of issues. Those who had participated in a deliberative forum, such as a citizens' jury, felt they were useful in dealing with complex issues that demanded familiarisation with a great deal of information. For young people, small group discussion was preferred to big meetings. There was support, especially among young people, for education initiatives which explained how councils operated and the opportunities for participation.

2.41. The research shows that the people selected at random, along with young people, had negative views about their local council. This is one reason for their unwillingness to participate. In addition, councillors were viewed in a very negative light. There was limited knowledge about the opportunities to participate. People did not know that they could attend council meetings, nor did 'ordinary' citizens have much knowledge of tenants' associations or other standing forums in their area. People in full-time work often felt they lacked the time to participate. But the biggest obstacle to participation 'was citizens' perception – or experience – of a lack of council response to consultation' (Lowndes *et al.*, 2001b, p. 452). This finding was in line with that of other studies into participation and reflects the views of some of our respondents. The survey of local authorities found that only a third of

those surveyed felt that public participation had an impact on final decision making (Lowndes *et al.*, 2001a)

2.42. Many respondents did not participate because they felt participation was for others and not for them. Certain people were seen as dominating participation exercises. Lowndes *et al.* (2001b, p. 453) argue that:

Our focus group findings underline the fact that “more participation” is not the same as “more democracy” – participation initiatives may reinforce existing patterns of social exclusion and disadvantage. The findings support the principle that different participation methods are necessary to reach different citizen groups: it may be unrealistic to seek “balance” or “representativeness” within each type of forum.

2.43. While the research was conducted into participation at local government level in England, the findings, such as those concerning the lack of regard for elected representatives (in this case councillors); the feelings that consultation has no clear impact on policy; people’s abstract support for participation on important issues; the problems of using participation to create greater inclusiveness; the frustration at the lack of response to consultation; and the need for the application of a variety of different mechanisms, are probably relevant for participation in the Scottish Parliament. Moreover, it is interesting to note that:

- respondents liked being able to contribute on a range of issues, as a result of being a member of a standing forum;
- deliberative forums were seen as good where issues were complex and a great deal of information had to be digested;
- young people preferred participating in small discussions and supported education initiatives to explain the workings of the council.

2.44. All those points have relevance for the Scottish Parliament committees when they are considering how to engage on different issues and with different groups in the population.

SCOTTISH PEOPLE’S VIEWS ON PARTICIPATION IN THE SCOTTISH PARLIAMENT

2.45. Research has been conducted into the attitudes of Scottish people to the Scottish Parliament. The Scottish Civic Forum conducted an audit of democratic participation between June 2001 and October 2002. This focussed on the Scottish Parliament and Scottish Executive, as well as the Civic Forum itself. A survey of Civic Forum members was conducted in spring 2002. 172 out of 341 organisations contacted responded to the questionnaire survey. A report has been produced (Scottish Civic Forum, 2003). In its conclusions, the report strikes a warning note that, while consultation is widespread, if it does not have an impact on policy development, people could become disillusioned. This point reflects the arguments of Lowndes *et al.* set out above. However, it is also argued that the survey suggests that

Lack of interest in the democratic system does not appear to be a barrier to participation. The main barrier to greater involvement appears to be time... The discussions and interviews carried out in the course of the project show that people sometimes feel anger, despair or confusion about how to get involved: but not apathy (Scottish Civic Forum, 2003, p. 86).

2.46. However, it should be borne in mind that the Scottish Social Attitudes Survey 2001 (Bromley and Curtice, 2003, p. 16) found more negative attitudes towards the Scottish Parliament. Only 38 per cent of the people they surveyed thought that having a Scottish Parliament gave ordinary people a greater say in the governance of Scotland. This is a large reduction from the 64 per cent in 1999 who thought ordinary people had more say in how Scotland was governed, as result of the Scottish Parliament. However, the survey also found that people do believe that the Scottish Parliament makes decisions in a different way from the Parliament at Westminster.

2.47. The Scottish Social Attitudes Survey 2000 (Paterson 2002a, 2002b) found significant differences in attitudes to the Scottish Parliament among those who were involved in certain civil society organisations (termed the engaged) and those who were not involved in the civil society organisations (termed the disengaged). The engaged tended to be from the middle class and to have high formal educational qualifications. This group was much smaller than the group of disengaged, who tended to be working-class and to have limited formal educational qualifications. The engaged were found to be less cynical about politicians and to have greater faith in voting than the disengaged. The disengaged were much more left-wing in their attitudes to social inequality and in their views about the ability, or willingness, of government to tackle it. As compared to the disengaged, the engaged were more trusting of the UK constitution and, by a small margin, of the Scottish Parliament. While the engaged were more in favour of devolution than the disengaged, the disengaged supported an extension of the Parliament's powers, even as far as independence, to an extent that the engaged did not. A smaller minority of the disengaged than the engaged was opposed to the existence of the Parliament. The disengaged were also much more likely than the engaged to give priority to their Scottish rather than any British identity they may feel and to expect conflict rather than harmony in Scotland's relationship with England.

2.48. The last point connects to research carried out for the 2001 Scottish Social Attitudes Survey. The findings show that those who stress their Scottish identity are more likely than those who do not to take a positive attitude on the question of whether the Scottish Parliament has or will improve the Scottish economy and the NHS. However, in respect of the question of whether the Scottish Parliament has improved education, the differences among respondents, in terms of strength of Scottish identity, are small and statistically insignificant. The same is true for responses to the important question for the focus of this research, of whether the Scottish Parliament has given people more say in how Scotland is governed. For this question

positive responses in the categories range from 41 per cent for those who regard their identity as more Scottish than British to 34 per cent for those whose identity is more British/British not Scottish, with those who regard themselves as Scottish not British recording 36 per cent, along with those who are equally Scottish and British (cf. Rosie and Bond, 2003).

THE NATIONAL ASSEMBLY FOR WALES

2.49. The constitutional settlement in Wales is different from that in Scotland. The National Assembly for Wales does not have law making powers and has no right to vary the standard rate of income tax in Wales. It is, however, worthwhile considering if the role and workings of committees and the experience of participation in the National Assembly for Wales have lessons for civic engagement with the committees of the Scottish Parliament.

2.50. The committee system in the Welsh Assembly also differs in important respects from that in the Scottish Parliament. The relevant Minister is a member of each subject committee. The roles of committees are to:

- aid the development of policies in the areas for which the competent minister has to account to the Assembly
- scrutinise expenditure and administration
- review the exercise of public functions by public, private and voluntary organisations in areas covered by the committee
- advise on proposed legislation affecting Wales
- advise the Assembly Cabinet on the allocation of the Assembly's budget.

Subject committees also deal with matters referred to them by the Assembly and perform functions relating to complaints and any other functions assigned to them (National Assembly for Wales, 1999).

2.51. In addition to Subject Committees, the National Assembly for Wales has Standing Committees and Regional Committees. One of the Standing Committees, the Equality of Opportunity Committee, has given an open invitation for the Equal Opportunities Commission, the Commission for Racial Equality, the Disability Rights Commission and Stonewall Cymru to attend all committee meetings as advisors (National Assembly for Wales, 2004a). This committee has the function of promoting equal opportunities across the Assembly. Each Regional Committee is responsible for considering policy matters relating to the region it covers and for scrutinising the work of public bodies in the region (National Assembly for Wales, 2004b).

2.52. Committees do not play the same role in engaging with the public as is the case with committees of the Scottish Parliament. Generally, committees in the Welsh Assembly have a more constrained role than Scottish Parliament committees. They do, however, engage in enquires which involve collecting evidence from sources external to the Assembly, as well as from internal sources. Committees can hold public meetings and engage in fact-finding visits. Committees can also call witnesses to give evidence before them.

2.53. The approach to civic engagement has been very different in the National Assembly for Wales from that adopted in the Scottish Parliament. When the Welsh Assembly was established by the Westminster Parliament, it was given a statutory obligation to enter a legal partnership with the voluntary sector (Chaney, 2002). Consultative networks, such as the Voluntary Sector Partnership Council (VSPC) have been established. This contains 21 interest groups and aims to reflect the gamut of voluntary activity in Wales. Three VSPC categories covering 3,800 organisations that comprise 16 per cent of the voluntary sector, aim to represent previously marginalised groups, and cover the areas of gender issues, disability and ethnic minority interests. The Assembly has a statutory duty to promote equality of opportunity and, in pursuit of that aim, has set up four consultative equality networks that are separate from the VSPC groupings. The networks, which are made up largely of voluntary organisations representing marginalised groups, are funded by the Assembly and feed into the consultations on policy undertaken by the Assembly. The networks are:

- Disability Wales
- Wales Women's National Coalition
- The All Wales Ethnic Minority Association
- LGB (Lesbian, Gay and Bisexual) Forum Cymru

2.54. From research which involved the analysis of 100 semi-structured interviews with managers and co-ordinators of organisations representing marginalised groups, such as women, disabled people, ethnic minorities and gay, lesbian and bi-sexual people, Chaney (2002, pp. 35-36) concludes:

From the current evidence it is clear that a range of problems need to be addressed before these groups become fully engrossed in the work of government. Some of these relate to the ability of organizations and networks to effectively mediate the interests of their members and foster political participation. These challenges are directly linked to a lack of resources, a skills deficit, as well as shortcomings in organizational structure and practices. Accordingly, the transition to inclusive governance based upon the full and effective participation of 'minority' third sector organisations is far from assured. In addition to the structural and legal innovations reported on here, it will depend upon a range of factors that shape volunteers' propensity to engage in associative activity. These include notions of trust, identity and the operation of social networks.

2.55. It is important to note that even with the creation of statutory networks for socially disadvantaged groups, Chaney expresses concerns about the degree of civic engagement with the National Assembly for Wales. The establishment of statutory networks does not seem to have solved the problem of a lack of citizen engagement which appears to require more than the provision of opportunities for participation. That finding has implications for the Scottish Parliament.

ENGAGING WITH MARGINALISED GROUPS

2.56 The discussion so far has largely ignored issues of whether Scottish Parliament committees may face particular problems in trying to engage with certain parts of the population. It may, of course, be argued that there are limits to the extent to which Parliament committees can, or should, try to promote participation. It has been argued that a vicious circle makes increasing public participation very difficult. C. B. Macpherson (1977) has argued that increased public participation is only likely if there is greater equality in society. However, he has also argued that greater social equality is unlikely to happen without increased public participation. Macpherson acknowledged that breaking into the circle is very difficult. It may well be that there are social groups with whom the Parliament committees will never be able to engage directly, unless, or until, their position in society is improved. This, of course, is not to downplay the importance of the argument set out above that if significantly large sections of the population, for whatever reason, are divorced from participation in formal politics, and members of those groups tend to hold different political views from those held by the majority who are active in formal politics, the democracy of the society is undermined.

2.57. The Citizen Survey (Pattie, Seyd and Whiteley, 2003) shows that those termed the 'less well resourced' are less likely to participate in political affairs than those who are 'well resourced'. Studies of elections have shown that it is people who have low incomes and who lack formal educational qualifications who are least likely to vote in elections. Recent evidence also suggests that younger people (those aged 18-25) are disproportionately less likely to vote in elections than people from other age groups (Beetham *et al.* 2002, pp. 218-219; The Electoral Commission/The Hansard Society, 2003, pp. 27-37). There is a relationship between low voter turnout among certain groups and social disadvantage. The Scottish Parliament is aware of these issues and has set out to engage with organisations that represent people from specific disadvantaged groups. While poverty, or the lack of resources, is an important element in determining whether individuals vote in elections, the Scottish Parliament, and a number of its committees, has encouraged organisations representing, or working on behalf of, poor people, such as the Poverty Alliance, to become involved in their work. Committees of the Parliament have also engaged with organisations, representing, or acting on behalf of, people in other disadvantaged groups, such as the Disability Alliance, and women's organisations, such as Scottish Women's Aid.

2.58. The engagement with those types of organisations, however, raises a number of issues. Some of the issues, such as whether it is legitimate from a democratic point of view to allow certain organisations to gain a privileged input into the work of the Parliament and its committees, have been discussed above. Another important issue relates to the extent to which such organisations actually do represent the people from the disadvantaged groups, and can be said to be acting on behalf of the people in any real sense. Issues arise about the degree to which the 'iron law of oligarchy' applies to such organisations (cf Michels, 1962). In other words, to what

extent are the organisations dominated by a small elite with the people supposedly represented having little or no influence over the policies that the organisations pursue?

2.59. Research shows that the likelihood of people participating in voluntary organisations is greater the higher the social class to which they belong. The chances of a professional or manager joining a voluntary group are twice as high as those of a manual worker (cf. Beetham *et al.*, 2002, p. 218). The extent to which organisations are representative of those on whose behalf they claim to be speaking is clearly important in any strategy for participation. However, a case can be made for arguing that, in many of their activities, committees of the Parliament have little or no alternative to engaging with organisations, for trying to involve large numbers of individuals, as individuals, is probably impracticable in many instances. A number of respondents, both MSPs and clerks, argued that the committees of the Parliament aimed to engage not just with organisations but also with individual members of the public. There was some scepticism about the extent to which formal organisations that claimed to represent the interests of a group of people actually did so. As one MSP put it, 'With best will in the world, you can never be sure a group really represents people. I'm a bit sceptical of self-appointed groups. But I don't know how you get beyond that, often'.

2.60. An added issue would arise if committees of the Parliament were seen to be involving some types of organisations and not others. There may be a danger that while professionally staffed organisations, especially those with parliamentary officers, can take up opportunities to engage with the Parliament committees, organisations without professional staff may not find participating with Parliament committees easy. Yet those organisations may be as representative of the opinions and interests of people from disadvantaged groups as are the professionally staffed organisations.

2.61. Among those interviewed, there was agreement that in its general work, committees of the Parliament did offer opportunities for groups, organisations and individuals to participate in their activities. This was achieved frequently, however, through groups and individuals responding to calls for participation from committees. It was mentioned by a number of respondents that if a group approached a committee in response to a call by a committee, it would receive a hearing. A number of clerks and MSPs said that Parliamentary Officers of organisations in the voluntary sector had been particularly good at taking up, and pressing for, opportunities for their organisation to participate. It was suggested that in their routine work, committees were not perhaps that good at promoting participation among those who were unlikely to approach the Parliament directly, for example, in response to calls for evidence. The result, it was suggested, was that it was the professionally staffed groups and organisations, what are called the 'usual suspects', that would tend to participate. For many, that it was professionally staffed formal organisations that took greatest advantage of the routine opportunities to participate was not seen as surprising. It was argued that the unorganised, by their very nature, were unlikely to take advantage of general chances to participate. However,

a clerk said, 'Some committees try harder than others to get to the marginalised'.

2.62. An interviewee from the voluntary sector said they understand why the Parliament's main focus is on groups. 'Contact through groups is easier. I wouldn't do it as an individual'.

2.63. There was a wide acceptance that people were not aware of the ways in which they could participate and of the opportunities that were open to them. People's lack of knowledge was seen as compounded by the attitude of the mass media, in the opinion of a number of people, both internal and external to the Parliament. An MSP commented: 'The Scottish media's awful at informing people. The papers just deal with the personalities. It's not whether they're negative about the Parliament, it's just that they don't let people know what's going on'. Moreover, a clerk argued:

How do we deal with press coverage? It always seems to be negative. When we move, will the press report on legislation? There are never any headlines about the good things we do. Parliament should blow its own trumpet.

2.64. The point about the Parliament needing to let people know about its achievements was also reported by other interviewees, some of whom said the Parliament and committees were not good at communicating with the public.

2.65. Among committee clerks there was some feeling that better use could possibly be made of their allocated budgets for advertising. At least one clerk said their committee had never fully spent its advertising budget. As one clerk put it, 'We've never spent our advertising budget and it might be ... it would be good if we did. We need to think about the papers we advertise in'. This topic, however, was related to the problem of how you reached people who were unorganised and politically disaffected, as such people were unlikely to read newspapers or respond to advertisements from the Scottish Parliament, if they did so. One possibility that committees might consider is placing adverts in newsletters and other publications produced by groups representing, or acting on behalf of, groups who are seen as marginalised from formal politics, as well as making known the opportunities for public participation through schools, general practitioner surgeries and similar places where people congregate. Community radio might offer another vehicle for communicating the opportunities for engaging with Parliament committees. It might also be worth exploring whether committees could work more with community work sections in local authorities, to promote civic participation.

CHAPTER 3: SUCCESSFUL INCLUSIVE ENGAGEMENT INITIATIVES

3.1. Each committee needs to be clear about the purposes behind participation exercises. Committees should be clear when encouraging public engagement whether they want to engage with organisations and individuals because the organisations and individuals have expertise or knowledge that the committee wishes to tap, whether engagement with organisations and individuals is sought because the organisations and individuals concerned have an interest in the topic concerned, because public engagement is desirable, as an end in itself, or because of its affect on those who participate. Different types of engagement, with different populations, may be appropriate depending on the aims underlying the engagement. Of course, the aims of participation may be multiple. However, in such cases, one aim may take precedence over others

3.2. Particularly when trying to engage with organisations or individuals from social groups who are marginalised from formal politics, the purpose of the participation needs to be clear. If the primary aim is to encourage participation because it is seen as a good thing in itself and to encourage further participation in the future then how the participants perceive the participation will be crucial. However, if the primary aim is to improve decision making the participation will be evaluated in terms of the useful information and ideas the MSP decision makers gain.

3.3. In the interviews, a number of respondents highlighted participation exercises that they thought had been successful. Some of the activities mentioned were part of the scrutiny of legislation and others related to different functions performed by committees.

VISITS TO AREAS OUTSIDE EDINBURGH

3.4. There was general agreement among interviewees that it was important for committees to visit parts of Scotland, other than Edinburgh, and to make visits to groups and organisations outside the Parliament. Respondents gave examples of how visits had helped committees to engage in more inclusive engagement with groups of people who had an interest in the subject being considered. Sometimes the visits were part of the scrutiny of bills, while other visits were unconnected with legislative scrutiny.

3.5. The Health Committee made visits to hospitals and secure units as part of the scrutiny of the Mental Health Bill. MSPs talked to staff and managers during the visits and also to patients. In that way, committee members made contact with a group of people who would normally have little, if any, connection with the formal political process. Information collected during the visits also fed through into legislative changes in respect of the issue of entrapment of patients in secure mental hospitals. The Health Committee also held a Hearing Voices event in Dundee. This was an open session with service users. This event was seen as giving the users an opportunity to

make their views known. As part of their work on community care, members of this committee also visited small groups and talked about relevant issues.

3.6. One area where the Scottish Parliament has made particular efforts to promote participation is with children and young people. One of the initiatives introduced in this area is the development of the Scottish Youth Parliament. It was reported that the Education Committee had undertaken visits to a number of schools and members had talked to pupils in the schools. There was a feeling among those connected with the committee that more visits to schools should be arranged in the future. The Education Committee has been responsible for the holding of focus groups with children. The Health Committee also held an away day in Argyllshire, with an open invitation for members of the public to attend. A number of children, as well as older people, attended the event.

3.7. The Enterprise and Lifelong Learning Committee held a number of events with young people from disadvantaged backgrounds, as part of its inquiries on lifelong learning and vocational training. As part of the inquiry, the members of the committee met with students at Glasgow College who had learning difficulties. This is another example of a committee actively trying to connect with a group of people who are disengaged from formal politics. In respect of the latter inquiry, members of the committee met with young people in Dundee and Fife to discuss their learning needs.

3.8. A committee inquiry into Scottish Borders Education held a public meeting in Galashiels. It was reported that this contained a good number of teachers and parents. The meeting split into two groups, each of which was chaired by an MSP and contained a cross section of teachers and parents. Some parents turned up for the meeting, an interviewee said, who would not normally engage in formal politics. This suggests that where issues are important to groups of people and they have a clear opportunity to do so, people will engage in formal politics, even if, in other circumstances, they will not. This was a point that was made by a number of respondents, including an MSP who commented: 'People do turn up when they're given the chance and possibility. There is a willingness to participate, if the circumstances are right'.

3.9. Members of the Justice 1 Committee had made a number of visits to prisons as part of their work. During the visits, committee members had talked to prison officers, prison managers and also offenders themselves. There are few groups who are more excluded from formal politics than prisoners, even given the various groups and organisations that claim to speak for their interests. The views of ex-prisoners were solicited as part of the 'Alternatives to Custody' inquiry undertaken by the committee. The committee also took evidence from groups involved in providing services for offenders in Inverness.

3.10. An MSP who was interviewed said that the Social Justice Committee in its inquiry into drug misuse should have worked more with drug users. The committee had visited Glenrothers and had spoken to heroin addicts. The

MSP had visited various facilities provided for, and used by, the misusers of drugs but felt the committee as a whole could have done more to try to understand the experiences of drug users and to appreciate their position more fully. That could have been done, it was argued, by committee members giving drug misusers more chance to express their views. The committee also gained the views of the providers of services for drug users.

3.11. It was reported that the Rural Affairs Committee was very good at visiting places and helping to make the committee more accessible to people living in physically remote areas. While it would be wrong to suggest that all those living in remote physical locations are politically disengaged, the question of physical accessibility is relevant and one the committee, it was reported, was trying to address.

3.12. One of the MSPs on the Procedures Committee commented on the committee's inquiry into the workings of the CSG principles. It was stated that the meetings in Paisley and Ullapool had worked well and were successful. The attendance at those public meetings had been large and points relevant to the inquiry had been made. The public meeting in Hawick, however, was seen as less successful, as it was seen as lacking focus.

THE PURPOSE OF VISITS

3.13. The last point relates to an important issue concerning the purpose of visits. A number of those interviewed, while supporting the idea that committees should make visits to places outside Edinburgh and beyond the Parliament buildings, none-the-less argued that to be successful visits needed a purpose that was important and relevant both for committee members and for people in the area being visited. Visits *for their own sake* were not seen as a good idea by some who were interviewed. There was little support for committees holding formal committee meetings outside Edinburgh, except in exceptional circumstances. Fact finding visits and visits to engage directly with certain groups were seen as desirable. There was a general view that the purpose of visits had to be defined clearly. There may be problems if the MSPs and the people being visited have different ideas of what they hope to get out of the visit.

3.14. There is, of course, a bigger point that relates to the comment above. A number of people from organisations external to the Parliament argued that, in promoting public engagement, committees of the Parliament had to be careful about not raising expectations unduly. People needed to be clear about what they could expect to achieve from participation, it was argued. As one interviewee commented:

You have to think fully through the whole participation experience. The ground has to be prepared. It's no good coming to an area and the people you want to see having no real idea what it's all about. The scope of the visit has to be clear – people need to know where they stand. If it's not clear, people may come once but not again. And word gets round.

3.15. In the light of such comments, it is probably important for committees to be clear themselves what they are hoping to achieve from visits and to spend time communicating this to potential and actual participants in activities. It may be particularly important to make clear the input those engaged with can have into committee decision making and the role of committees in wider Parliament policy making. One of the main tasks of committees, when they try to engage with the public, may be one of education. Those engaging with the public, either as representatives of organisations or as individuals, need to be aware that decision making powers rest with MSPs and that their opinions and experiences will feed into the decision making process, along with the views and experiences of others.

THE LIMITATIONS OF VISITS

3.16. Some respondents felt that visits represented a good way of connecting with individual people and avoiding the potential problems of simply relying on groups and organisations. It was argued, however, that making geographical visits did not guarantee that committee members would reach people from politically marginalised groups. Geographical visits did not automatically overcome the problem of exclusion. One clerk said:

We make a lot of use of networks. We build up lists of contacts and hope that the contacts we have will lead us to other contacts. If a group gets in touch, we do add them to the list. If we want to meet people on a visit, we have to use the networks, voluntary and public networks, to try and get to people.

3.17. The implication of that comment is that making contact with individuals who are members of politically marginalised groups may involve working through organisational networks. However, relying on such networks may restrict the type of individuals to whom a committee will gain access.

3.18. Visits, both geographical and to organisations, are one way in which committees can try to make their work more accessible. Visits open up some possibilities of making contact with members of groups who are largely disengaged from politics. However, visits are no cure all.

LIFELONG LEARNING INQUIRY

3.19. Among committee clerks, there was a common view that the Enterprise and Lifelong Learning Committee had undertaken a number of important participation events in the Parliament's first session. Some MSPs also commented on the work of that committee. There was also a feeling that the Enterprise and Lifelong Learning Committee was in a different position from a number of other committees in that it had to process only a small number of legislative bills in Session 1. It was argued that this gave the committee greater scope to engage in activities other than legislative scrutiny and to experiment with civic participation exercises.

3.20. One civic participation event which was widely mentioned by interviewees, and which was considered a success, was the Lifelong Learning Convention that was a part of the committee's inquiry into lifelong learning. The convention was seen as a success both in terms of the range of people who were involved and because of the interaction that took place between people from different positions in the tertiary and higher education sectors. A clerk outlined how the convention had worked.

3.21. The convention was conducted in relation to the interim conclusions of the inquiry. It was a day event that took place in Edinburgh. The committee determined in advance to try to involve in the convention a cross section of those with a direct and immediate stake in the subject of lifelong learning. Students attending vocational training courses and other students, lecturers, trade unions, businesses, and university and college principals or vice-principals were invited to attend the convention, along with individuals involved in community education. Groups and organisations closely connected to the tertiary and higher education sectors were used to recruit people for the convention.

3.22 In the morning session, attendees worked in groups with people from the same position in the education sector. The aim was that this would help to overcome any nervousness attendees might feel. In the afternoon session, attendees were divided into groups across positions in the education system. The aim was to encourage a cross-fertilisation of ideas and to encourage discussion between individuals who would normally have little contact.

3.23. The convention was seen as a great success and fed into the final report of the inquiry. MSPs on the committee were very impressed by the information they gained about the role of community education. As a clerk commented:

Community education weren't involved in the initial consultation in the inquiry. But they played a big part in the day event and highly influenced the outcome of the inquiry. MSPs came to see community education as very important and it moved up the agenda, as a result.

3.24. The Life Long Learning Convention can be considered a success in that the people who participated were representative of a wide range of groups with an interest in the subject, the convention influenced the final report and those who participated felt it was a success. However, despite its being seen as a great success, the methods used for the Lifelong Learning Convention may have only limited relevance for the general issue of engaging politically excluded groups. The convention wanted to involve a number of groups involved in lifelong learning in different ways and from different positions. The groups concerned, however, while diverse, could all be reached through network organisations. The question arises of how relevant the recruitment mechanism would be where groups of people cannot be reached through network organisations. The members of some politically marginalised groups may not have connections with groups or organisations that the Parliament

committees could use to make contact with the individuals. Moreover, those who took part in the convention probably felt that they had something to gain from participating or, at the least, they did not regard participating as a completely useless activity. Individuals in other politically excluded groups may have a more negative attitude towards political participation and simply giving individuals in such social groups the opportunity to participate may not achieve their participation.

CHILDREN'S COMMISSIONER

3.25. A number of interviewees remarked on the success of the consultation undertaken by the Education Committee on the establishment of a children's commissioner in Scotland.

3.26. As part of the work on this topic, a conference was held by the Education Committee for groups working with young people. The aim was to involve as many groups and organisations and to gain a cross section of views on the topic of the establishment of a commissioner. The conference was seen as a great success in that it brought together a wide range of organisations with different experiences and expectations. In addition, a number of videos were made with young people in respect of the children's commissioner. A clerk from a committee other than the Education Committee regarded the videos as an example of good practice. For this respondent, using videos related to an interest in technology that young people tend to share and showed the committee being sensitive in its participation mechanisms.

3.27. The conference with the providers of services for young people was supplemented by a meeting in the Parliament chamber for young people. Young people attended the event from many parts of Scotland and, it was reported, contributed intelligently to a consideration of key issues. It was reported by a clerk that 'The event enabled us to get the views of children which we wouldn't have got in the normal run of things. It showed what could be done and that children really can participate effectively'.

3.28. There was a recognition that the success of events like that outlined above depends upon the quality of facilitation. One committee clerk said that 'working with outside consultants [facilitators] is good value for money ... you need people with community group work skills to get the best out of these events'. Such events do not work automatically. Bringing different people together is often not enough for a participation event to be successful. This may be particularly important with members of groups who are largely disengaged from formal politics. A number of staff from organisations external to the Parliament argued that the Parliament, and committees within it, were not always sufficiently sensitive to the requirements of facilitation where involvement with children and young people was concerned.

3.29. It was reported, for example, that part of the consultation on the children's commissioner left two ten year olds who had participated confused. The children were under the impression that they were being asked about

whether they wanted to become the commissioner. A more general point might be made that holding an event in the Parliament chamber might not be suitable for individuals who would be intimidated by the formal setting of the event. For example, one interviewee said that efforts to involve some gypsy travellers in formal meetings of committees were unsuccessful. In an effort to break down the barriers, a group of gypsy travellers were invited to have breakfast at the Parliament and this was used as an opportunity to give them the chance to express their views to MSPs.

EQUAL OPPORTUNITIES EVENTS

3.30. A clerk mentioned the event held by the Equal Opportunities Committee on the twenty-fifth anniversary of the Race Relations Act as very successful. The event was a half day seminar. It was reported that a number of people from black and minority ethnic groups attended the event. These, it was argued, were people from social groups who tended to be politically marginalised. The event enabled the people, who covered the age range, to discuss issues that were of direct importance to them. A clerk also mentioned the event for disabled people that took place during disability year in Europe. The event was organised by the Equal Opportunities Committee and held in Glasgow. 80 people with disabilities attended and were able to express their opinions on the needs of people with disabilities. The event was seen as engaging with groups of people who tend to be divorced from formal politics. The clerk was disappointed that the event received virtually no press attention. The comment was made that 'if the press and media won't report on the good things we do it's not surprising people don't get involved in politics. We're up against it, as the papers are so hostile to the Parliament. Well, most are anyway'.

DELIBERATIVE POLLING EVENT

3.31. For one MSP, the Justice 1 Committee deliberative poll was seen as an ambitious event and successful, up to a point. (For details of the event, see Annex 3). It was reported that it was very difficult to organise the event. The involvement of consultants was mentioned. This MSP doubted how useful such an event would be for engaging politically marginalised groups, as it involved a great deal of work by participants, both before and during the event. It was stressed, however, that those who took part regarded the event as a great success. A clerk argued that the event had been successful and similar events could be held: 'Yes, it was good. We could make more of this type of event, make more use of in-depth participation'.

3.32. In what ways might the above participation exercises be considered a success? A number of criteria might be used to assess the exercises. The fact finding visits and the visits to collect evidence for legislation might be considered a success in the sense that they enabled committee members to gather information and collect views from people who were not among those who would normally engage with the committees. The MSPs would, therefore, broaden their knowledge base and, it is hoped, be in a position to make better decisions, as a result.

3.33. As has been reported, one of the MSPs on the Procedures Committee commented on the committee's inquiry into the workings of the CSG principles. It was stated that the meetings in Paisley and Ullapool had worked well and were successful. The attendance at those public meetings had been large and points relevant to the inquiry had been made. The public meeting in Hawick, however, was seen as less successful, as it was seen as lacking focus. This comment suggests that participation initiatives should be evaluated on the basis of the quality of the information, views etc that are collected in relation to the specific subject under consideration. That is only one criterion that might be used to judge the success of civic engagement.

3.34. A number of criteria might be used to judge if participation activities have been successful. In most cases no single criterion will determine whether an activity has been successful. The success of any activity should be determined in relation to the aims behind the activity. If the aims and purposes of the activity are set out before the activity takes place then it should be possible to determine the extent to which the activity has served its expressed purpose. One way of assessing the success of a participation activity is to get the views of those who have participated. If those who have taken part feel the event was a success that is one criterion that might be used in assessing the event's success. The views of MSPs and Parliament staff might also be used to evaluate a participation exercise. The social composition of those who took part may be a crucial criterion in evaluating success. Did the event engage with the individuals and organisations intended? Was the engagement inclusive of all groups with an interest in the subject? Individual activities and events will sometimes need to be placed within the context of a series of participation activities to evaluate their success.

3.35. In some cases, it may be worthwhile comparing an activity with similar activities carried out by other organisations. Some sort of benchmarking exercise may be worthwhile in order to assess the success of an activity. For example, an activity may not attract the full range of participants aimed at and, in that sense, the activity might not be considered a success. However, if the range of people that engaged in the activity is compared with that achieved by other organisations for similar activities, the result may not seem so unsuccessful. Another criterion that might be used in assessing participation activities is the impact the activity had on policy making or decisions. If the activity helped to mould policy or decisions then it might be considered a success. An activity might also be evaluated according to the way in which it was conducted. The mechanisms used in an activity might be compared with others that might have been used. If other mechanisms had been used, would they have produced better outcomes? Benchmarking, collecting the views of participants, MSPs and Parliament staff may be useful in addressing such issues. However, in some cases, it will not be possible to produce definitive answers. A participation initiative may be considered a success on one criterion but unsuccessful on a number of others.

CHAPTER 4: WAYS FORWARD

4.1. In the interviews, respondents were asked if they knew of participation exercises which had been undertaken in organisations other than the Scottish Parliament. They were also asked if they thought there was anything that the committees of the Parliament could learn from such initiatives, in terms of how they tried to engage the public in their work. Another issue discussed with the interviewees related to any gaps that they thought existed in the ways in which committees pursued public involvement. Interviewees were asked, in addition, about the developments they would like to see on the public participation front in Session 2 of the Parliament. The responses to those issues will be considered in this chapter.

KNOWLEDGE OF PARTICIPATION INITIATIVES IN OTHER ORGANISATIONS

4.2. Most clerks and MSPs had little detailed knowledge of public participation initiatives that had been developed by organisations external to the Scottish Parliament. This is perhaps not surprising given the range and nature of the work of clerks. Indeed, one clerk argued that they felt they lacked expertise in public participation. The following comment was made ‘I think perhaps more could be done on training. I’m keen to learn about civic participation but I’m no expert’. A staff member of an organisation external to the Parliament also said that training of staff in participation was important. It was felt that specialists were often needed to make different participation mechanisms work successfully: ‘When we do certain things, we get experts in to do them. They know what they’re doing and can do the things well. The Scottish Parliament needs to think hard about how it does participation’.

4.3. A number of clerks, however, commented that they were now working closely with the Parliament’s Participation Services Team and that collaboration was working well. Not only did the clerks think they were getting greater knowledge of the groups they might approach to try to increase the participation of those who played little part in formal politics but they also felt that support for their participation work was growing. One clerk made the following fairly typical comment, ‘We’re working closely with the Participation Services Team now and that’s really helpful’.

4.4. There was a feeling that the committees, and the Parliament more generally, probably did have lessons to learn from other organisations about public participation. There also seemed to be a general willingness to learn lessons. One member of the clerking service said the committees did have things to learn:

I’m sure there are things to learn from others. I’m not sure about local government or health boards. I know some of them do quite a lot but they cover a much smaller area than us. I’m not sure what we can learn. We may get more from organisations that cover an area like the size of the Parliament. I think we also have things to learn from the [Scottish] Executive.

Another clerk said, 'Yes, I'm sure we don't know it all. I'm happy to learn'.

4.5. Interviewees from one organisation external to the Parliament argued that there were lessons Parliament committees could learn about the type of participation exercises they might promote. Two examples were given of good approaches to participation with children and young people: the graffiti wall idea and the *I'm a Celebrity Get Me Out of Here* event. The graffiti wall idea involves giving children and young people the opportunity to express themselves in imaginative ways that they find interesting and fun. Such activities can also help overcome some of the difficulties some children and young people have in expressing themselves verbally, while avoiding the formality of most written forms of expression. However, it was argued that activities like the graffiti wall had to be properly organised and it was stated that, 'If we do something like the graffiti wall we use a graffiti artist'.

4.6. The second event mentioned involved bringing a group of children together and organising an event based on the popular television programme *I'm a Celebrity Get Me Out of Here*. The event was run on lines similar to the television programme and at the end a 60 minute video was produced of the event. Again, that event was seen as relating to the interests of the children and engaging them in an activity that they found interesting and fun. It was argued that there is no reason why such an event should not deal with important issues and result in serious findings.

4.7. There was no suggestion that the types of events outlined were the only types that should be used to engage with children or young people. Indeed, it may well be that a variety of activities and initiatives should be used in combination.

WORKING WITH OTHER ORGANISATIONS TO PROMOTE PUBLIC PARTICIPATION

4.8. The staff of one organisation external to the Parliament argued that they had offered to organise participation exercises for the Scottish Executive. It was argued that the organisation had good links through its members and others and would be able to organise well-attended events. The offers, however, had not been followed up.

4.9. Two points arise from those comments. The first relates to the extent to which the committees of the Parliament are willing, and should be willing, to involve external organisations in the organising and running of participation events. The second relates to the issue of the extent to which the groups and organisations with which the Parliament committees have contacts are able to connect with people who are marginalised from formal politics. On the first point, it was remarked by a number of clerks that committees were now making use of conference organisers and others to help organise participation events. One clerk commented, 'Committees are making more use of conference organisers and I think that's a good thing'. It was also reported that committees had made use of external organisations to organise and conduct events like focus groups. The general position seemed to be that this

was a sensible way for the committees to work. It was also reported that some committees had participated in events that were not specifically commissioned by the committees and which were run by external organisations. It was likely that more use would be made of this approach in the future. On the second point, committees may find that the organisations with whom they have contact can give access to some people from politically marginalised groups but almost certainly not all. The extent of each organisation's membership and contacts will vary.

INTERNAL LEARNING

4.10. Clerks and MSPs were asked about the extent to which, and the mechanisms through which, members and clerks of specific committees could learn from developments in public participation in other committees. Views on this issue differed.

4.11. It was reported that committee clerks have a team meeting every Monday. For some this was seen as giving a good opportunity for clerks to share information, compare experiences and learn lessons from each other. It was said that clerks from a particular committee did know what had happened in other committees. This was certainly reflected in the interviews where clerks associated with one committee often talked knowledgeably about public participation initiatives in other committees. It was also reported that clerks often met informally and discussed developments in different committees. Clerks also said that they worked closely with the Participation Services Team and gained knowledge and important information about public participation from this.

4.12. It would seem, therefore, that mechanisms for lesson drawing in the clerking service do exist. However, while clerks' knowledge of public participation initiatives in other committees is important, it must be borne in mind that clerks do not alone control developments in committees. Formal control within committees rests with the MSPs who are members of different committees. The Conveners Group represents one possible mechanism for MSPs to gain knowledge of public participation developments in different committees and for learning between committees to take place. One member of the clerking service reported that the role of the committee seemed to be changing somewhat in Session 2. While in Session 1 there was little feedback from committees or consideration of what had worked on different committees, in Session 2 there seemed to be more of a willingness to question whether things were working and to think about useful developments. However, the general view seemed to be that the group had not taken a lead in promoting public participation within committees. Individual committees had a large degree of autonomy and were free to determine their own approaches to public participation.

4.13. Discussions among MSPs of the same political persuasion and from different political parties also provide the opportunity for MSPs to learn about development in public participation in committees of which they are not members. The Parliament's website is also a source of information of which

MSPs can make use. One MSP said that the opportunities to learn from other committees did exist. The proceedings of committees were broadcast and MSPs and clerks could watch the proceedings of other committees and learn from them.

4.14. While it is desirable that clerks and MSPs on different committees should learn from each other, it is important to stress that mechanism that are appropriate for the work of one committee in specific circumstances may not be so appropriate for other committees in different circumstances. The methods that are used to promote public engagement should reflect the aims and the purpose behind the engagement and they are likely to vary between committees and according to the work individual committees are undertaking.

A MORE STRATEGIC APPROACH

4.15. One respondent in the clerking service hoped that committees would take a more strategic approach towards their work in Session 2. If that happened, it would aid each committee in thinking through more coherently what it might do in respect of public participation. For this respondent, a committee might decide that it wanted to hold an inquiry into a topic in nine months time. The committee could then think through the scope of the inquiry (perhaps with the participation of the public). Decisions could be made about the type and scope of public participation that would be included in the inquiry. If it were decided to hold a specific civic participation event there would be time to decide who should be involved in the event and to work out the best ways of involving relevant groups and organisations, as well as how to reach people from groups marginalised from formal politics. Planning ahead would also enable the role of research in any inquiry to be clarified and to be integrated into the overall time frame.

4.16. This respondent recognised that good work was being done on the participation front and that there was wide commitment to public participation. However, it was also hoped that a clearer planning process would enable all the departments of the Parliament who were involved in promoting public participation (such as SPICe, Participation Services, and the Education Department) to work together more effectively. Other respondents supported the view that the commitment across the Parliament to the public participation process was happening and that joint working between departments was good. The comments clerks made about working with the Participation Services Team have already been mentioned. Other clerks mentioned that the researches from SPICe that they worked with made a very important contribution. There was also a feeling that the Education Department did very good work in making contact with children and with schools. In addition, a number of committee clerks said that the committees' future programmes of work were put on the web and people could know in advance the subjects committees would be considering.

4.17. Staff from some organisations that are external to the Parliament questioned whether the opportunities to engage with members of the public were always fully utilised. For example, it was stated that visits of children to

the Parliament were quite common. However, questions were asked about what the children did on their visits. It was suggested that the time children spent at the Parliament might be used to get their views on certain issues, perhaps by having them fill in flip chart paper or engage in a graffiti wall type activity. The views could then be analysed and fed through to the appropriate committees.

4.18. It was also suggested that groups of people in their localities might be given the opportunity to discuss issues that were of importance to them. The discussions could be videoed, the video analysed and the opinions sent to appropriate Parliament committees. The question must remain, however, whether people who are most divorced from the formal political process would take part in such discussions.

ESTABLISHING A STANDING GROUP

4.19. There was little support from respondents for the establishment of standing panels that would be associated with Parliament committees and would enable groups and organisations that are external to the Parliament to have regular contact with MSP members of committees. Standing panels of various kinds have been established by local authorities and play an important part in their participation strategies. Respondents, however, generally thought that similar panels would not be appropriate for Parliament committees, given the nature of the work of committees. Representatives of one 'outsider' organisation, however, said they would be happy for their organisation to be involved in a forum where they could be consulted regularly by Parliament committees.

4.20. There was also a feeling that standing panels would only tend to attract groups and organisations that were already connected to the Parliament and would be unlikely to involve people from social groups who are divorced from formal politics. This was also expressed as a concern by some in respect of committees setting up web-based discussion groups on particular topics. It was argued that while such discussion groups may serve a useful purpose, the people who engaged in the discussions were unlikely to be representative of the population of Scotland or to include the politically marginalised. The committees had to be careful that they did not establish new participation mechanisms that simply enabled those that were already participating actively to do so to a greater extent. As an MSP argued:

Public engagement is more along the lines of interest groups rather than individuals. There is nothing wrong with interest group engagement; the voluntary sector has made an effort to engage with committees and the Executive. However, voluntary sector engagement could be detrimental, there is a need to get the balance right. There have been instances where there are double standards in lobbying. Groups are attempting to influence policy through a number of different mechanisms and putting forward different arguments and demands to each of those mechanisms. How many bites of the cherry do they want?

Those comments reflect points raised by some authors in the review of the literature set out in Chapter 2.

USE OF INFORMATION AND COMMUNICATION TECHNOLOGIES

4.21 The Scottish Parliament has given a high priority to the development and use of Information and Communication Technologies (ICTs). Some of the debates around the Parliament's use of ICTs have been set out in Chapter 2. However, in looking to the future one member commented that the use of ICTs was still in its infancy and said that an investigation into the use of ICTs within the Parliament was currently being conducted. It was hoped that the investigation would produce proposals that would enable more use of ICTs in the development of participation strategies by committees. One area where a committee has made considerable progress in the use of ICTs is in the development by the Public Petitions Committee of 'e-petitioning'. Petitioners are now able to submit their petitions electronically to the committee and can receive help in doing so. For many, this has speeded up and simplified the process of submitting petitions.

4.22. Some have argued that the use of computer aided Information and Communication Technologies offers the way of reinvigorating democracy. However, Coleman (2002, pp. 6-7) is clear that ICTs, as and of themselves, will not, and cannot, cure the ills of democracy. He writes:

If technology is regarded as possessing autonomous qualities that can remedy the ills of democracy, it is bound to let us down; but if it can be utilised in the service of creative politics to make democratic politics more accessible, accountable and inclusive, there is real scope for the reinvigoration of governance.

4.23. For Blumler and Coleman (2001) online civic engagement has seven potential benefits. These are:

1. ***Transcending time.*** *Participants can discuss over a period of hours, days, weeks or months in an asynchronous fashion. This allows time for reflective debate.*
2. ***Transcending place.*** *Participation can be open to all, regardless of geographical spread.*
3. ***Making connections.*** *Connections can be made between groups online that would probably not have happened otherwise; politicians, who might not interact directly with citizens very often, find themselves in a position of unusual political intimacy with people who had traditionally formed part of their passive audience.*
4. ***Language of the people.*** *As in the case of many phone-ins, online discussion tends to be closer to the language of ordinary people.*
5. ***Community building.*** *Online civic engagement might begin by being narrowly focused on a local issue, but tends often to develop into a broader network, involving both online and offline connections between a*

range of people who would not otherwise have discovered what they shared.

- 6. **Recruitment of experience and expertise.** It is possible to recruit people to online discussions whose specific experiences and expertise can inform policy discussions. In the case of disadvantaged groups or marginalised groups, this can help to make policy formation more inclusive and reflective of real problems.*
- 7. **Learning to deliberate.** Participants in online discussion can encounter new ideas and sources of information and new ways of thinking about issues.*

4.24. Coleman *et al.* (2002, p. 5) make it clear that e-democracy is not an alternative to, or a substitute for, representative democracy but a potential means of strengthening representative governance. At the time they were writing, the majority of the population of the UK did not have access to the internet in their homes. It is people who are richer and better educated who tend to have such internet access (Coleman *et al.* 2002, p. 5). Unless conscious efforts are made to change that situation, the digital divide may accentuate divisions in the ability of people from different social groups to engage in politics. Coleman *et al.* (2002, p. 6) also make it clear that initiatives in e-democracy are in their infancy and they argue that 'any conclusions drawn from it [e-democracy experimentation] should be seen as rather like judging television by experimental broadcasts before it became a mass medium'.

4.25. Coleman *et al.* (2002) evaluated a number of e-consultations and e-discussions initiated by UK government departments, the Scottish Executive and Scottish Parliament, the National Assembly for Wales and the Hansard Society for the UK Parliament. They found the gender profile of participants varied according to the type of topic involved. Generally, women were less likely to participate than men. For example, only 6 per cent of participants in the National Assembly for Wales initiated discussion forum on ICT issues were women. However, in the e-consultation on stem cell research initiated by the Hansard Society, 44 per cent of those posting opinions were women and, in the Scottish Parliament chronic back pain consultation, 54 per cent of those posting comments were women. Women were more likely to participate where the topic enabled them to make use of their personal experiences (Coleman *et al.*, 2002, p. 11). Coleman *et al.* (2002, p. 27) conclude from their evaluation that:

Interactivity [with the public] requires serious commitment from government and representatives who really want to hear and learn from people with something to say. To get the best out of this, there is a clear need for an explicitly stated purpose for any online forum; clear rules and democratic moderation of the forum; an interest by citizens in sharing their experiences and expertise with decision-makers; and a willingness by government/politicians to respond to public input.

4.26. Neal Ascherson (2002, 2003) has analysed the use of electronic democracy by the Parliament. Ascherson (2003, p. 6) argues that, in its use

of information and communication technologies, the Scottish Parliament is not committed to extending direct democracy to 'a panoply of ICT techniques to render existing representative democracy more popular, more comprehensible and far more accessible to citizen participation'.

4.27. Ascherson (2003, p. 37) concludes his review of the use of electronic democracy by the Scottish Parliament by arguing that if the democratic potential of ICTs is to be fully realised, the Parliament will need to take three steps: first, to allow forum-type participation on all bills; second, to engage the public in the drafting of legislation; and third to implement the power sharing commitment enshrined in the CSG principles, by giving members of the public the right to initiate legislation. The limited possibilities for citizens to influence the working of the Parliament is highlighted by Winetrobe (2001, p. 161) who comments:

Other than by the petitioning process, non-MSPs cannot formally initiate any substantive parliamentary action, or participate in any of its proceedings, save by invitation or compulsion. At the heart of the Parliament's procedural structure remains some notion of 'them' and 'us', 'insiders' and 'outsiders'.

4.28. However, three points are pertinent to Ascherson's proposals. The first is whether MSPs, and many who support in general terms the CSG principles, would regard citizens having the right to initiate legislation as threatening, rather than enhancing, representative democracy. His proposals would tend to change the role of political parties and question the relationship between the development of policy and the commitments made in party election manifestos. The second relates to the practicability of Ascherson's proposal that citizens should have the right to initiate legislation. The question of the procedure for determining which of the citizens' proposals for legislation will be progressed or in which order they are progressed is not considered by Ascherson. Without the detail, it is difficult to decide whether Ascherson's proposal is desirable or workable. The third point is whether the Scottish people want a more participatory form of democracy. Ascherson (2002) has lamented the failure of people in Scotland to make more use of the opportunities for participation provided by the use of ICTs by the Scottish Parliament. Ascherson's proposals go to the heart of the debate about how far the parliamentarians and the public in Scotland want participatory democracy to go, in practice.

CHAPTER FIVE: CONCLUSIONS

5.1. The research has produced a number of key findings. Those findings reflect the scope and focus of the research. They also reflect the outcomes of the literature review, the analysis of Parliament documents, and the interviews with MSPs, committee clerks, and staff and members of organisations and groups. The research suggests that many regard Parliament committees as having made clear progress in furthering the Parliament's founding principles, particularly in the areas of openness and transparency. There is also a widespread, though not unanimous, view that the committees have made considerable progress in respect of engaging with the public. In preparing this report, we have identified a number of key findings that emerge from our analysis of public engagement with the committees of the Parliament. These are set out below:

5.2. There was uncertainty, and there were disagreements, about the extent to which committees had furthered the principle of power sharing or, indeed, could do so or should do so. Interviewees differed about the extent to which non-MSPs should influence or control the agendas to which Parliament committees worked. While some thought it was legitimate for groups, organisations and individuals external to the Parliament to influence the agenda to which committees worked, others argued that MSPs alone should determine the priorities of committees. The views of interviewees on this topic connected with those expressed in the literature on participation in the Scottish Parliament.

5.3. In considering public engagement with the committees of the Scottish Parliament, it is important to recognise the reality of the political system that exists in the Parliament. Political parties are a crucial element in the workings of the Parliament that gains its legitimacy from the election of representatives of the people in competitive elections. The relationship between the parliament and the executive also needs to be taken into account when considering the scope and practicalities of public participation. If the aim is to promote a more participatory form of democracy, this will represent a major departure from the principles associated with the development of representative government.

5.4. The review of the literature on public participation suggests that Parliament committees might consider using some mechanisms to enhance participation that have been little used by committees up to now. The mechanisms include citizens' juries; citizens' panels; advisory and consultative councils; deliberative opinion polls; enspirited envisioning; and round table workshops. The suitability of the mechanisms will depend, however, on the aims of participation and what the committees hope to achieve through participation. It should also be borne in mind, as set out in point 5.14 below, that there was little support among those interviewed for the establishment of standing forums by committees and views varied on the suitability of the deliberative polling event held by a committee.

5.5. There was also a feeling (which was expressed by representatives of external organisations) that the Parliament and its committees had to be clear about the purposes behind public participation. If the committee members saw the participation as serving function A and participants saw it as serving function B problems would probably arise. As well as the purpose of public participation being clear, some interviewees also stressed that the possible outcomes of participation should also be clear. There was some concern that if public participation was seen as raising false expectations those participating might become disillusioned and less willing to participate in the future. People had to feel their participation was worthwhile, in the sense of producing significant outcomes. Some of the literature on attitudes to participation showed that one of the main reasons for people not participating was a feeling that their participation would have little impact.

5.6. Reporting back to those involved in participation events is an important element in winning people's trust and support for future participation. This is confirmed in the literature on public participation and was also expressed by representatives of organisations that are external to the Parliament. It may well be that the committees of the Parliament could improve the extent to which they report back to participants, especially those whom it is difficult to engage in formal politics. Reporting back has significant time and other resource implications. However, if enthusiasm is to be engendered among those who are politically marginalised, reporting back to participants may be a crucial part of any participation strategy.

5.7. There was a feeling among those interviewed that there was room for committees to improve their communication with certain parts of the population. There was wide agreement that people were not aware of the opportunities for them to engage with committees. The Parliament was not seen as good at communicating its achievements. Some suggestions of ways in which committees might communicate with the public are made in the recommendations below.

5.8. While some interviewees suggested participation mechanisms that committees might apply, generally those interviewed had little knowledge of participation initiatives that had been used by bodies other than the Scottish Parliament and which might be taken up by committees. Some of the suggested mechanisms, such as the graffiti wall, might be used by committees in their work with children and young people. Committees need to be selective in the methods they use to encourage the participation of different social groups. There was a general feeling among clerks that they did have the opportunity to learn from each other and to improve the way in which individual committees operated. There are also opportunities for MSPs to learn about participation mechanisms in different committees.

5.9. A number of interviewees, across all categories, argued that one of the best ways for committees to engage with the public was by visiting geographical areas outside Edinburgh and to visit organisations outside the Parliament. On such visits, it was widely reported, committee members could talk face-to-face with people who were members of social groups seen as

disconnected from formal politics. It was argued that a number of committees had been very good at making visits. There was also a general opinion that all committees should make more visits in Session 2. However, there was also a feeling that visits had to serve a clear purpose; visits for their own sake were not seen as desirable. The most successful visits seemed to be those that covered issues which were of direct and immediate importance for the people visited. Fact-finding visits were strongly supported, while holding formal committee meetings outside the Parliament was not seen as particularly useful.

5.10. It was argued by a number of MSP and clerk respondents that the scope for committees to promote public participation varied. For some, it was easier for committees with a light legislative load to promote public participation than it was for those with a heavy legislative load. The general work of committees has to be taken into account when considering the scope for greater public participation.

5.11. Committees may need to take a more strategic approach to their work, in order to promote public participation more successfully. It was argued that committees would benefit from planning their work and thinking strategically about the role of public participation and ways in which it could be promoted, especially among social groups with little involvement in formal politics.

5.12. Connected with point 5.11 above, it was also argued that a coherent approach across Parliament departments would aid participation. It was argued by a number of respondents that the committees should work closely with Participation Services, SPICe and the Education Department to promote participation. The aim should be for all departments to be committed to extending participation and to work together to ensure the success of specific initiatives. The evidence from the committee clerks who were interviewed suggested that this was already happening though there may be room for improvement.

5.13. A number of good examples of committees engaging in inclusive participation with groups who have an interest in a particular subject or topic have been identified in the research. Most of those initiatives involved the use of groups or organisations that are known to the committees. The use of networks can help increase those involved in participation exercises, including those from politically marginalised groups. However, the promotion of public participation in this way depends upon individuals and social groups being connected to organisations. It may be much harder to gain access to groups of individuals who have little or no connection with formal organisations.

5.14. There was little support among interviewees for the idea of establishing a standing forum of some sort to enable organisations and individuals external to the Parliament to engage on a systematic and regular basis. There were concerns that any such forum would be dominated by professionally staffed organisations and would not help to engage those who were politically disaffected.

5.15. It was suggested that committees should consider using interest groups to organise participation events, as such groups have good contacts. Committees might consider this but they should take into account the potential problems that might arise. These relate to certain organisations being seen to be given unjustified privileges in the participation process and the possibility that the organisations might produce a biased or unrepresentative group of participants.

5.16. The Scottish Parliament has given a high priority to the use of innovative Information and Communication Technologies (ICTs). Committees of the Parliament have made great use of the Parliament's website as a way of communicating with the public. Some committees have also made use of videos and video conferencing. There was some doubt expressed about the role that the use of such ICTs could play in promoting the engagement of people from social groups who are marginalised from formal politics. People from these groups may have only limited access to computer aided ICTs. There was also a hope that greater use would be made of ICTs by committees in the future, as a result of an investigation into their use within the Parliament. Computer based ICTs may play a role in engaging with some social groups, such as children, but their use by committees does not represent a simple solution to the issue of engagement with politically marginalised social groups. Research suggests that ICTs offer a range of mechanisms for engaging with the public but, as and of themselves, the use of ICTs is unlikely to solve the problems associated with people's unwillingness to participate in public affairs.

5.17. A recent audit of citizens attitudes to, and involvement in politics in Britain, shows that there are differences in the levels of political involvement of the socially under-privileged and the rest of the population. The research also found there are significant differences in the attitudes of the under-privileged who do not participate and those in the population who do. As a result, the opinions of the under-privileged, which are not being articulated, are unlikely to receive a hearing. Many would argue that this reduces the effectiveness of an inclusive democracy. In such a situation, efforts to engage people from groups who are marginalised from formal politics can be seen as crucial to the working and enhancement of democracy. However, it is suggested in the literature on democratic participation that increased participation is only likely if there is greater social equality, yet greater social equality may depend upon increased participation. If the suggestion is correct, engaging with some social groups may be an almost impossible task, unless their position in society is improved.

5.18. There are, of course, resource issues relating to public participation that have to be taken into account by Parliament committees. As can be seen from the examples in Annex 2, some participation mechanisms are expensive to organise and run. The extent to which, and the ways in which, committees can engage with the public will be constrained both by limitations in finance and the number of staff and by other demands on limited committee resources.

RECOMMENDATIONS

5.19. The research has shown that there is a tension between the principles of representative government and the Parliament's commitment to power sharing. There is an on-going need for MSPs and Parliament staff to address the question of whether power sharing is possible and desirable in order to move forward with the Parliament's position and practice on public engagement. Given its present legal position, the Parliament is unable to share power with the people in respect of actual decision making. Moreover, the power of the Parliament is limited. Greater power rests with the Executive, whose work the Parliament scrutinises.

5.20. Participation mechanisms have different advantages and disadvantages. In recent years, the idea of deliberative democracy has become very popular among theorists and writers on democracy (cf. Shapiro, 2003). Deliberative mechanisms can take a number of forms (such as citizens' juries, deliberative polling, round table workshops and so on). Such methods are particularly useful where participants are expected to assimilate a large quantity of information and to reflect on complex issues. Deliberative participation is also useful where the aim is to promote dialogue between people with different opinions, outlooks and experiences. If successful, deliberation produces a high quality of participation. Deliberative mechanisms, however, tend to involve a small number of people, tend to last for a relatively long time, make big demands on those who participate and are costly to organise and run (a typical citizens' jury costs over £20,000) and can be difficult to manage. We would argue that specifically deliberative mechanisms have a role to play in the participation strategies of Parliament committees but given the cost associated with them, the time they consume and the demands placed on participants, their use will probably be limited. However, committees engaging in inquiries might consider the use of deliberative mechanisms as part of the civic engagement process, as might committees considering complex topics.

5.21. Fact-finding visits are organised by committees. They were seen as a popular form of participation among interviewees. We would encourage committees to continue to make fact-finding visits, both to organisations and to geographical areas. However, we would also recommend that visits have to be well-planned and should have a purpose that is clear to MSPs, Parliament staff and participants, if they are to maximise their success, both for committees and for participants. The purpose of visits needs to be addressed by committees at the earliest stage. Fact-finding visits can be very useful in getting the views of people and organisations who would not otherwise engage with committees (as has been outlined in this report in respect, for example, of visits to prisons and drug misusers). Fact-finding visits tend to involve MSPs collecting the views of participants. They tend not to promote deliberation between participants and, therefore do not bring the benefits which can be associated with deliberative participation.

5.22. If a group of people feel sufficiently strongly about a subject, public meetings held in an accessible venue, and at a suitable time, can be a good

way of engaging with the public. Examples of public meetings which were seen as successful are given in this report. However, public meetings often do not encourage deliberation and can give individuals who are unrepresentative of the wider population, both in terms of their position in society and in terms of their views, a greater say than others. In terms of an inquiry, public meetings can operate as one of a number of other participation mechanisms that can work to balance the limitations of public meetings. As a way of collecting evidence, during the legislative process, for example, they may not be as useful.

5.23. Committees need to reflect on the methods that are most appropriate for the purposes informing public participation. Once a committee has decided with whom they want to engage, and why they want to engage with each group and individual, the committee should be selective in deciding on the methods to be used. Research shows that all methods are not appropriate in all circumstances and committees need to decide on the methods which are most suitable given the aims of the participation exercise and the social groups with whom it is hoped to engage.

5.24. Committees might consider working with interest groups, as well as with conference organisers in planning and organising participation events. This may help committees to engage with a wider range of individuals. However, the potential problems associated with adopting this approach need to be fully considered. We would also suggest that committees consider using community groups, community newsletters, community radio and working with local authority community work sections in an effort to communicate more effectively the opportunities for public engagement.

5.25. Reporting back to those who have participated in engagement events is not always easy. However, research shows that participants feel frustrated if there is inadequate feedback on their participation. We would recommend, therefore, that the proceedings of participation events are always published and made available to members of the public, including those who participated. It should also be made clear to participants how the results of participation exercises will be used.

5.26. The question of training in public participation was raised by some of our interviewees, including committee clerks. The Parliament should ensure that adequate training is provided for all staff who will be involved in public engagement exercises. In some circumstances, the use of experts, with specialist knowledge, who are external to the Parliament is to be encouraged.

5.27. The main point we would make is that the purposes behind public participation need to be clear. It is important for committees, in deciding whether to hold an inquiry into a subject, in processing legislation or in their other activities, to continue to reflect on why they want to engage with the public or sections of it and what they hope to come out of the participation. There are three benefits to this. First, if the aims of participation are clear, it should be easier to decide who should be included in the engagement and on what basis. Second, if committees are clear about what they hope to achieve

through participation, they will be in a better position to decide on the mechanisms that may help them achieve their ends. Third, if the aims of participation are clear, it is easier to evaluate specific mechanisms of participation, after the event.

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ANNEX 1: INTERVIEW TOPIC GUIDES

Public Engagement

Topic Guide Clerks

1. Background

Did you work for the Scottish Office/Westminster Parliament?

If so, what are the differences between it & the SP (especially in terms of public participation)?

What committees have you worked with?

How long on each committee?

2. Scottish Parliament's Creation

Has the new politics idea expressed before the referendum had an impact on the Scottish Parliament in practice?

In what ways (especially in relation to public engagement)?

What role have the committees played in advancing the Scottish Parliament's founding principles (the 4 CSG principles)?

What role should or could they play?

How would this fit into the other work of the Scottish Parliament?

3. Committee Experiences

What have the committees you've served on done on the participation front?

Have they undertaken any specific initiatives on public participation?

What about other committees – do you know what they've done?

Have the committees as a whole done anything (perhaps working together)?

Of the initiatives or practices what were/are their strengths and weaknesses?

What's worked and what hasn't and why?

Who's participated in the committee's activities?

In what terms and in what ways?

What about groups marginalised from formal politics, have they been engaged with the committees?

What role have ICTs played?

Has the attempt been to engage just groups & organisations or individuals as well?

Has the focus been right?

4. Knowledge of Participation Initiatives More Broadly

Do you know about participation initiatives elsewhere – at Westminster, the Welsh Assembly, in local government, in the European Parliament?

If so, what are their strengths & weaknesses?

Their relevance for the Scottish Parliament?

5. Ways Forward

What might or should be done in the future by committees on part?

Any plans for your committee in hand?

How big a priority is public engagement for your committee?

6. Summing Up

What do you think the Scottish Parliament committees have achieved on public participation?

What has the Scottish Parliament overall achieved?

7. Other Issues

Anything you'd like to add?

Anything we've not dealt with you think is important?

Public Engagement

Topic Guide Organisations

1. Expectations of, and hopes for, the Scottish Parliament. Knowledge of what's happened on the participation front in the Scottish Parliament.

What were your organisation's expectations when the Scottish Parliament was set up?

What did you feel the Scottish Parliament could do for you?

What possibilities did you think the Scottish Parliament could give your organisation?

What happened before, did you have any contact with the 'old' Scottish Office?

If you had contact before, is there a difference in approach between the old and the new?

What has the Parliament done on the participation front that you're aware of?

2 Involvement in Scottish Parliament participation initiatives. Members of the organisations who've been involved in the initiatives and on what basis.

Are you aware of any specific participation initiatives that the Scottish Parliament Committees have used?

Have you been involved in public participation initiatives?

If so how were you involved – invited, past experience, due to lobbying?

Who was involved from the organisation?

How did it affect the organisation?

3 Strengths and weaknesses of specific initiatives. Success of the Scottish Parliament in involving politically marginalised groups.

If you have been involved in any initiatives can you describe them?

What were the outcomes?

What's good and what's bad about them?

What has worked and what hasn't?

Is the Scottish Parliament getting people who have been and are politically marginalised involved in what is going on within committees?

Is enough being done?

What more could/should be done?

4. Knowledge of participation initiatives elsewhere. Involvement in participation initiatives elsewhere. Evaluation of other participation initiatives.

Do you know of any other participation initiatives in local government, at Westminster, the Welsh Assembly and European level?

Have you been involved in any of them?

If so can you describe what they involved?

What were the outcomes?

What were their strengths?

What were their weaknesses?

Did they involve politically marginalised groups?

What can the committees of the Scottish Parliament learn from them?

5. Suggestions for the Future

What would you like to see the Parliament doing to encourage participation, especially of politically marginalised groups?

Would you like to be involved more?

Is there anything you'd like to add or anything we've not covered that you think we should?

Public Engagement

Topic Guide MSPs

1. Background

What committees have you worked on?

How long on each committee?

2. Scottish Parliament's Creation

Has the new politics idea expressed before the referendum had an impact on the Scottish Parliament in practice?

In what ways (especially in relation to public engagement)?

What role have the committees played in advancing the Scottish Parliament's founding principles (the 4 CSG principles)?

What role should or could they play?

How would this fit into the other work of the Scottish Parliament?

3. Committee Experiences

What have the committees you've served on done on the participation front?

Have they undertaken any specific initiatives on public participation?

What about other committees – do you know what they've done?

Have the committees as a whole done anything (perhaps working together)?

Of the initiatives or practices what were/are their strengths and weaknesses?

What's worked and what hasn't and why?

Who's participated in the committee's activities?

In what terms and in what ways?

What about groups marginalised from formal politics, have they been engaged with the committees?

What role have ICTs played?

Has the attempt been to engage just groups & organisations or individuals as well?

Has the focus been right?

4. Knowledge of Participation Initiatives More Broadly

Do you know about participation initiatives elsewhere – at Westminster, the Welsh Assembly, in local government, in the European Parliament?

If so, what are their strengths & weaknesses?

Their relevance for the Scottish Parliament?

5. Ways Forward

What might or should be done in the future by committees on part?

Any plans for your committee in hand?

How big a priority is public engagement for your committee?

6. Summing Up

What do you think the Scottish Parliament committees have achieved on public participation?

What has the Scottish Parliament overall achieved?

7. Other Issues

Anything you'd like to add?

Anything we've not dealt with you think is important?

ANNEX 2 PARTICIPATION MECHANISMS THAT MIGHT BE USED BY COMMITTEES

A2.1. Three of the suggested mechanisms are based on deliberation. People taking part in initiatives using a citizens' jury, a deliberative poll or a round table workshop engage in dialogue and discussion. They have to listen to the views of others and give reasons for their positions that others can challenge. Participants are encouraged to be other-regarding. The aim is that people will refine positions as a result of the discussion and adopt an approach that more closely reflects the public interest. Better decisions should result from the deliberation. Enspirited envisioning is suggested because it encourages participants to be forward looking and to think about problems that might relate to their suggestions for the future. It encourages reflection among participants. Citizens' panels are standing forums that are widely used by public bodies to collect a representative sample of people's (unreflective) opinions on different topics. They are a cost-effective way of gauging public opinion.

Citizens' Juries

A2.2. Citizens' juries were first established, as Planning Cells, in Germany, and in the United States, over 25 years ago (cf. Stewart *et al.* 1994, O'Neill, 2003). In the British context, citizens' juries usually comprise between 16 and 20 members. They are held over a period, usually of four days. Juries end with jurors making recommendations on the specific topic which they have considered and submitting a report. Topics covered by citizens' juries in Britain have included the provision of waste management facilities; breast cancer services; the funding of the NHS; insurance companies access to genetic test results; and the redevelopment of the Swiss Cottage area in London (cf. O'Neill, 2003). The aim of citizens' juries is for members of the public to deliberate about a topic and to reach recommendations, which need not be unanimous, based on reasoned argument. Jurors are recruited to citizens' juries to ensure that the juries represent a balance in terms of their social composition. People who have been actively involved in the topic under consideration are excluded from being jurors. It is common for jurors to be given a payment for serving on the jury. Recruiting jurors often proves difficult and a great deal of time and effort is spent on the recruitment process, which is usually carried out by an organisation, such as Opinion Leader Research. Juries have a facilitator who is often an academic. Juries hear evidence from experts and others involved in the topic and can question the witnesses. Jurors also receive documentation on the topic. The jurors split into small groups, of around five people, in order to facilitate discussion, and reconvene as a full group.

A2.3. Evidence suggests that as the jury process progresses, jurors become increasingly critical and concerned that positions are supported by good arguments. Jurors move from being concerned with what is in their own best interest and their initial positions, to take up a much more 'public' stance, where they think in terms of what is in the public interest and whether particular approaches are supported by convincing arguments (O'Neill, 2003).

While those who have commissioned a citizens' jury, for example, a local authority; a health authority; the Women's Unit of the Cabinet Office; the ICT, are expected to consider the recommendations of the jury and give reasons for not taking up the recommendations, if that is what is decided, citizens' juries in Britain are purely advisory.

A2.4. Research suggests that citizens' juries do produce considered deliberation, may influence the way in which jurors' approach issues after they have left the jury and can aid the policy making process (cf. O'Neill, 2003, Coote and Lenaghan, 1997). However, juries are very expensive to establish and run. Citizens' juries typically cost at least £20,000 to set up and manage. Great effort is required in recruiting jurors, and finding suitable premises for conducting the jury, paying for a facilitator, providing food and refreshments and paying the jurors all add to the cost and the use of resources. In addition, citizens' juries only involve a very small number of people.

Deliberative Opinion Polls

A2.5. Deliberative opinion polling is a mechanism developed by the American academic, James Fishkin (1996). A group of people, around fifty, are recruited at random. The members of the group are asked to fill in a questionnaire on a specific topic, such as the funding of health care, to gauge their current opinions. The members are then brought together for a weekend where they discuss the topic, hearing and questioning witnesses in a plenary session and deliberating in smaller 'break out' groups. A number of facilitators are needed. At the end of the weekend, members of the group complete the questionnaire they originally answered and the aggregate responses, before and after deliberation, are compared. The evidence is that opinions do change, as a result of the process.

A2.6. As with citizens' juries, the method is expensive and for similar reasons: the cost of recruiting people and running the deliberative sessions are high. A deliberative polling event, run on lines similar to those outlined above, was used by the Justice 1 Committee in Session 1. Like citizens' juries, it is a way of gauging people's informed opinions on a topic. This could be helpful when committees engage in their own deliberations on the same topic and help to make committee decisions more responsive and accountable to public opinion. Citizens' juries and deliberative opinion polls have included people as individuals. Indeed, citizens' juries in Britain have deliberately excluded members of groups with a special interest in a topic. However, there seems little reasons in practice why both mechanisms should not involve people as representatives of groups, as well as in their capacity as individuals. Deliberative opinion polls are an alternative to the use of the traditional questionnaire survey which is applied in methods like the citizens' panel.

Citizens' Panels

A2.7. In their most common form, citizens' panels involve the recruitment of a large number of people, sometimes in the thousands, who agree to be surveyed periodically on different topics. The panel members are chosen by

a stratified quota method, with a certain proportion of individuals representing different social groups (such as socio-economic classes, women and men, different age ranges etc.) being included on the panel. The citizens' panel has been used by the UK government and by a number of local and health authorities in the UK. The questionnaire surveys enable the opinions of a cross section of the population to be gathered periodically on different topics (cf. Lowdes *et al.* 1998). Citizens' panels are much cheaper than deliberative opinion polls (it is estimated that recruiting 1,000 respondents using postal recruitment methods, managing the questionnaires and 'refreshing' a third of the membership at the end of the first year costs around £12,000). Citizens' panels do not encourage citizens to reflect on the topics and do not provide the insights that can come from informed deliberation. However, the committees of the Scottish Parliament might consider setting up a citizens' panel and rotate around the committees the topics on which the citizens are surveyed. Again, this might help to increase the accountability and responsiveness of the committees.

Advisory and Consultative Councils

A2.8. Advisory and consultative councils might be established by committees of the Parliament. The councils could include a cross section of the population or be based around those who have a particular interest in the work of a committee. They might include people as individuals or as representatives of groups. The councils could meet periodically to discuss specific topics and they could either decide on the topics themselves or take up topics decided by the committee. Their deliberations and conclusions could feed into, and inform, the work of the committees, by providing ideas, information and giving an indication of the strength of opinion on a particular topic. The councils would involve the use of resources in servicing their meetings but would not be as resource intensive as a citizens' jury or a deliberative polling exercise.

Other Mechanisms of Participation

A2.9. A number of participatory mechanisms have been introduced at different levels of government and for a number of purposes. John Loughlin (2001, p. 398) outlines the following methods which have been implemented in a number of countries:

- the use of local referendums (the Austrian *Länder*, some German *Länder*, Finland, Luxembourg, the Netherlands, Portugal, Sweden);
- petitions (most of the Austrian *Länder*, some of the German *Länder*, Portugal, Sweden);
- involving individuals or interest groups in decision-making through user boards (Denmark, Sweden);
- the citizens' written motion, which, if supported by 2 per cent of the population, must obtain a response from the local authority (Finland);
- prior appraisal of legislation by the public (some of the Austrian *Länder*);

- giving representation to specific categories of citizens through various forms of consultative forums (e.g., the disabled, women, low-income, foreigners, etc.) (UK, Luxembourg, the Netherlands, Spain);
- ‘future’ and ‘scenario’ workshops – to enable citizens to participate in planning processes (Germany, the Netherlands);
- multistage dialogue – involving three stages following the schema ‘look, appraise, act’, which allow citizens to work out solutions to particular problems (e.g. xenophobic violence in Buxtehuder in Lower Saxony);
- ‘partnership’ boards and attempts at ‘social integration’ (Ireland, Spain);
- citizens’ juries or panels (UK, Denmark, Spain, Sweden);
- youth councils (Finland);
- the search for openness and transparency (France);
- opinion polls and consumer surveys (UK, the Netherlands, France, Spain);
- local democracy ‘balance sheet’ (Sweden);
- electronic democracy and use of the internet (UK, Spain).

A2.10. Some of the mechanisms (local referendums; petitions; user boards; the citizens’ written motion; multistage dialogue; ‘partnership’ boards; local democracy ‘balance sheet’) are probably not suitable for application to the working of Scottish Parliament committees, as they are very local in their concerns, relate to planning matters or are concerned with service delivery. Others, such as prior appraisal of legislation by the public; setting up consultative forums; ‘scenario’ workshops; citizens’ juries; the search for openness and transparency; opinion polls and surveys; electronic democracy, may be relevant. Indeed, some of the mechanisms have been used by the Scottish Parliament. (For a consideration of the mechanisms adopted by the Parliament, see Chapter 3 and Annex 3). One method mentioned by Loughlin (2001) which may be relevant for the Parliament’s committees is prior appraisal of legislation by the public.

A2.11. In the Austrian Lander, regional governments, of Burgenland, Styria and Vorarlberg, members of the public must be allowed to give their views on proposed government legislation. For motions which are put forward by parliamentary members or parliamentary committees, the public will be asked for their views if a request for consultation gains the support of two-thirds of members present when the motion is debated or at least half of the members of the parliament are present for the debate on the motion. While the ways in which the views of the public will be canvassed are not specified, the proposal might be put on the internet and responses sought. The idea behind this mechanism is that members of the public, as individuals, will have the opportunity to make their views known to the parliamentarians (cf. Bullmann, 2001). However, the proposals could be adapted to be applied to groups, instead of, or as well as, individuals.

A2.12. Loughlin's list of possible participatory mechanisms, however, is not exhaustive. The New Economics Foundation (1999) has produced a document analysing 21 techniques of community participation. Most of the mechanisms are different from those mentioned by Loughlin. These include:

- action planning
- choices method
- community appraisal
- community indicators
- enspirited envisioning
- future search
- guided visualisation
- imagine!
- local sustainability method
- open space
- parish maps
- participatory appraisal
- participatory strategic planning
- participatory theatre
- planning for real
- round table workshops
- social audit
- talkworks
- team synteegrity

A2.13. The NEF list, Loughlin's list and most other suggested methods to increase public participation, tend to refer to mechanisms that have a purely local emphasis, are concerned with planning or deal with matters which are not relevant for committees of the Scottish Parliament. However, we will briefly outline two of the mechanisms that may have some relevance, to give a flavour of the type of techniques involved.

1. Enspirited Envisioning

A2.14. There are three main practices associated with this method:

- deep imaging which involves creating images of the future
- deep listening which involves listening to yourself or others with empathy and without judgement
- deep questioning which involves thinking about the questions you ought to ask and asking them.

The whole process takes about 20-24 hours to complete.

A2.15. The first stage of the process aims to encourage people to make their images of the future concrete. There should be no effort, at this stage, to interpret the visions or to control them and people should attempt to live their visions.

A2.16. Facilitators encourage people to develop indicators (specific signs, behaviour etc) which will explain when the vision has happened and to think about positive or negative consequences of the vision. Visions can be drawn or written on flipcharts and displayed. Those with similar visions are encouraged to develop a shared vision based on common ground. The vision should include long-term goals, indicators and consequences. Teams are next encouraged to compile future histories in blocks of five years and seek opportunities for action. The method can help people to think about the future in an open, flexible and realistic way. This mechanism might be used by Parliament committees to gain information and to stimulate people to think about what they want to see in a particular policy area. The results of this method might aid long term thinking in committees.

A2.17. This mechanism would be quite expensive to set up and to run. Recruiting people to participate might need a little effort and providing rooms, food and refreshments and facilitators would add to the cost. In all, the costs associated with an event might be in excess of £3,000.

2. Round Table Workshops

A2.18. This method brings people together who share common concerns and enables the brainstorming of ideas. The aim of the workshops is to improve relations between different groups and sectors. They can bring together a variety of stakeholders. Each workshop can either deal with one theme or cover several. Participants will be divided into groups of between 7 and 10 and will include different types of stakeholder, to ensure dialogue.

A2.19. Round table workshops have three stages and start with a context setting brief introduction. The stages are:

- Specialist presentations. These last no more than one hour. They provide technical information and the results of case studies elsewhere. The aim is to stimulate ideas and new approaches.
- Round table discussions. These last for about 90 minutes. Participants write down ideas on post-its. These are grouped by a reporter for each group, on a flip chart.
- Report back from the groups. Discussions take place on the proposals and questions are asked and answered. A short concluding session follows. A draft document is produced from the outcomes and is commented on by participants and others.

A2.20. Round table workshops relate to other deliberative methods and may be useful in helping the representatives of groups to refine their positions. They could possibly play a part in informing committees and suggesting policies that might win widespread support. Setting up and running the workshops would require considerable resources, of staff, buildings, food and refreshments. It is estimated that a single round table workshop costs between £3,500 and £5,000.

ANNEX 3 CIVIC PARTICIAPTION EVENTS UNDERTAKEN BY COMMITTEES IN SESSION ONE

A3.1. Shortly after its establishment, the Scottish Parliament adopted the principles which were contained in the report of the Consultative Steering Group (1999). The Scottish Parliament was explicitly established to foster a new style of politics in the UK, and the adoption of the CSG principles committed the Parliament to:

- power sharing between the people, the Parliament and the Scottish Executive;
- accountability to the people;
- accessibility, openness, responsiveness and a participative approach to all stages of the legislative process;
- promoting equal opportunities for all.

A3.2. As the Procedures Committee recognise (3rd Report 2003, p. 8), the CSG sought legitimation for devolution and its institutions in a participative approach to democracy, in the face of the general decline in representative democracy. The actual institutions of devolution, such as the Parliament, the Executive, political parties and the civil service, have to operate within a system that is built on two models - representative and participative democracy - and have to make coherent these models in their operation.

CIVIC PARTICIPATION INITIATIVES IN SESSION 1

A3.3. This chapter examines the civic participation, or public engagement, initiatives undertaken by the Parliament's Committees in Session 1. The Parliament's Clerking Directorate holds a small annual budget to allow Committees to undertake work that specifically aims to increase civic participation in their operation. This is to ensure that Committees can supplement their general work of obtaining a range of information and evidence while undertaking Inquiries, scrutinising legislation and Executive policy, and developing Committee Bills.

Summary

A3.4. A total of 24 civic participation events were undertaken between June 2001 and October 2002. Eight committees were involved and the events were held in 14 towns and cities in Scotland. Venues included the Parliamentary campus.

A3.5. People attending these meetings were either there by invitation or because the meeting was open to the public. Attendees included members of the general public, representatives of organisations (business, statutory, voluntary, professional, trade union, civic), members of stakeholder groups and interest groups, and specific groups, for example, children and young people.

A3.6. The events held were mainly meetings, but also included two receptions; two seminars, two conventions and one deliberative polling event. Meetings held were for the purposes of:

- Consulting on Committee Inquiries
- Agenda development on policy areas
- Seeking views on specific themes
- Dissemination of legislative proposals
- Discussion after presentation on issues
- Encouraging people to have their say

A3.7. The events were organised and undertaken by Committee members, with the assistance of (variously) clerks, Parliamentary researchers and external consultants.

TYPES OF CIVIC PARTICIPATION EVENTS

A3.8. The Session 1 initiatives followed a range of models, from the relatively simple model of Committees travelling to localities and suspending formal meetings to take views from members of the public audience, to more complex models, which require much advance planning and undertaken with the assistance of external consultants.

A3.9. Some way between these two models, there are Committee visits to localities to take views from representatives of local or interest communities on Committee Inquiries, and Committees organising such meetings in the Chamber.

A3.10. Examples of the relatively simple model are the Rural Development (RD) Committee's travel to hold meetings in rural areas. This involved five open sessions for members of the public audience during suspension of formal Committee meetings to present their views on rural development. These open sessions were convened by the Committee Convener and Deputy Convener. This series of civic participation initiatives further included two evening receptions, involving Committee members and invited representatives of local rural communities for informal discussion of local experiences of rural development. Verbatim accounts of these meetings are published in Committee papers.

A3.11. Similarly, the Education, Culture and Sport (ECS) Committee undertook four forums in Hawick to hear from local people on the impact of Scottish Borders Council cuts; the Procedures Committee organised three public meetings and three school visits (in Hawick, Paisley and Ullapool) to take views on how far the Parliament has successfully applied its founding

(CSG) principles in its first two years; and the Equal Opportunities (EO) Committee used the Parliament's meeting in Aberdeen to hold an evening seminar to take the views of equality groups and organisations on the specific topic of how to monitor the effectiveness of mainstreaming at local level.

A3.12. These types of civic participation initiatives may not be so ambitious as the more complex models, but they still involve planning and significant administrative resources to ensure effectiveness. Such initiatives appear to attract considerable numbers of the general public. For example, the Procedures Committee initiatives involved 200 people in Hawick, 50 in Paisley and 40 in Ullapool.

A3.13. Rather more complex models involve Committees organising seminars on current issues. Examples of this include the Enterprise and Lifelong Learning (ELL) Committee seminar in Edinburgh on its report into the impact of the new economy, held for senior members of Scotland's finance and business sectors. The seminar focused on the Committee's recommendations for a Scottish IT infrastructure, taking attendees views two days' before a parliamentary debate on the topic. Another example of this model is the Local Government (LG) Committee's presentation on the key proposals of the Local Government Bill at Stirling Management Centre, seeking the views of relevant interests, including Local Authorities, NHS Boards, Trades Unions, public bodies, voluntary organisations and the Executive. The Equal Opportunities Committee also used a seminar model for its Aberdeen event held to take the views of around 100 representatives from community and equality groups.

A3.14. The most complex civic participation events included half or whole day sessions, focused on particular themes, that involved workshop sessions to generate clear thinking on key issues. Topics in Session 1 for these events were:

- Children's Commissioner (ECS)
- Race Relations Act (EO)
- Gypsy Travellers and Public Sector Policies (EO)
- Lifelong Learning (ELL)
- The Future of Europe (European)
- Alternatives to Custody (Justice 1)
- Renewing Local Democracy (LG)

More detail about the events that have used relatively ambitious methods is provided below.

ELL Committee Inquiry into Lifelong Learning

A3.15. The Committee invited around 180 stakeholders across a range of lifelong learning issues to a Convention to discuss its interim Inquiry report into lifelong learning. The event took place in April 2002 and consisted of a plenary session, followed by eight parallel workshop sessions both morning and afternoon. The workshops were chaired by Committee members and facilitated by external consultants.

A3.16. The event aimed to assist the Committee in finalising their draft recommendations, and verbatim accounts of several workshops and notes from the others have been published in a Committee paper on the event.

ECS Committee Inquiry into a Children's Commissioner

A3.17. The Committee held two civic participation events in connection with its Inquiry into a Children's Commissioner for Scotland. One was held in June 2001 and involved representatives from groups and organisations representing children's interests, while the other took place in December 2001 and involved around 100 young people of mainly secondary school age. Both events were held in the Chamber and included morning open sessions and afternoon group discussions, facilitated by Committee members and staff from the Parliament's education service.

European Committee's Future of Europe Convention

A3.18. The Committee's convention on the future of Europe was held in September 2002 and involved around 120 people from a wide range of interests, including representatives from business and civic organisations in Scotland, young people and members of the public. The day event began with a series of briefings from keynote speakers and was followed by an open debate. The morning's proceedings were summarised before the afternoon parallel breakout sessions. These were chaired by Committee members and report backs made by external attendees. The day ended with a further open debating session.

EO Committee's Race Relations event

A3.19. The Committee's event on 25 years of the Race Relations legislation was held in September 2001. It was a half day event in the Chamber, in the form of a seminar, which was open to the public. The Committee issued a Parliamentary press release inviting relevant individuals to nominate themselves as delegates for the event. Over 100 young people and older members of black and ethnic minority groups were subsequently invited as delegates. The event was intended to allow young people to have their say on issues important to them, and for older delegates to relate their experiences of race relations in Scotland in the period.

EO Committee's Gypsy Travellers event

A3.20. This event was held in November 2001 in the Chamber. The aim of the event was to consult with gypsy travellers and key officials on the response of the Scottish Executive to the Committee's report on Gypsy Travellers and Public Sector Policies. Workshop groups on different policy aspects were facilitated by Committee members. Each group devised a set of recommendations, which were then voted on by participants in plenary. The result was 21 recommendations agreed at the event.

Justice 1 Committee deliberative polling event

A3.21. The Committee invited 86 citizens to attend a day meeting to discuss issues relating to sentencing and alternatives to custody. The event was held at Glasgow Caledonian University with the assistance of external consultants. Citizens were selected for participation via 105 'gateway' organisations, seeking those with a genuine interest in the topic. Difficulties were experienced in engaging younger citizens aged 18-29 in the event.

A3.22. This event is arguably the most ambitious civic participation initiative undertaken by a Parliamentary committee to date. The event was complex, involving participants in preparatory work before the day, briefings from senior representatives from key public agencies (Crown Office, the Police, Scottish Prison Service) and an academic specialist in sentencing research. Case study discussions based on vignettes prepared by the Scottish Police College and on which participants had already returned preliminary responses were carried out in 8 parallel workshop sessions, facilitated by a consultant. These vignettes were used to capture opinion, and changing opinions, as participants subsequently addressed modified versions of the vignettes. Consensus seeking methods were used to measure the extent of consensus on issues and movement from consensus position.

A3.23. In addition, participants were able to put forward questions for the expert speakers to address in the second plenary after the workshop sessions, and nine open space workshops were held in the afternoon to allow participants to raise issues. A short plenary session ended the event.

A3.24. Evaluation of the day by 73 participants gave high satisfaction ratings on all aspects of the event, with the open space workshops the least popular although 85% said they were either very good or good. Only two participants indicated they would not attend this type of event again. Participants also expressed the view that the event should be the first in a sustained effort to undertake this type of public participation.

Local Government Committee and renewing local democracy

A3.25. The Committee used three public engagement events to assist with its Inquiry into renewing local democracy. While the Committee's Inquiry sought to engage the public in thinking about local, rather than Parliamentary

democracy, the results of the events held have some salience for this research and key findings are outlined in this report.

A3.26. The three events were held in Paisley, Inverness and Glasgow between October and November 2002. The events were managed by external consultants, although Committee members and Parliamentary clerks and researchers were involved in each. The Paisley and Inverness events took place on weekdays, for half a day each, and each involved approximately 50 participants. Participants in Paisley were drawn from Renfrewshire Council's Citizen's Panel, from eight community councils and included one elected member. Participants in Inverness were drawn from voluntary organisations, community councils, business organisations and included two elected members. The Glasgow event was held on a Saturday to maximise attendance and was designed to enable the Committee to consult on its draft Inquiry conclusions.

A3.27. The Paisley and Inverness events involved both hindsight and foresight workshops. The hindsight workshops enabled participants to reflect on their experience of engaging with local councils, whereas the foresight workshops encouraged participants to put forward ideas for future working. Accounts of these events have been provided in a Committee paper. Both events were evaluated by participant questionnaires and achieved high satisfaction ratings on all aspects of each event. Only one participant in each event indicated that they would not be happy to attend similar events in future.

Key findings from the hindsight workshops are:

- Lack of representation of certain groups
- Imbalance of power in favour of organised interests as against individual citizens and communities
- Over-reliance on formal, document-based consultations, that involve limited numbers of people and allow insufficient time for responses
- Criticism of 'sham' consultations and the lack of feedback on views gathered
- Need for increased civic education to empower citizens
- Criticism of party, adversarial political system

Foresight workshops recommended:

- Introduction of community co-ordinators to facilitate local group involvement, undertake civic education and assist with group funding applications
- Benchmarking and dissemination of good practice in participation for Scotland

- Use of a wider range of participation techniques, particularly face-to-face events and the use of electronic methods
- Independent consultation at early stages, with expert help for preparation and increased time to respond; use of small group consultations, questionnaires and surveys; increased feedback on responses

COMMITTEE RESEARCH ON CONSULTATION AND PUBLIC ENGAGEMENT

A3.28. In addition to undertaking civic participation events, Parliamentary committees have commissioned research on the issues involved in public engagement. Examples of such research are:

- Procedures Committee research on the CSG principles in practice
- Education, Culture and Sport Committee research on consulting with children
- Local Government Committee research on public participation at local level
- Justice 1 Committee research on people's attitudes to sentencing

A3.29. Findings of these research reports are relevant to the present study of exploring the potential for further public engagement by the Parliament's committees and key conclusions are outlined below.

LG Committee report on public participation at local level

A3.30. The Committee commissioned the Scottish Local Authority Management Centre (SLAMC) at Strathclyde University to undertake research on the impact of public participation in local government decision making. The research involved 35 interviews and five focus groups in five council areas (Aberdeenshire, Dumfries and Galloway, Glasgow, North Lanarkshire, West Lothian); a survey of elected members (35%), broadly representative in terms of geographical area, rurality, size and political representation; and a survey of 114 senior Council officers.

The main research findings are:

- 70% of councillors believe there has been increased public participation in the last five years, but that there is still room for improvement, despite the view of most councillors that the general public does not have a strong desire to participate in decision-making

- 80% of councillors felt that public participation is healthy for local democracy, but most councils report high fall-out rates in public engagement exercises
- There is concern about the over-reliance on the 'usual suspects' in participation exercises
- Most councils reported 'consultation fatigue', whereas community activists called for more opportunities for participation

ECS research on consulting with children and young people

A3.31. The Committee commissioned research from the University of Glasgow and Children 1st to examine effective methods of consulting with children and young people.

The main findings from the research are:

- Children and young people want to be involved in the political process
- Children and young people become disillusioned with consultation if they feel the consultation is a 'sham' or if their views are not taken seriously
- Views from children and young people who are socially excluded are often not sought, and those who are not selected from among their peers to take part in consultations can be resentful
- The most common complaint from children and young people about consultation is the lack of feedback on responses
- There is a need to ensure that their views are taken and that the consultation is not framed to conform to an adult agenda
- Questionnaires and surveys are popular methods with children and young people
- Group discussions and large events such as conferences can be problematic for children and young people, because of issues such as who is selected to attend, who talks at such events and what they are prepared to say in front of their peers
- One-to-one interviews are also viewed by children and young people as good methods of obtaining their views, but there is an issue about the potential effects of the imbalance of power in favour of the adult interviewer
- Longer term forums, such as Youth Parliaments and Youth Councils may be difficult in terms of representation, given the small numbers involved, in

their lack of involvement of marginalised children and young people, and their adult-directed nature

Procedures Committee Inquiry into the Parliament's application of the CSG principles

A3.32. The Committee Inquiry was announced in May 2000 and the report published in 2003. The Inquiry was ambitious in scale and included the following methods:

- General call for evidence by Parliamentary news release
- 2000 letters sent to selected individuals and organisations deemed to have particular interest in the Inquiry, generating around 300 responses
- MORI-commissioned survey of MSPs and Parliament staff and focus groups with citizens
- Three public meetings and associated school visits outwith Edinburgh
- 14 formal evidence sessions taking views from a wide range of interests
- Commissioned research from the Parliament's research services and an academic researcher

The general findings of the Inquiry are:

- There is a strong desire to contribute constructively to the work of the Parliament
- Many people are well-informed about the Parliament's work and the efforts made by the Parliament are appreciated, but communication needs to be more effective
- Considerable progress has been made in the relationships between the Parliament, Executive and civic society groups and institutions, but there has been less success in relating to the wider Scottish public especially to less advantaged groups and parts of society
- There is much criticism of Parliament's relationship with the 'usual suspects' and the central thrust of the evidence is that relationships with marginalised groups should be developed

Representative and participative democracy

A3.33. The Committee's view is that the CSG sought legitimacy for devolution via participative forms of democracy, in the light of the decline in representative democracy. The actual system, however, of Parliament,

Executive, political parties and the civil service has to make coherent their operation in weaving together these two models of democracy, both of which are in evidence in the institutional structure of devolution.

A3.34. The Committee recognised that political parties are vehicles for participation as well as structures to advance policy goals and their support. They conclude that of the CSG principles, power sharing is the area where the two models of democracy are most finely balanced. They also conclude that of the four key principles, power sharing is the least developed in application.

Power sharing

A3.35. The Inquiry evidence shows that power sharing is a little understood concept. The Committee's conception is that power sharing:

'defines roles, shares roles, transfers resources and puts in place procedures which allow roles to be exercised fully ... removes barriers which prevent the governance partners from working, and builds in means of requiring them to work, in a full and effective partnership.'

A3.36. The Committee accords the Parliament a key role both in defining and developing these partnerships, as well as balancing their roles. They stress that Parliamentary committees were always intended to play a major part in the delivery of power sharing.

A3.37. The Inquiry found evidence of wide approval for the work of the Committees to date, with the key concerns being:

- No non-MSP Committee members
- Too many private Committee meetings
- Power sharing is diminished by Executive majorities on all Committees
- Too much change in Committee membership
- Insufficient time for legislative scrutiny, which is challenging for Committees but also threatens civic society's ability to contribute constructively during the legislative process

A3.38. The Committee acknowledges the civic participation events undertaken by Committees and recommends that the more complex models be used more widely in a range of committees. The evidence is that the reporter system, recommended by the CSG, is now established across Committees, however, the Committee recommend that the Conveners' Group and individual committees consider setting up citizen's forums or expert panels as appropriate. Also recommended is the use of 'gateway' and

umbrella organisations, such as SCVO, STUC, CBI and FSB, by Committees to access communities for participation in their work.

ANALYSIS OF CIVIC PARTICIPATION IN THE PARLIAMENT

A3.39. The evidence presented in this chapter shows that in its first Session the Parliament has already begun to develop civic participation in its work. Not only that, it has already begun to reflect on its principles and practice, and begun to identify key issues in public engagement in the political process.

A3.40. A variety of civic participation models have been used by Parliamentary Committees in the first Parliament. These have been detailed in this chapter but although some individual events have been reported in Committee papers and evaluated by participants, there remain gaps in the available information about the outcomes of these events and the impact they have made on the decision making processes of the devolved institutions.

A3.41. None of the reports of the 24 civic participation events held by Parliamentary Committees in Session 1 contains any information about costs and staff resources needed.

A3.42. The civic participation work of the Parliament has produced a number of key findings. Firstly, there is evidence of a willingness on the part of much of the Scottish public to become involved in the work of the Parliament - to contribute constructively in the policy process. Secondly, there is a strong aversion among the Scottish public to 'sham' consultation, that is people do not want to be involved in tokenistic gestures towards their participation. Also, there is a view that lack of resources, including time, prevent all but the large, well-resourced organisations and groups from engaging effectively with the work of the Parliament and policy making. This perception may be partly due to one of the most common complaints about consultation from those outwith the Parliament, that no feedback is provided for participants on the use of their contributions. In addition, people would prefer methods of taking their views that do not rely solely on document-based resources.

A3.43. A key finding of the Procedure Committee's review of the application of the CSG, or Parliament's founding principles, in the first Parliament is that it is around the principle of power sharing that the tensions between the Parliament's dual system of representative and participative democracy are most evident. Civic participation in the work of Committees is a key element of power sharing, yet the devolved institutions are still grappling with the concept of power sharing and its implications for public engagement.

A3.44. Finally, several of the most ambitious of the Parliament's civic participation events have involved external consultants.