

# Comparing Mini-Publics in the Scottish Parliament



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## About the Report

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This report evaluates the use of mini-publics by the Health and Sport Committee, and the Environment, Climate Change and Land Reform Committee (ECCLR), providing recommendations for their use on future inquiries.

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# Executive Summary

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1. This report provides recommendations for the use of mini-publics in parliamentary committee inquiries. The recommendations are based on the evaluation of the first two mini-publics undertaken by the Scottish Parliament in 2019: the Citizens' Jury on Land Management and the Natural Environment (Elstub, Carrick and Khoban 2019a); and the Citizens' Panels on the Future of Primary Care (Elstub, Carrick and Khoban 2019b).
2. Mini-publics assemble small groups of randomly selected citizens to become informed about and deliberate on a policy issue. Witnesses provide evidence to inform participants about the issue. The participants engage in facilitated deliberation and make recommendations.
3. The Health & Sport Committee (H&S) sponsored three citizens' panels (CPs) on primary care. Each CP was conducted over two Saturdays between April to June 2019, and were held in Cambuslang, Dunfermline, and Inverurie.
4. The Environment, Climate Change and Land Reform Committee (ECCLR) sponsored a citizens' jury (CJ) on land management and the natural environment. The CJ was held on the weekend of 29th - 31st March 2019 at the Scottish Parliament.
5. The three CPs comprised a day of learning about primary care followed by a day of deliberation. The Scottish Parliament Information Centre (SPICe) and one expert witness delivered presentations to educate the panellists. The panellists were joined by MSPs from the H&S Committee on the second day to participate in the deliberations.
6. The CJ on land management and the natural environment comprised six evidence sessions over the weekend, with a deliberative session on Sunday afternoon. The six evidence sessions were presented by a range of external expert witnesses.
7. The CPs and CJ differed in their organisation and degree of committee integration. These differences include:
  - A steering group directed the CJ, defining the jury's question and identifying a range of external witnesses to present evidence. In contrast, the CPs were organised by the in-house SPICe staff. The SPICe staff delivered evidence to the panellists, with one external witness.
  - At the start of the CJ, the jurors were introduced to the principles of 'critical thinking', including what makes good evidence. The CPs did not include an introduction to critical thinking and good evidence.
  - At the end of the CJ the jurors sought consensus on the principles and recommendations. Whereas each of the CPs proposed priority themes without seeking consensus.
  - The CPs were attended by MSPs who participated in the deliberations. One MSP attended the CJ to welcome the jurors.
  - The recommendations of the CPs were fed into a live ongoing inquiry on primary care. However, the CJs was not undertaken as part of a live inquiry on land management and the natural environment. Instead, the recommendations of the CJ are recorded for use in a future inquiry.



8. One key similarity between both the CPs and CJs is the lack of publicity they received. This is understandable as they were pilots. However, it did result in a lack of public awareness of the parliament's strides in democratic innovation, and the mini-public's policy recommendations.
9. For the future use of mini-publics in committee inquiries, the best features of the CJ and CPs have been identified:
  - I. A steering group enhanced the organisation and management of the CJ, providing diverse evidence and perspectives as well as process independence.
  - II. Evidence should be provided by a diverse range of expert witnesses in a diverse range of formats. Participants should be supported by a neutral expert lead, training in critical thinking and neutral background information.
  - III. Institutional Integration of both the CPs and the CJs were enhanced by the attendance of committee members. After the CPs, some panellists attended a committee meeting, which enhanced their sense of value in the process. Undertaking the CPs during a live inquiry also enhanced its integration, increasing the opportunity for them to have impact on the committee.
10. To enhance the use of mini-publics by parliamentary committee, it is recommended that:
  - I. A steering group should be set up to direct mini-publics. Time should be allocated beforehand to enable the steering group to meet and agree their instructions and scope. It should include a mixture of external experts relevant to the topic and internal parliamentary staff.
  - II. Parliament information officers (e.g. SPICe) could act as expert leads in the process, providing neutral background information.
  - III. Committee members should attend mini-publics, but as observers and not participants, to reduce the risks to impartiality.
  - IV. Mini-publics should be undertaken during live inquiries so that their recommendations can be fed in directly.
  - V. Participants should be given the opportunity to attend a committee meeting after the mini-public to discuss their recommendations further.
  - VI. Parliament should publicise any mini-publics they run in the future to a greater extent.





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# 1. Background

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This report provides a comparison of two mini-public style processes that have been run by the Scottish Parliament. In this section we provide an overview of the background to the study.

Mini-publics are types of public engagement where a group of citizens deliberate on policy issues.

The key features of mini-publics are:

- Sortition is used to ensure a representative or diverse group of citizens participate
  - Balanced information and evidence are provided
  - Facilitated group discussion
  - Results provided as recommendations
- (Elstub 2014; Harris 2019; Setälä & Smith 2019)

There are different types of mini-public, including citizens' juries, citizens' panels, citizens' assemblies and deliberative polls, which differ in:

- Number of participants
  - Duration
  - Activities
  - Output production, e.g. agreeing recommendations, survey, voting
- (Elstub 2014; Harris 2019; Setälä & Smith 2019)

Research finds that mini-publics could enhance the process and outcomes of parliamentary committee inquiries (Beswick & Elstub 2019; Hendriks & Kay 2019; Hendriks *et al*, 2019; Setälä 2017):

- A diverse group of citizens increases how representative (of the population) voices in an inquiry are.
- Including citizens strengthens the impact of minority views on inquiries.
- Citizens bring additional perspectives and knowledge, increasing the evidence provided to, and considered by, an inquiry.
- It enhances the quality of deliberation because citizens are more open to different sides of an argument and less influenced by political party agendas than elected representatives and are therefore more capable of finding constructive agreement.
- Engaging with the public can increase an inquiry's influence on government policy.
- Mini-publics increase opportunities for citizens to influence a political agenda and to pre-screen policy proposals.
- Including citizens in political processes, such as inquiries, narrows the gap between public opinion and political decision-making.
- It enables the public to engage in public scrutiny of government.
- Mini-publics could improve public trust in parliament.





The Commission on Parliamentary Reform (2017) therefore recommended that the Scottish Parliament trial the use of mini-publics to “build trust and legitimacy in parliaments and their scrutiny outcomes”. The trial was organised in-house.

The citizens’ panels (CPs) on primary care and citizens’ jury (CJ) on land management and the natural environment are the first of these mini-publics. They provide the first opportunity for the Scottish Parliament to reflect on the use and in-house organisation of mini-publics.

## 1.1 The Comparison

This report reviews the design and implementation of the CPs on primary care and the CJ on land management and the natural environment. Both have distinctive features, which are compared in this report. The aim is to identify the most appropriate features of these mini-publics to inform their future use by the Scottish Parliament and other legislatures.

This comparison report draws on the results of evaluation reports prepared for both mini-publics (Elstub, Carrick & Khoban 2019a; Elstub, Carrick & Khoban 2019b). To facilitate the evaluations, primary data was collected during both mini-publics via:

- Before and after participant surveys
- Interviews with Parliamentary staff, Committee Members, and expert witnesses
- Researcher observations taken during the events

The implementation of CPs on primary care and CJ on land management and the natural environment were evaluated in accordance with the criteria set out in Table 1, below. The evaluative criteria derive from deliberative democracy norms that mini-publics are designed to promote.

Table 1: Evaluation Criteria for Parliamentary Mini-Publics

MINI-PUBLIC ELEMENT	EVALUATIVE CRITERIA	METHOD OF EVALUATION
Participant recruitment	Diversity	Participant survey & observation
Witness selection	Diversity & credibility	Participant & interview with the witness
Evidence provision	Pertinence, utility and balance	Participant survey, interview with the witness & observation
Facilitation	Deliberative quality (inclusiveness, reason-giving, and respectfulness)	Participant survey, interview with the witness & observation
Impact on participants	Knowledge gains, opinion change & efficacy	Participant survey & observation
Impact on Parliament	Influence on parliament, policy, and participants	Interviews with committee members and staff



A far greater level of detail on both cases can therefore be found in Elstub, Carrick & Khoban 2019a and Elstub, Carrick & Khoban 2019b. In this report, we focus on comparing the two cases. Nevertheless, we now turn to provide a concise overview of each case.



## 2. The Scottish Parliament's Mini-Publics

In this section we give an overview of both the primary care CPs and the land use and natural environment CJ, highlighting the key features of each.

### 2.1 The Citizens' Panels on Primary Care

The H&S Committee sponsored three citizens' panels to address the question: 'What should primary care look like for the next generation?' The CPs were organised internally, by the Committee Engagement Unit (CEU) and the Health and Sport Committee (H&S), in collaboration with the Scottish Parliament Information Centre's (SPICe) researchers. The three CPs were held in Cambuslang, Dunfermline, and Inverurie, representing the west, east and north of Scotland. Each CP was conducted over two Saturdays between April and June 2019.

A total of 35 randomly selected members of the public, from across Scotland, participated in the three CPs (9 in Cambuslang, 14 in Dunfermline, and 11 in Inverurie). Invitations to attend the CPs were sent to 2,500 randomly selected members of the public within 20 miles of each Panel. The selected citizens were invited to register their interest in attending the CP. Of those invited, <2.4% responded to the invitation.

The panellists were selected from the respondents, through stratification, so that they broadly represented the gender, age and educational attainment level of the local population. More detail on the recruitment process is provided in the Committee Engagement Unit report (2019a).

Before each CP, the panellists completed questionnaires about themselves and primary care. The results show that the panellists were diverse in terms of gender, age, education, income, and party identification. Most of the panellists had little prior knowledge about primary care but had some experience of discussing the issue (Elstub, Carrick & Khoban 2019b).

#### The Process

A team of CEU facilitators, SPICe researchers and an expert external witness guided the panellists through the following process in each of the three CPs:

1. Conversation guidelines: at the start of each panel, the panellists agreed conversation guidelines
2. Learning: on the first day the jurors learnt about primary care and current policies from SPICe researchers and an expert external witness. The evidence was delivered in presentation format, which was followed by small group discussions.
3. Deliberation: on the second day each panel was joined by up to 4 MSPs to discuss how future services could be designed to address community health and social care needs. Priority themes were identified by each panel, without working towards resolving differences and reaching consensus.



The evidence presented at the CPs on primary care was delivered by in-house staff from the SPICe team, with one external expert witness. The expert witness and researchers from SPICe provided information to the panellists about the range of primary care services, funding, Health and Social Care integration, and the Scottish Government's vision for the future of primary care, as well as alternative models from elsewhere.

The panellists and MSPs undertook a 'creative mapping' exercise to identify priority themes and questions. The priority themes from each panel were fed into the committee inquiry. A Scottish Parliament Report (Committee Engagement Unit, 2019a) presents the results and highlights the themes and priorities that were common across the panels.

The primary care inquiry was live at the time of the CPs. The recommendations could therefore be integrated straight into an inquiry, enhancing the opportunity for influence. Some of the primary care panellists attended an evidence session of the H&S Committee. This gave them the opportunity to discuss their recommendations with the committee members and answer their questions.

## 2.2 The Citizens' Jury on Land Management and the Natural Environment

The ECCLR Committee commissioned a CJ in order to propose a set of principles for the future funding of land management. It comprised 21 citizens from across Scotland. The CJ was hosted at the Scottish Parliament, on the weekend of 29th - 31st March 2019. Invitations to attend the CJ were sent to 3,000 randomly selected citizens from across Scotland. Those invited were asked to register their interest in participating; 6.8% responded to the invitation. The jurors were selected from the respondents, through stratification, so that the CJ was representative of the population in terms of gender, age, postcode and educational attainment level (Committee Engagement Unit 2019b).

Before the CJ the jurors completed questionnaires about themselves and their views and knowledge of land management. The results, reported in the evaluation report (Elstub *et al* 2019a), reveal that the jury was a diverse group in terms of gender, age, education, income, and party identification. Most of the jurors had little prior knowledge about land management, and little prior experience of discussing the issue (Elstub *et al* 2019a).

### The Process

Five facilitators from Parliamentary staff, an academic lead and a range of expert witnesses guided and supported the jurors through the following process:

1. Introduction and team building: on Friday evening the jurors were welcomed by a member of the ECCLR Committee. An academic introduced the jurors to critical thinking, specifically: what evidence is; what counts as good evidence; and how competing evidence is assessed. The jurors worked together to agree deliberation guidelines for their work for the remainder of the weekend.



2. Learning about the topic: a range of external experts, including academics, land managers, policy makers, and regulators, presented 6 evidence sessions in a variety of formats (e.g. presentations, plenary and small group discussions, questions, panel debates, and written and oral evidence). The topics included:
  - i. why the issue of land use and land management is important
  - ii. current land use and land management in Scotland
  - iii. Scotland's natural environment and public goods
  - iv. land management funding models from around the world
  - v. a range of policy solutions to the issue of land management and the natural environment, including the Scottish Government's current strategy
  - vi. the experience of a range of active land managers

The jurors listened to the evidence and questioned the experts about their presentations. The 6 evidence sessions took until Sunday lunch time (1.5 days) to complete.

3. Deliberation: the jurors produced questions for the witnesses, discussed the evidence and their own views and ideas on the issues in small groups. The deliberation was completed in plenary around thematic stations where material that had been produced by the previous small group sessions was displayed.
4. Consensus-based decision-making: The jury suggested, reviewed and agreed potential principles and recommendations. To help reach agreement, each juror was given a red and green card to indicate their support or opposition to each proposal. Proposals were then amended until all jurors agreed to them.

Staff of the ECCLR committee attended the jury during the weekend as observers.

### Steering Group

The CEU, with guidance from ECCLR committee staff and SPICe, formed a steering group to organise and manage the citizens' jury to ensure the process was fair and transparent.

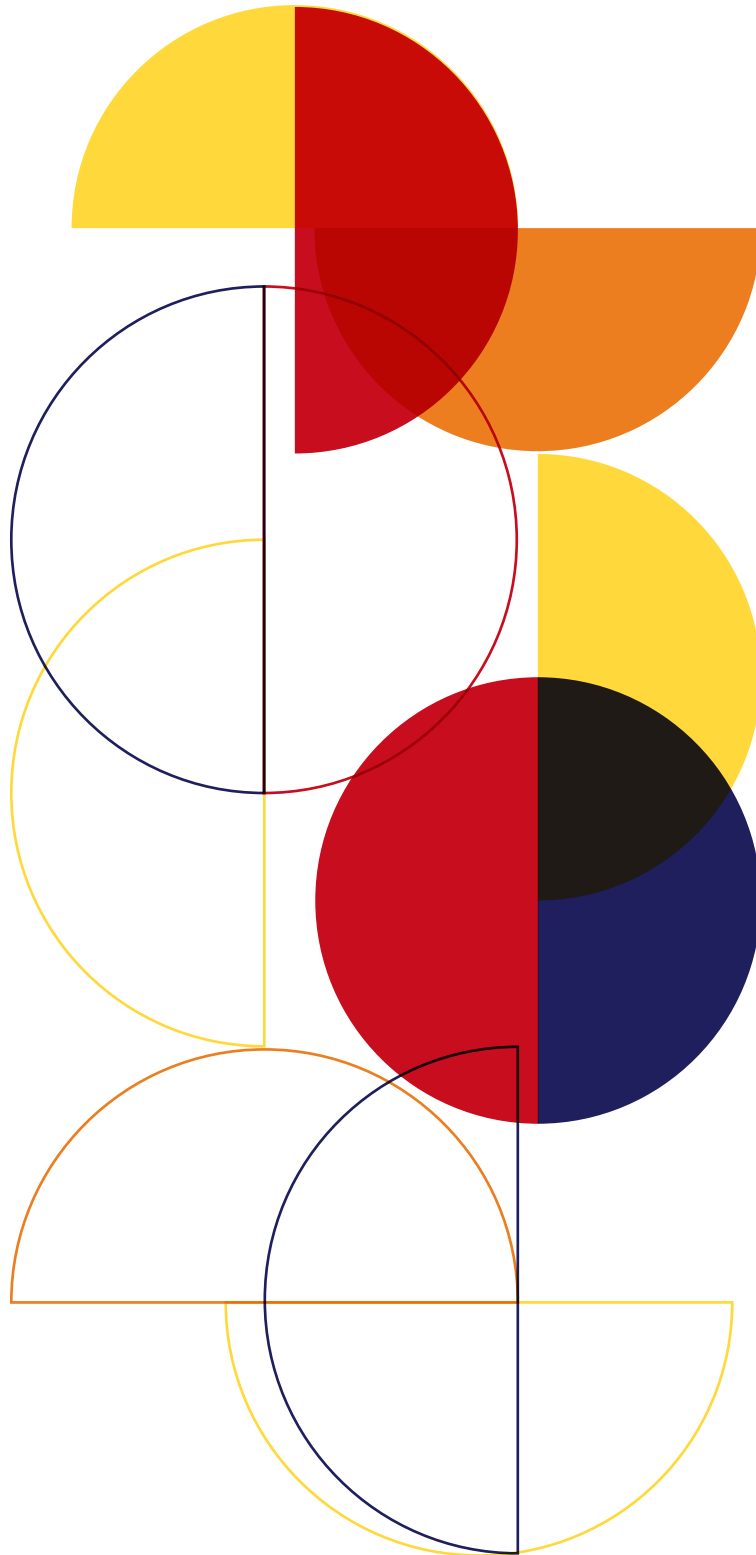
The steering group was constituted entirely by external land management experts and was responsible for:

- Agreeing and setting the question for the jury to consider
- Appointing the academic lead
- Scheduling the evidence provision and selecting the expert witnesses.

The CEU's report on the CJ details the formation, composition and roles of the steering group (CEU 2019b).



To date, there has been no opportunities for jurors to engage with the ECCLR since the CJ. The CJ on land management and the natural environment will inform a future inquiry (planned for 2020), delaying the opportunity for the jury to exert influence. However, the committee has commissioned research to explore the policy landscape in relation to the CJ's recommendations.



## 3. Comparing the Scottish Parliament's Mini-Publics

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### 3.1 Comparing the Features

In this section the features of the CPs on primary care and CJ on land management and the natural environment are compared. Although they were both organised by in-house staff, they have distinguishing features, which are summarised in Table 2. Some of the distinguishing features are 'internal' to the design of the mini-public, while others are 'external' and relate to how the mini-public is integrated into parliament. These distinguishing features effected the organisation and institutional integration of the CJ and CPs. We address the most significant of each below. Overall, we find that the CJ on land management and the natural environment was superior on the internal aspects and the CPs on the future of primary care stronger on the external aspects.



Table 2: Features of the citizens' panels and the citizens' jury

FEATURE	CITIZENS' PANELS ON PRIMARY CARE	CITIZENS' JURY ON LAND MANAGEMENT AND THE NATURAL ENVIRONMENT	DIMENSION
1. Participants	35 randomly selected citizens from three regions of Scotland	21 randomly selected Jurors from across Scotland	Internal
2. Events	Three citizens' panels were held in Cambuslang, Dunfermline, and Inverurie; each was conducted over two Saturdays	One citizens' jury was held in the Scottish Parliament over one weekend	Internal
3. Organisation	The CEU organised the citizens' panels in conjunction with the H&S Committee and SPICe	A steering group was set up to decide key elements of the citizens' jury, which was then organised by CEU	Internal
4. Introduction to principles	The panellists agreed conversation guidelines to ensure that discussions were inclusive and respectful	The jurors were introduced to critical thinking and agreed deliberation guidelines together	Internal
5. Academic Lead	None	Role was to provide neutral background material, answer juror questions throughout the weekend, and fact-check evidence from other witnesses	Internal
6. Expert evidence	One external expert witness	Six evidence sessions delivered by a range of expert witnesses	Internal
7. Role of SPICe	Delivered evidence	Advisory role – some overlap with the steering group. Provided written information for one of the evidence sessions	Internal
8. Format of evidence giving	Presentations followed by small group discussions	Presentations, plenary and small group discussions, questions, and panel debates	Internal
9. MSP attendance	Between 2 and 4 MSPs attended and participated in each Panel	Committee Convener welcomed jurors and introduced the citizens' jury	External
10. Decision-making	Each panel identified their own priority themes	The jurors sought consensus on principles and recommendations	Internal
11. Post event participation	Some of the panellists have attended a committee evidence session	To date jurors have not been invited to participate further	External
12. Inquiry	Live	Planned for 2020	External
13. Publicity	Minimal	Minimal	External





## 3.2 Internal Dimensions

There are three internal dimensions that we think are particularly important differences between the CJ on land management and the natural environment, and the CPs on primary care. These include the transparency and independence of the process; the diversity and range of evidence provided by external experts; and the approaches used for decision-making. We now deal with each of these in turn.

### Transparency and independence

The selected witnesses and the scope of the evidence provided in a mini-public inevitably influences the participants and their deliberations. Indeed, that is the purpose. There is though a need to reduce the potential for manipulation and bias (Roberts *et al.* 2020). To manage these challenges, the CEU established a steering group to organise and manage the CJ on land management and the natural environment independently of the committee. Importantly, the steering group reflected a range of positions. The CJ steering group comprised a range of external experts on land use and the natural environment who selected external expert witnesses and an academic lead. They also set the question for the jury and set the parameters for the range of evidence to be provided to the jurors. In comparison, the primary care CPs were solely organised by in-house parliamentary staff: the committee decided the task for the panels; SPICe decided the evidence the panellists would be provided with; and CEU decided the process of engagement. Therefore, the use of a steering group to organise the CJ provided greater independence and a broader range of evidence than the in-house staff provided to the CPs. It increases the independence of the process, as well as perceptions of the independence of the process amongst the public and stakeholders.

Although the use of a steering group is preferable, the evaluation of the CJ on land management and the natural environment (Elstub *et al.* 2019a) noted that the question set by the steering group was too broad. Due to the range of evidence required to cover the broad topic there were too many information sessions, and many exceeded their allocated time. As a result, there was insufficient time for deliberation and decisions were not made on all aspects of the jury's remit. Committee staff and members have a better understanding of an inquiry's needs and constraints. Therefore, having a member of committee and SPICe staff on the steering group could have managed the scope of the question more effectively. This will further render the mini-public more useful to the committee, thereby increasing its chance of gaining influence on the resulting committee recommendations and scrutiny of government.

### Evidence

The steering group and the CEU ensured that there was an appropriate range of external experts and advocates recruited to deliver evidence to the CJ on land management and the natural environment. The evaluation of the CJ reported that: the evidence was, in the main, balanced and well delivered; and the range of evidence giving formats provided a variety of opportunities for learning, which is important given



the diverse learning needs expected within diverse groups of people found in a mini-public (Elstub *et al.* 2019a; see also Roberts *et al.* 2019).

In contrast, in-house staff (from SPICe) delivered most of the evidence to the CPs on primary care with only one external witness. The relatively limited diversity in evidence provision and perspectives on that evidence is unusual for mini-publics. The evaluation report on the citizens' panels (Elstub *et al.* 2019b) reported concerns about the breadth, content and complexity of evidence provided to the panellists. On one hand, SPICe staffs' daily work in parliament requires them to present balanced and neutral evidence which can be a great asset to a mini-public; "what they're giving you, they give entirely without agenda" (CP interviewee 8). What they are less experienced at is representing the diversity of views and opinions that there might be on a complex issue like primary care. The danger is that while the panellists may receive reliable and neutral information, they are not sufficiently exposed to a diversity of views. This is increasingly problematic when the issue is politically controversial or where there is scientific uncertainty, 'as expert neutrality is compromised in these situations anyway. In these circumstances, the imperative to have witnesses with a diversity of political views is enhanced' (Roberts *et al.* 2020).

Figures 1 and 2, overleaf, indicate that there was a difference in the extent the participants felt they had learnt from the presentations and associated question and answer sessions. Figure 1 shows that all but 1 of the land use jurors (95%) thought they had learnt 'considerably' or 'a great deal' from the presentations delivered by experts and advocates. In comparison, a smaller proportion of the primary care panellists (77%) thought they had learnt 'considerably' or 'a great deal' from the presentations delivered by SPICe. Similarly, Figure 2 shows that all the land use jurors thought they had learnt 'considerably' or 'a great deal' from the subsequent question and answer sessions, compared to 87% of primary care panellists.



Figure 1. Extent the participants felt they had learnt from the presentations

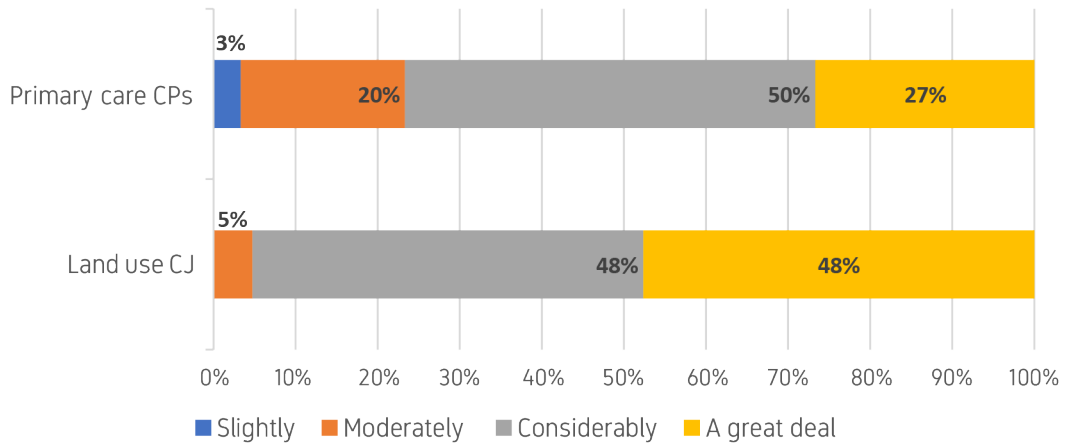
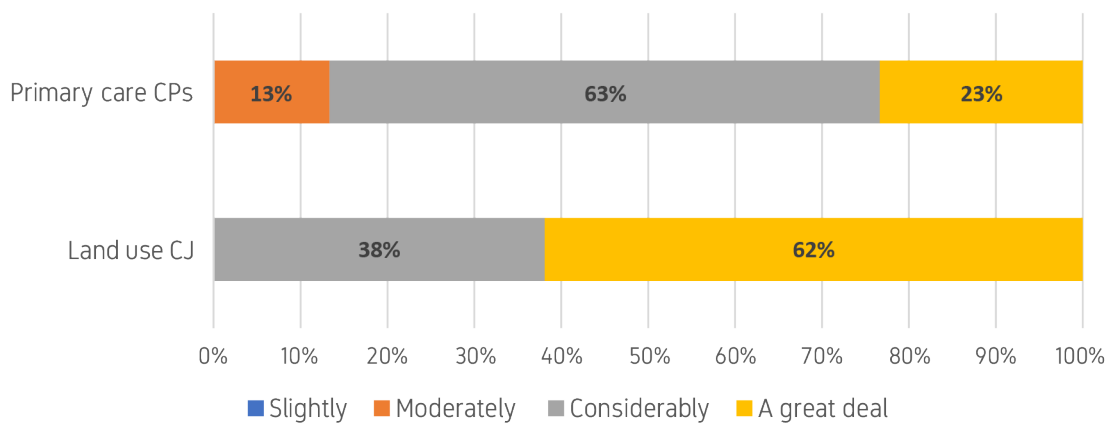
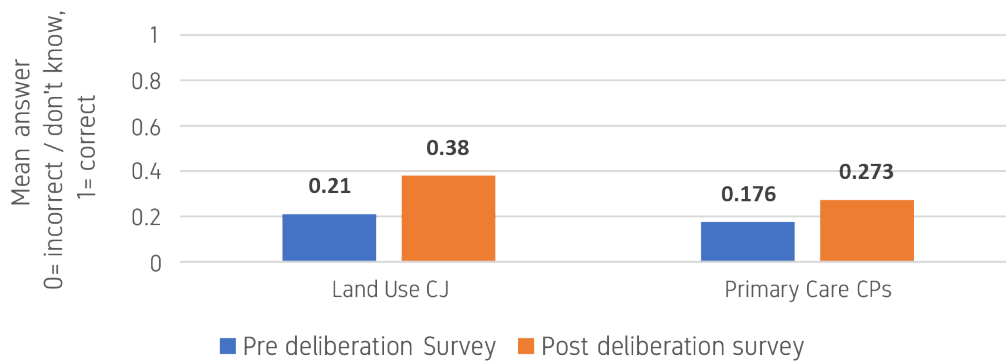


Figure 2. Extent the participants felt they had learnt from the question and answer sessions



To measure knowledge gain objectively, participants were asked multiple-choice questions about the respective topics in surveys undertaken at the start and end of the CJ and CPs. The mean scores for the questions in the pre and post deliberation surveys were calculated for each event. Figure 3 shows that in both the CJ and the CPs there are more correct answers in the post-deliberation surveys, indicating overall knowledge gain. However, there is a larger average score difference between pre and post deliberation questions taken in the CJ on land management and the natural environment than in the CPs on primary care. Also, the average score difference between the pre and post deliberation questions in the CJ is statistically significant at the 5% level; there is more than a 95% likelihood that the differences did not occur by chance. In contrast, the average score difference between the pre and post deliberation questions in the primary care CPs is not statistically significant, which means that we cannot reject the hypothesis that these differences have occurred by chance.

Figure 3. Comparing participant knowledge gain, pre and post deliberation



Recognising the breadth of evidence that the jurors would receive, the CJ steering group arranged for the jurors to be supported by an (external) academic lead. The academic lead answered the jurors' questions and helped to 'fact-check' statements from other witnesses throughout the weekend (Elstub *et al.* 2019a); the academic lead should therefore be as neutral as possible (Roberts *et al.* 2020). Although, the role did aid the jurors and complies with best practice (Roberts *et al.* 2020), there were moments during the CJ when the academic lead strayed from the neutral remit (Elstub *et al.* 2019a). Therefore, to optimise the benefits of an academic lead, its neutral role should be emphasised upon appointment by the steering committee and during future mini-publics by facilitators. Indeed, SPICe staff seem uniquely qualified for this role as it mirrors much of the work they already do for committees.

The land management and the natural environment jurors were also introduced to critical thinking and evaluating evidence. The aim of this is to help participants adjudicate between conflicting evidence, information and views provided by the witnesses (Roberts *et al.* 2020). According to the CJ evaluation report (Elstub *et al.* 2019a) the jurors frequently referred to this session as they discussed issues and evidence over the weekend. It was also noted that the jurors debated the quality and range of the evidence presented to them, demonstrating critical engagement (Elstub *et al.* 2019a).

In contrast, the CPs on primary care were not supported by an external academic lead. Neither did they receive an introduction to critical thinking and assessing evidence. However, due to the limited range of voices delivering evidence, there was a limited range of perspectives available for the panellists to critically reflect on the evidence with. Therefore, an academic lead and a critical thinking session were of less importance here. There was also less diversity in the way the information and evidence were presented to the panellists. This could have reduced the learning opportunities for some (Roberts *et al.* 2020).

### Consensus-based decision-making

The CJ reached consensus on principles on the funding of land management and their recommendations to the committee. The approach enhanced the credibility and influence of the recommendations because of the value committee members placed in consensus-based decision-making. In the evaluation report (Elstubb *et al.* 2019a) an interviewee explained that “if you can come to a consensus ... then those recommendations are more likely to be the right ones” (CJ interviewee 1).

In contrast, the primary care CPs did not pursue a consensus approach. As a result, some of the panellists did not agree with the final recommendations passed on to the H&S committee (Elstubb *et al.* 2019b). However, members of the H&S committee did not indicate that the lack of consensus-based decision-making reduced the influence of the recommendations. CP interviewee 7 emphasised that the influence of the citizens’ panels was primarily linked to being able to demonstrate that “this was what the public said to us”. CP interviewee 8 agreed that the influence of the panels’ recommendations was primarily linked to contributions based on “people telling us their stories” that “adds a depth to the inquiry ... because it has that authenticity”.

Figure 4 supports the claim that the land use jurors reached consensus, showing that none of them disagreed that the CJ recommendations reflected their views. In comparison, 72% of the primary care panellists agreed that the recommendations reflected their views. Similarly, none of the land use jurors disagreed that they had influenced the recommendations, whereas 3 of the primary care panellists disagreed or strongly disagreed, as shown in Figure 5.



Figure 4. Extent the participants felt the recommendations reflect their views

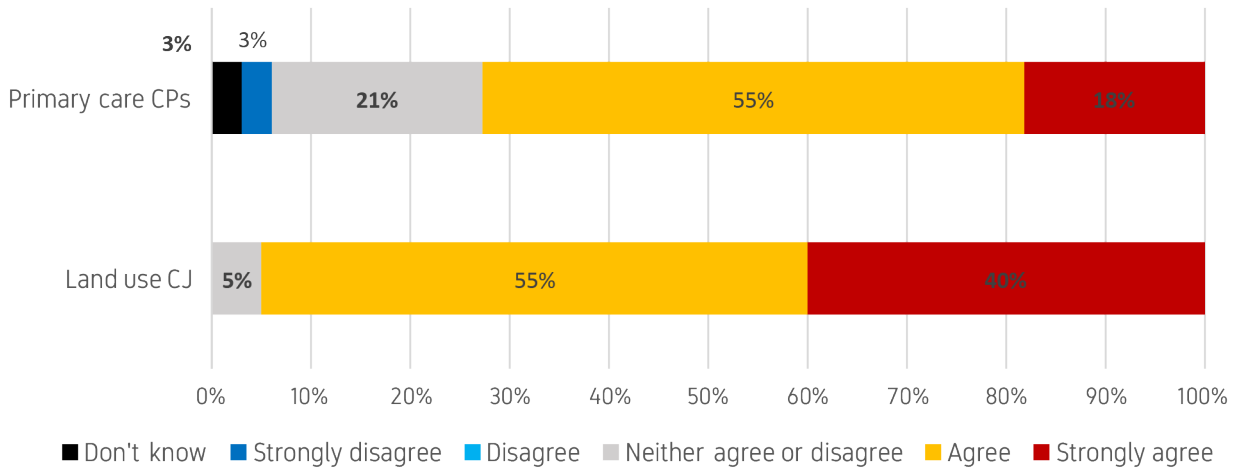
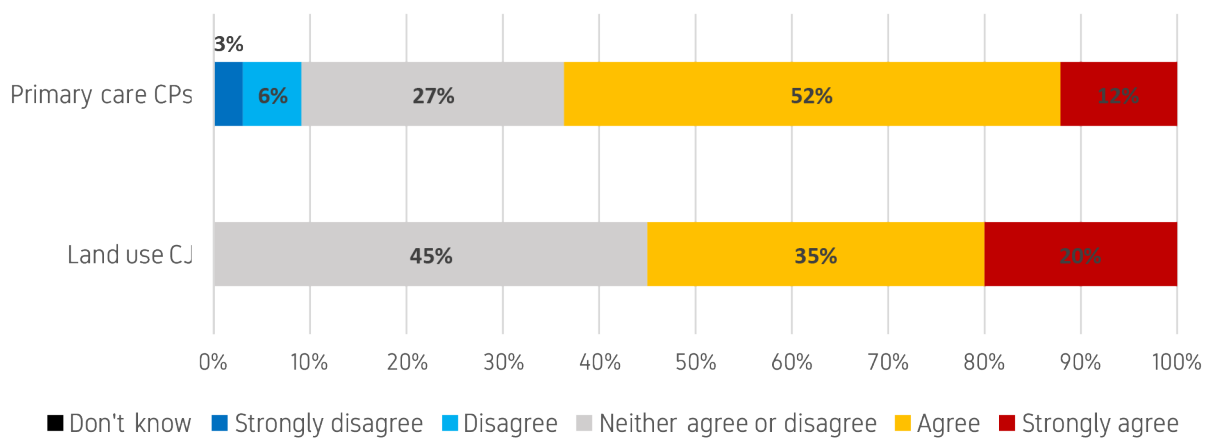


Figure 5. Extent the participants felt they had influenced the recommendations



### 3.3 External Dimensions

The external dimensions of the mini-publics here relate to how effectively they were integrated into the working of parliament and relate to the public more generally. There are three external dimensions that we think are particularly important differences between the CJ on land management and the natural environment, and the CPs on primary care. These include: the attendance of committee members at the mini-public; the attendance of the mini-public participants at a committee meeting/evidence session after a mini-public to observe their contributions being considered; and the mini-public being a part of a 'live' inquiry. We now deal with each of these in-turn.

#### Attendance by committee members

At least one MSP attended each mini-public. Their presence at both mini-publics was found to increase the members' awareness and appreciation of the process. The CP evaluation report (Elstub et al. 2019b) suggested that their attendance gave committee members a better understanding of the public's perspectives: "it gives them an opportunity to ... calibrate what they might think of how much people know about primary care; how much people care; how engaged they are with" (CP interviewee 2). The citizens' jury evaluation report (Elstub et al. 2019b) also reported that attendance helped the committee appreciate the jury's value: CJ interviewee 3 reflected that they "could hear lots of people with lots of really good ideas" and was "pleasantly surprised about how engaged most of the participants were".

This increased awareness and appreciation of the process was found to improve the influence of the recommendations of both mini-publics compared to them just receiving a report. The citizens' panel evaluation report (Elstub et al. 2019b) found that those involved developed a sense of responsibility to the participants: "we have got a lot of responsibility as a committee to make sure that their views are taken forwards and used in the correct way" (CP interviewee 4). Evidence from other parliamentary mini-publics corroborates that when politicians attend a mini-public they are more likely to be influenced by the resulting recommendations (Elstub and Carrick 2019). The fact that more MSPs attended the primary care panels than the CJ on land management and the natural environment could well be a key factor in the greater influence they had over the committee.

There are downsides to member attendance too though. The CJ evaluation report (Elstub et al. 2019a) recognised the risk that the members' attendance could influence the process. CJ interviewee 3 recognised that "members might want to intervene in a conversation ... that might manipulate thinking and steer the conversation". CJ interviewee 1 agreed, considering that members' "presence would pervert the way things were going", instead, stating that members presence should be limited to "a symbolic gesture of 'thanks' then ... let them get on with it". At the CPs on primary care, as well as attending, committee members participated in the activities alongside the panellists. Research from other mini-publics that have combined participation from members of the public with members of parliament have found that the professional politicians do dominate the discussion and thereby lower the overall deliberative quality (Flinders et al. 2016; Farrell et al. 2020).



The CPs evaluation report (Elstub et al. 2019b) found that while the opportunity to participate had “a positive effect on them [the members]” (CP interviewee 5), it did influence the process and its outcomes. The CPs evaluation report (Elstub et al. 2019b) revealed that contributions from members, which “hadn’t come from any discussion ... at any of the tables” (CP interviewee 2) were included in a panel’s recommendations. CP interviewee 1 confirmed that: “at least one of the members got one of these hobbyhorses into the final report; we know it’s there ... it sticks out like a sore thumb”. The influence of committee members participating in the CPs therefore affected the impartiality of the panels’ recommendations.

The presence of committee members at mini-publics is found to increase the influence of the participants’ recommendations and improve recruitment. Recognising these benefits, the committee members should be encouraged to attend mini-publics. Research suggests that politicians prefer informal opportunities to engage with the public anyway (Hendriks and Lees-Marshment 2019). Attending as observers would facilitate this as they could have opportunity to interact with the mini-public participants in the breaks and over lunch. However, to reduce the risk to impartiality the presence of members at future mini-publics should be carefully managed and participation in activities avoided.

### Contributing to a live inquiry

The primary care inquiry was live at the time of the CPs, which improved the institutional integration of the CPs by:

- increasing the relevance of the recommendations and consequently their influence
- enabling the panellists to engage further in the inquiry by attending a committee meeting about their recommendations

The recommendations of the CPs fed directly into the live inquiry. The CPs evaluation report (Elstub et al. 2019) reveals that committee members acknowledged the contribution of the panellists’ recommendations to the inquiry. CP member 1 thanked the panellists for “making such frank and helpful contributions at every stage of the process” and reflected that the panellists “have given clear proposals”.

The panellists were invited to attend a meeting of the H&S Committee about the inquiry several months after the CPs. Of the 35 panellists, 7 attended a committee meeting in November 2019. This gave the panellists the opportunity to observe their recommendations being considered by the H&S Committee, to discuss their recommendations with the committee members and answer their questions. Panellist 3 noted “a key theme that came from our panel” was discussed at the meeting. This made the panellists feel that their contributions were valued; panellist 2 observed: “that some of the things we have discussed have been brought to the table for possible implementation makes me feel very good about the whole process”.



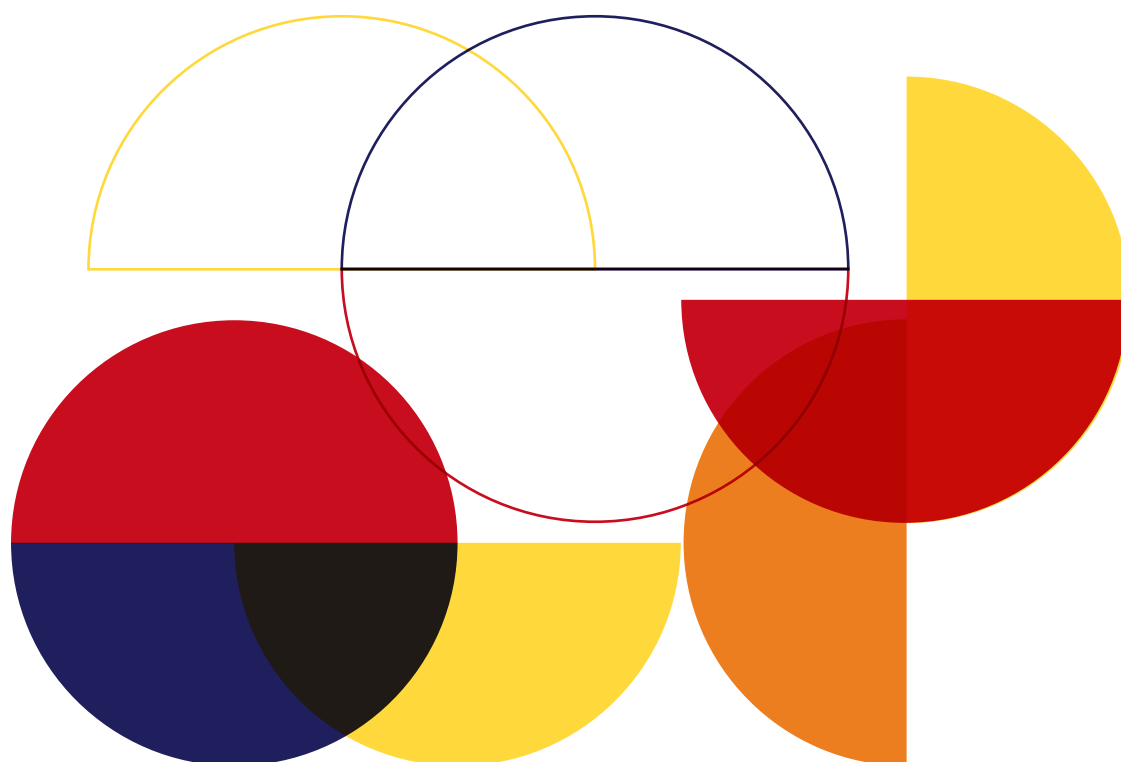


An inquiry on land management and the natural environment is planned for 2020. The CJ therefore has not (to date) fed into an inquiry. The CJ evaluation report (Elstub et al. 2019a) reported that parliamentary staff had recognised that the jury could have had more value if arranged “ahead of or part of an inquiry” (CJ interviewee 1). It was recognised that “the citizens’ jury might flag up things” of value and relevance if held as part of an inquiry (CJ interviewee 1). This supports the finding that integration of mini-publics are improved if they are undertaken as part of a live inquiry, as it increases their opportunity for impact on the committee.

### Publicising the Mini-Publics

One aspect that both the CPs and CJ shared was the minimal amount of publicity they received from parliament. This is understandable as they were pilots. However, without this publicity there is little opportunity for the public to be aware of the Scottish Parliament’s use of mini-publics. Consequently, their trust in parliament cannot be raised, the government will not feel as much pressure to heed the parliamentary committee’s recommendations, and knowledge and understanding of the issues under consideration will not be enhanced within the broader public. Parliament has a well-resourced and skilled communications team that could be utilised to address this failing of the CPs and the CJ in the future. A similar conclusion was reached with the Citizens’ Assembly on Social Care commissioned by two committees in the House of Commons (Elstub and Carrick 2019).

In conclusion, generally the CJ on land use and the natural environment was superior with respect to the internal aspects and the primary care CPs were more effectively integrated into parliament. Ideally the best of both cases can be incorporated in future cases. We now move to make some recommend measures to achieve this.



## 4. Recommendations: Parliamentary committees' use of mini-publics

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Following our review and comparison of the cases from the Scottish Parliament, the features recommended for future use of mini-publics are discussed below.

### 4.1 Organisation – using a steering group

Having a steering group is preferable to having in-house staff organise and manage the whole process. The CJ steering group was found to have improved the transparency and independence of the process and delivered a broader range of evidence compared to the primary care CPs that were organised in-house.

The benefits of the CJ steering group could have been enhanced by additional preparation time. It is therefore recommended that the use of a steering group or oversight panel should include enough preparation time to:

- allow the steering group members to meet
- plan the scope of the question
- define their role and relationships with in-house staff

To ensure that the scope of the question meets the need of the committee, it is also recommended that a committee clerk should be on the steering group. A relevant member of SPICe should also be on the steering group to provide internal topic expertise.

### 4.2 Evidence provision and decision-making

As demonstrated by the CJ on land management and the natural environment, to optimise the benefits a steering group (or oversight panel) should ensure there is:

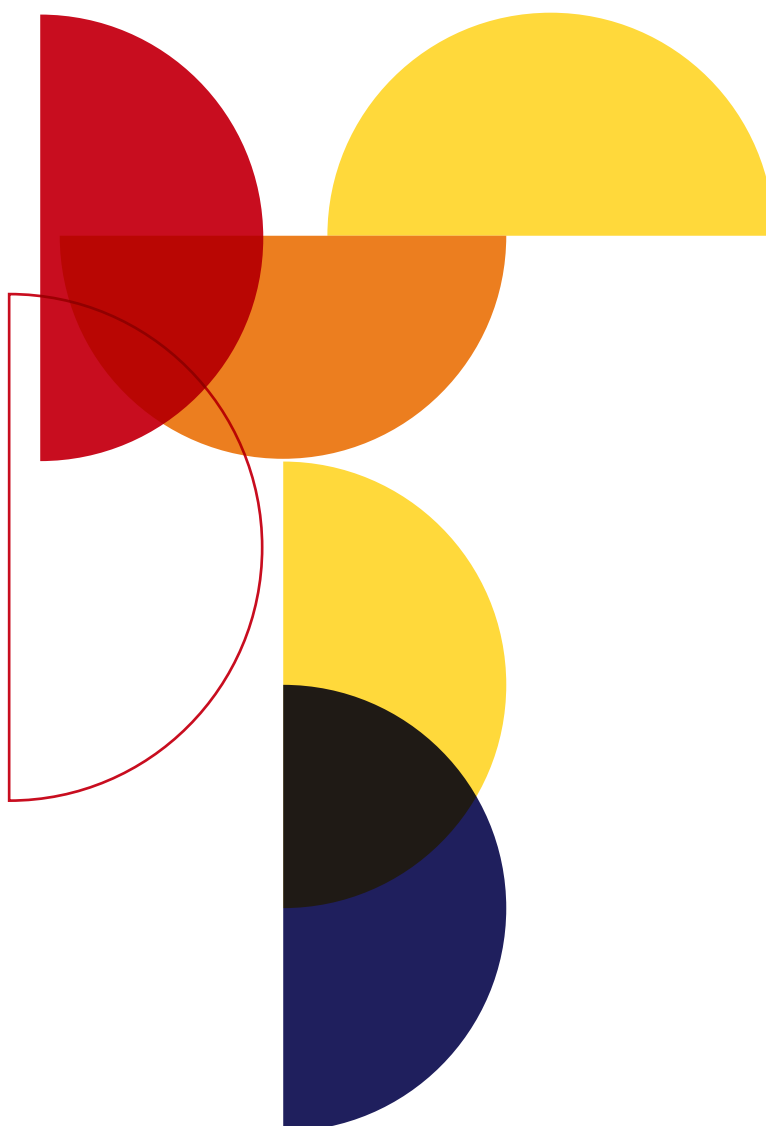
- a diverse range of external expert witnesses, providing a range of evidence and perspectives
- a diverse range of formats to provide evidence
- the SPICe team should act as neutral evidence lead to support the participants by providing neutral background information and fact-checking other speaker contributions
- a critical thinking session is undertaken to help the participants interpret 'good evidence'
- a consensus-based approach to decision-making is implemented



### 4.3 Integration

To optimise integration of a mini-public with committee inquiries, and to maximize the potential of the mini-public to influence the committee, it is recommended that:

- they should be undertaken during a live inquiry, so that the outcomes are relevant and can be integrated directly into the inquiry
- participants should be invited to attend a committee meeting/evidence session after a mini-public to observe their contributions being considered
- relevant committee members should attend mini-publics, however, their presence should be closely managed to mitigate the risk to impartiality



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