



Citizens Jury Literature Review

Our Voice Citizens Jury Realistic medicine



Acknowledgements

We would like to thank the many academics and researchers who shared their perspectives with us, directly or through their published papers.

About the authors

Peter Bryant has been facilitating Citizen Juries over many years and leads on citizen engagement at Shared Future CIC

Jez Hall brings his wider perspective of participatory democracy and citizen led policy making, such as participatory budgeting.

About Shared Future

We are a community interest company primarily serving the North West of England, and with associates based across the UK.

Our aim is to provide an excellent service that makes a difference to communities and individuals and works towards a fairer, more equal society.

Our mission is to move those we engage with towards greater individual and collective authority and autonomy, by supporting their ability to act wisely, confidently and in community with others. Since setting up Shared Future in 2009, we've built a team of experienced consultants and practitioners with a diverse range of skills. We work together on worthwhile and stimulating projects that reflect our personal values.



www.sharedfuturecic.org.uk

Produced May 2017



This work is licensed under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International License.

Contents

| | |
|---|----|
| Summary | 3 |
| 1. Citizens Juries and mini publics..... | 4 |
| Consensus conferences..... | 4 |
| Deliberative polls | 4 |
| Citizens assemblies | 5 |
| Planning Cells | 5 |
| Citizens juries | 6 |
| 2. Design elements of Citizens Juries..... | 7 |
| Citizen recruitment and selection | 7 |
| Deliberation | 8 |
| Size and duration | 8 |
| ‘Expert input’ and the role of witnesses | 9 |
| Facilitation..... | 9 |
| The research question and jury recommendations..... | 9 |
| 3. Citizens Jury usage | 10 |
| 3. The wider Scottish policy context for Citizen Juries | 12 |
| 4. The Critique of Citizen Juries | 14 |
| Inclusivity | 14 |
| Impact on decision-making..... | 16 |
| Other factors | 20 |
| Appendix 1: References | 23 |

Summary

In spring 2017 Shared Future CIC was commissioned by the Scottish Health Council's 'Our Voice' programme to prepare a citizens juries literature review.

This document takes a snapshot of relevant literature to discuss the features of citizens juries, their use (both in Scotland, England and internationally) and the Scottish context.

The review also considers some of the critique of citizens juries and other mini publics and in particular the ability of citizens juries to be inclusive and to impact upon decision-making processes.



1. Citizens Juries and mini publics

Citizens juries can be described as an example of a mini-public. The concept of mini-publics was first proposed by Robert Dahl in 1989 as a mechanism for enabling citizens to deal with public issues. However the roots of such processes can be traced back to the Athenian political system when positions of political authority, including the selection of magistrates and council were often made by random selection. It is the random selection of citizens which is one of the defining features of the mini-public.

Escobar and Elstub (2017) identify a number of features which characterise mini publics; firstly, the purpose of the approach being to gather together a 'microcosm of the public' with each citizen having the same chance of being selected to take part, secondly, those that take part are remunerated for their efforts, thirdly, discussions are facilitated and finally a number of so-called experts provide evidence to the participants who in turn question (or cross examine) them. Goodin (2008) described them as democratic innovations consisting of ordinary, nonpartisan members of the public designed to be 'groups small enough to be genuinely deliberative and representative enough to be genuinely democratic'.

Before considering the citizens jury in more depth it is worth first exploring the other processes described as mini-publics, namely consensus conferences, deliberative polls, citizens assemblies and planning cells. This analysis will help us to more critically examine the role and future use of citizens juries themselves.

Consensus conferences

This Danish innovation, started in the 1980s by the Danish Board of Technology, was developed as a way of ensuring that scientific and technological developments were subjected to a form of assessment by members of the public. Typically they involve 10 to 25 people recruited through a form of stratified random sampling. First of all participants meet for a number of weekends to learn about the issue in more detail, to attempt to frame the questions under consideration and identify which 'experts' they would like to hear from.

During the second stage (usually lasting four days) participants hear from a range of experts before examining them and then producing a report which summarises their collective decision. Since their inception, the approach has been used in many countries including Australia, Argentina, New Zealand, Israel, Japan, Canada, USA and the UK (Elstub 2017). In the UK the consensus conference methodology was used in 1994 by the Biotechnology and Biological Sciences Research Council (BBSRC) to examine the role of plant biotechnology¹.

Deliberative polls

This methodology (originally designed by the American political scientist James Fishkin in the 1980s) differs from other mini publics in the size of its sample. The largest deliberative poll to date has been some 459 citizens.

¹ *as is often the case with participatory methodologies some approaches with considerably less investment in time and process may use similar terminology to describe their work e.g. Acute Kidney Injury: UK Consensus Conference (2012).*

Their defining characteristic is that rather than develop a collective set of recommendations participants complete a questionnaire at the start of the process and another asking the same questions at the end (Smith 2009). In the words of Fishkin himself:

‘The deliberative poll is unlike any poll or survey ever conducted. Ordinary polls model what the public is thinking, even though the public may not be thinking very much or paying much attention. The deliberative poll attempts to model what the public would think had it a better opportunity to consider the question at issue’ (Fishkin 1997). In 2007 a Europe wide deliberative poll ran across all 27 states of the European Union.

Citizens assemblies

The practical experience of this approach is of great interest to anyone attempting to ensure that citizen voice is meaningfully able to influence decision-making processes.

‘It is the only method of citizen policy-making that combines all the following characteristics: a relatively large group of ordinary people, lengthy periods of learning and deliberation, and a collective decision with important political consequences for an entire political system’. (Fournier et al 2011).

Typically the citizens assembly gathers together between 100 and 160 participants selected by random through the electoral roll. A further random selection is made from those expressing a desire to take part. The large sample size aims to achieve representation of the wider population. The assembly process typically consists of a series of weekends spent learning about the issue under consideration, followed by an innovative public hearings phase when the participants run listening activities in their own neighbourhoods to gather input from other citizens, before a deliberative phase and cross examination of ‘experts’, all prior to voting on the group’s final proposal(s) (Smith 2005).

Arguably the citizens assemblies experience is the most dramatic example of the potential of linking the mini public methodology to the policy-making process. The 160 strong British Columbia Citizens Assembly (2004) met to recommend an alternative electoral system. After 11 months of deliberation the members recommended a version of the single transferable vote system. The Commissioners of the assembly, the government of British Columbia, committed itself to a referendum based upon this recommendation. Citizens were balloted with the question ‘Should British Columbia change to the BC-STV electoral system as recommended by the citizens assembly on electoral reform? Yes/No?’

In 2007, Ontario established a similar process on electoral reform similarly linked to a binding referendum. In the UK the first experimentation with the model was in 2015 looking at local democracy and devolution, but with no link to legislative change (Flinders et al 2015). Another example from a recent Irish experience brought together 66 citizens plus 33 politicians as a Constitutional Convention. The assembly recommended changing the constitution to allow gay marriage. In May 2015 the people of Ireland voted in a national referendum to fully adopt the citizens assembly’s recommendation (Reybrouck 2013). We will consider the learning from these processes later.

Planning Cells

This methodology most closely resembles the citizens jury. First used in Germany their primary use has been in urban planning. Each process brings together some 6 to 10 planning cells which typically consist of 25 citizens. The largest one to date involved some 500 citizens. The planning cell culminates in the facilitators authoring a report summarising the participant’s deliberations.

| | Citizens juries | Planning cells | Consensus conferences | Deliberative polls | Citizens assemblies |
|--------------------------------|-------------------------------|---|-------------------------------|-------------------------------|---|
| Number of citizens | 12 to 26 | 100 to 500 | 10 to 18 | 100 to 500 | 103 to 160 |
| Number of meetings | 4 to 5 days | 4 to 5 days | 7 to 8 days | 2 to 3 days | 20 to 30 days |
| Selection method | Random selection | Random selection | Random plus self-selection | Random selection | Random plus self-selection |
| Activities | Information plus deliberation | Information plus deliberation | Information plus deliberation | Information plus deliberation | Information plus consultation plus deliberation |
| Result | Collective position report | Survey opinions plus collective position report | Collective position report | Survey opinions | Detailed policy recommendation |
| Destination of proposal | Sponsor and mass media | Sponsor and mass media | Parliament and mass media | Sponsor and mass media | Government and public referendum |

Figure 1: Key features of mini publics (Elstub 2014)

Citizens juries

First used in the 1970s by the Jefferson Centre in the US, they were introduced into the UK in the mid-1990s and promoted by the Institute of Public Policy Research (IPPR), the King's Fund Policy Institute and the Local Government Management Board. Their use is now widespread across a vast range of topics, ranging from the use of genetically modified crops in Mali (2006) to Nuclear Waste Storage in South Australia (2016).

Although tightly regulated in the country of their birth place, outside of the US the methodology has *'undergone a process of evolution and adaptation'*. *'Elsewhere it has been used much less precisely as researchers have variously adapted the citizens jury approach'* (Street et al 2014).

In keeping with Street et al's review of citizens juries in health policy decision-making we accept that the term now covers a wide range of activities and interpretations.

There is broad agreement that the citizens jury model is characterised by a number of key features, and these will be examined in depth below.

'Citizens juries have varied widely in their design and implementation, but conventionally, they follow a uniform procedure. Twelve or more members of the general public (the 'jurors') participate in a process of dialogue under the guidance of a chair or 'facilitator'. They interrogate specialist commentators (sometimes called witnesses) chosen because of their knowledge of a particular subject. Unlike legal juries, it is an issue, not an individual that is 'on trial'. Jurors then draw up and publish their conclusions with a few jurors possibly acting as advocates on behalf of the whole jury.' (Wakeford T. et al 2015).

'12-25 participants selected to reflect the community and acting as independent citizens rather than experts or representatives; a charge or research question(s) provided by organisers; deliberation informed by evidence provided by expert witnesses and a verdict delivered by jurors.' (Street et al 2014).

2. Design elements of Citizens Juries

Citizen recruitment and selection

One of the defining features of the citizens jury process is participant selection. Advocates argue that through random selection its legitimacy lies in the notion that everyone has an equal opportunity to participate. Inclusivity is key. This approach avoids the problems of self-selection and the participation of the 'usual suspects':

'the disadvantage of self-selection, is that the panel will mainly feature articulate, highly educated white men aged over 30, the so-called 'professional citizens', which is hardly ideal' (Reybrouck 2013).

The reality is that most mini publics use a process of 'near random selection' (Warren and Pearse 2008). Citizens juries typically employ a form of stratified sampling whereby the population is divided into a number of separate social groups. A random sample is then drawn from each group. For example in a citizens jury on health and well-being in central Blackpool (2017), stratification was based upon age and gender, for a citizens jury on Fracking in Lancashire (2016) stratification was based upon gender, age, ethnicity, educational background and attitude (i.e. support/opposition towards fracking) (Bryant 2016).

Such rigour is an attempt to avoid the systematic exclusion of some groups whose voice is seldom heard. A review of 66 citizens juries in the health sector (Street et al 2014) revealed that stratified random sampling through the electoral roll was the most commonly used recruitment strategy although other sources were also used (e.g. random digit dialling, a national polling institute, the use of a market research company, word-of-mouth or advertising through networks etc.)

The offering of incentives to participants to engage their attendance is common practice. Street et al found that just under half of the juries examined offered honorariums (Street et al 2014). Indeed, anecdotal evidence from some citizens jury participants suggests that many were initially encouraged to attend because of the offer of a gift voucher only to find that upon attendance other incentives become apparent such as making new friendships, feeling listened to and becoming increasingly hopeful that their participation might lead to meaningful change.

The organisers of the Scottish wind farm citizens juries concluded *'It seems that the financial reward was crucial for successful recruitment and inclusive participation'* (Roberts and Escobar 2015)

The NICE Citizens Council offers an interesting insight into incentives for participation *'citizens reported that their motivation to participate was based on a variety of factors: the belief that institutions should be more open to the public voice; that it is a public duty to make a contribution and for reasons of personal growth and fulfilment. Citizens also frequently referred to a sense of being privileged to have been selected'* (Smith 2009).

Anecdotal evidence from the Shared Future series of citizen juries serves to confirm this, with participants often speaking of the pride they felt by being members of an institution with status.

Deliberation

At the core of the citizens is deliberation. The process allows people to move beyond a simple gathering of opinions to a more sophisticated exchange of views and opinions. The political scientist James Fishkin articulates this as the difference between ‘refined opinion’ and ‘raw opinion’.

‘Deliberative or refined public opinion can be thought of as opinion, after it has been tested by the consideration of competing arguments and information conscientiously offered by others who hold contrasting views’ (Fishkin 2009). Raw opinion on the other hand is that which has not been subjected to such a process.

‘Deliberation includes exchanges between two or more people around a common topic with back and forth reactions to each other’s views, puzzling over an issue to work something out collectively, the sharing of reactions, trying to understand the position of others, a willingness to be persuaded by another’s position. There is the possibility of disagreement, conflict and argument and discussion of that disagreement. Ideally all this discussion should lead to a consensual resolution or of conclusion to the question being explored’ (Davies et al 2006).

Clearly such a process requires considerable investment in time in order to allow such deliberation to take place, but it is not the case that merely investing in time will produce such an outcome. There are many other ingredients such as facilitation, inclusiveness and considered judgement which we will consider later.

Size and duration

Most citizens juries are composed of 12 to 25 participants. Smaller than this number and it is difficult to argue that the group is a mini public that reflects the wider population and larger than this number presents facilitation challenges, which may serve to threaten the ability of the group to deliberate and reach conclusions together. Only three of the 66 juries examined by Street et al (2014) gathered together more than 25 participants, each in these cases containing around 40 participants.

In their original form, as envisaged by the Jefferson Centre, the process should last the equivalent of some 4 to 6 days. When we consider the complexity of most public policy issues it is difficult to envisage how it is possible to achieve the goal of quality deliberation in a shorter period of time. However, the review of citizens juries in health policy decision-making (Street et al 20014) found that two thirds of the juries examined took place over the equivalent of just 1 to 2 days, usually on a weekend.

In the UK there seems to be a similar discrepancy between short processes also describing themselves as citizens juries. For example Gordon Brown’s 2007 Citizens Juries were less than a day in length and the Price Waterhouse Coopers 2017 were one day citizens juries on devolution. This should be contrasted with the 25 hours of deliberation spread over 10 sessions that characterise the Our Life and Shared Future citizens jury model, used between 2010 and the present day, on issues such as alcohol harm, access to healthy food and health and well-being.

Roberts and Escobar’s reflection on the two day Scottish wind farm citizens jury noted that after discounting breaks, introductory sessions and so forth the two day process only left some 8 hours to hear witness presentations and to deliberate. *‘It seems clear that conducting a process like this in two*

days has considerable limitations, and it would not be advisable in real decision-making processes. Time constraints were indeed at the heart of most shortcomings in this project’. (Roberts and Escobar 2015)

Street et al conclude *‘citizens juries generally appear to be conducted over a shorter length of time than originally recommended, thereby limiting opportunity for reflection on the preferences, values and interests of others.’* (Street et al 2014).

‘Expert input’ and the role of witnesses

Another key feature in most citizens jury practice is the role of the witness, who offer participants their own perspectives on the issue before being cross-examined by the Jury. It is through this aspect that the citizens jury model draws most heavily from the features of the legalistic jury. In a typical example, such as the recent Fracking jury, we used five witnesses² to present to the jury. Each witness was identified and agreed by a project oversight panel made up of a diversity of stakeholders. Witnesses were allocated a uniform slot for their presentation, followed by small group discussion and then a facilitated question and answer session (Bryant 2016). Some processes choose instead to offer participants a workbook to provide balance relevant information. The potential of introducing bias into the process through the selection of witnesses is examined in more detail later in this report.

Facilitation

The facilitator role is crucial in ensuring the quality of deliberation remains high and all participants are supported through the process.

‘Facilitators have the role of ensuring that participants discussion is not dominated by a few members of the group, that each person is able to have a fair say, and that participants do not engage in abusive, dismissive or domineering activity’ (Elstub 2014).

Their ability to allow for creative dissent, to address conflict resolution and to facilitate consensus building without the voice of the minority being silenced are also critical skills for ensuring that the group functions well and the opportunity of the deliberative space is used to its full potential. How realistic it is that the facilitator will not manipulate or influence the deliberative process is examined later.

The research question and jury recommendations

Clearly the setting of the question or ‘charge’ for the group is central to the success of the process. *‘Time and time again, evidence from citizens juries demonstrates that, where there is not a clearly defined, narrow and focused agenda there will be poor quality deliberation’* (Elstub 2014).

Too broad a question and the group may be unable to move beyond broad recommendations, whilst too narrow a focus and the jury members may feel as though they do not have the permission to explore some of the wider context influencing the issue under consideration.

² in this instance the witnesses were described as ‘commentators’. This was an attempt to recognise that all present had expertise to offer including the participants themselves, as well as external witnesses. This was a recognition that no one form of expertise should privilege over another.

3. Citizens Jury usage

The use of Citizens Juries on health related topics is documented by Street et al (2014). Over half of the juries examined (38/66) were conducted in Canada, 16 in the UK, seven in Australia or New Zealand, three in the US and one in Brazil and Italy. The study identified the following topic areas for health related citizens juries between 1995 and 2010;

- 1) Ethical issues in population (e.g. genetic testing, xenotransplantation)
- 2) Priority setting (e.g. resource allocation)
- 3) Health policy (e.g. setting research priorities, food retailing, use of medicines, health system reform)
- 4) Environmental health (e.g. nanotechnology, GM foods, road traffic)
- 5) Community well-being (e.g. antisocial behaviour, community health and well-being, mental health services.)

Specifically within the UK Elstub (2014) further notes that citizens juries have been convened on topics such as services for the dying, health care rationing and the future of the NHS.

More recently they have been used by the board of NHS England's NHS citizen programme, designed to *'give everyone in England a voice on how the NHS works and enable the public to influence NHS decision making'*. In 2015 citizens were invited to go online to suggest issues that a NHS citizens assembly should consider. A voting process identified ten issues to go forward to the citizens jury. The jury of 15 people met over two days to select five issues that were subsequently considered by the citizens assembly (NHS 2016).

In 2016 a jury of 18 adults from Greater Manchester met on three consecutive days to answer the question: *'To what extent should patients control access to patient records?'* The process was facilitated by the University of Manchester and funded by the MRC Health e-Research Centre and the NIHR Greater Manchester Primary Care Patient Safety Translational Research Centre.

Also within the UK, the social enterprises Our Life and Shared Future have organised some 20 health related citizens juries in disadvantaged communities across the North West of England, including eight alcohol inquiries (e.g. Beddow and Bryant 2016), seven inquiries on access to healthy food and two on general health and well-being. Most of these have been commissioned by local authority public health departments (or their predecessors as primary care trusts) and operated at a neighbourhood level.

There appears to be a few examples of the citizens jury model being used in Scotland. We located the following examples;

Action for Children held a three day jury in 2009 in Edinburgh asking the question *'How can government act to increase the well-being and happiness of children and young people in the UK?'*

In Spring 2000, the Scottish Executive piloted Citizens' (or people's) Juries in a number of area-based Social Inclusion Partnerships (SIPs) in Scotland (Delap 2001). These generally followed a format of a 4 day jury (consisting of 6-16 people spread over two to four days) followed by a two day 'stakeholder jury' (over two days) and culminating in a joint 'inter agency forum' to launch the recommendations

(two hours). The juries considered issues such as transport, drugs, education, facilities for young people, barriers to employment and community involvement (Stevenson et al 2004)

In 2011 People First (Scotland), the independent self-advocacy organisation run by and for people with learning difficulties ran 'The People First (Scotland) Citizens' Grand Jury' in Edinburgh over two days. The event was entirely run by people with learning difficulties. Over the two days, people with learning difficulties gave evidence about their own experiences and expert witnesses were asked questions about key issues in the lives of people with learning difficulties in Scotland. (People First (Scotland) 2011).

In the same year as part of the work of the Christie Commission, Price Waterhouse Coopers and Britain Thinks were commissioned to lead a jury of 24 citizens from across Scotland to deliberate on the values that should underpin public services; approaches to public service reform; and ways citizens can feel confident that money is being spent wisely.

The most high-profile example of citizens jury use in Scotland comes from a project between 2013 and 2015 funded by Scotland's Centre of Expertise on Climate Change; ClimateXChange³ and the Edinburgh Centre for Carbon Innovation at the University of Edinburgh. The project aimed to explore, through the use of three separate citizens juries, how deliberative processes may be used to work with citizens on complex public issues. The task of the jury was as follows: *'there are strong views on wind farms in Scotland, some people being strongly opposed, others being strongly in favour and a range of opinions in between. What should be the key principles for deciding about windfarm development and why?* (Roberts and Escobar 2015).

The examples above serve to illustrate the use of the approach principally on health related issues, however, as Elstub (2011) notes in the UK they have also been *'employed in relation to issues as diverse as drugs and community safety, waste management, genetic testing, graffiti and vandalism, employment, GM food and crops, and nanotechnology'*.

³ . ClimateXChange is a network of researchers in Scotland providing expertise on issues relating to climate changeWind farms

3. The wider Scottish policy context for Citizen Juries

Citizens juries and deliberative approaches fit within a range of recent policy recommendations and regulation within Scotland. In this section we briefly highlight some of these.

In response to challenges of Scotland's public health record, changing demography and the economic environment in 2011 the Scottish Government set out its strategic vision for achieving sustainable quality in healthcare services across Scotland: 209:20 Vision⁴. Whilst fundamentally inward facing, it pointed to the need to ensure health delivery moved from being reactive to anticipatory, and of the *“need to develop a shared understanding with the people of Scotland”* of what they should expect from, and their responsibilities as partners in the Scottish health service.

The route map towards the 2020 vision noted *“our commitment to shift the balance of power to, and builds up and on the assets of individuals and communities through a focus on achieving social change”* and *“this will include a focus on improving resources and support to people to help them navigate and understand the system, so that they become more involved and engaged in their healthcare.”*

Also in 2011 the Christie Commission looked more widely at the need to reform public services, reiterating the need to shift the culture from 'doing to' towards 'doing with' citizens.⁵ An extensive section concerned public services *“built around people and communities, their needs, aspirations, capacities and skills, and [of] work to build up their autonomy and resilience”* and noted that *“the essential authority of people and their communities is acknowledged”*. Recommendation 4.7 stated *“in developing new patterns of service provision, public service organisations should increasingly develop and adopt positive approaches which build services around people and communities, their needs, aspirations, capacities and skills, and work to build up their autonomy and resilience.”*

The Christie Commission went on to lay out the challenge of what it termed “producer dominance”. That is; *“Government remains the dominant architect and provider of public services. This often results in ‘top-down’, producer and institution-focussed approaches where the interests of organisations and professional groups come before those of the public.”*

Under the section on Engagement, Empowerment and Enablement it recommended *“That public service organisations engage with people and communities directly, acknowledging their ultimate authority in the interests of fairness and legitimacy. That they work more closely with individuals and communities to understand their circumstances, needs and aspirations and enhance self-reliance and community resilience.”* Throughout the report the focus remains that *“communities and services work together to decide what needs to be done, and how it is going to be done – so that services fit people's needs, rather than the other way round.”*

In its desire towards devolving power to the citizens of Scotland in 2015 the Scottish Government passed the Community Empowerment Act. This included a range of proposals for raising the levels of influence of the people of Scotland. Whilst not health focused it places Community Planning Partnerships (CPPs) on a statutory footing and imposes duties on CPP's around the planning and delivery of local outcomes, and the involvement of community bodies at all stages of community planning.

⁴ See <http://www.gov.scot/Topics/Health/Policy/2020-Vision/Strategic-Narrative>

⁵ See <http://www.gov.scot/Publications/2011/06/27154527/0>

Alongside new rules around participation requests and locality planning it promoted participation in public decision-making including new regulation-making powers enabling Ministers to “*require Scottish public authorities to promote and facilitate the participation of members of the public in the decisions and activities of the authority, including in the allocation of its resources (an example of which is participatory budgeting)*”⁶.

In 2016, as part of implementing the principles within the Community Empowerment Act the Scottish Government announced the £2m Community Choices programme, which stimulated further use of Participatory Budgeting (PB) (known in Scotland as Community Choices Budgeting). This included specific funds available to public authorities and community led organisations to test approaches to PB, and an aspiration that up to 1% of Local Authority resources would be spent through such processes.

There is close relationship between deliberative processes and PB and a number of authorities have been using the approach for health and wellbeing. Including North Ayrshire Council, who ran a PB programme that distributed £50,000 to community led initiatives towards improving mental health and wellbeing.⁷

The expectation is these types of processes will grow, but importantly they need to develop the deliberative framework to enable scale to be achieved and reassure health professionals that scarce resources are used wisely. Shared Future is actively considering how a citizen Jury process might include an element of PB. With outcomes of public deliberation turned into a process for co-commissioning services, as well as a funding mechanism for community led health related activity.

PB, asset based approaches and citizen juries come together within the work of the What Works Scotland Programme, led by a range of academics, including Oliver Escobar from the University of Edinburgh (who leads the Community Engagement workstream). Escobar is a proponent of and expert in deliberative process, as mentioned elsewhere in this report. In the What Works Scotland review of ‘1st generation’ PB, co-authored by Escobar and Chris Harkins (Senior Public Health Research Specialist at the Glasgow Centre for Population Health) it was noted “*deliberative models can increase the democratic quality of the PB process by allowing exploration, discovery, learning and scrutiny, which in turn can produce more robust, informed and considered decision-making.*” Good deliberation underpins citizen empowerment.

The Scottish Health Council’s Our Voice programme sits within this Scottish context. ‘*Our Voice is based on a vision where people who use health and social care services, carers and members of the public are enabled to engage purposefully with health and social care providers to continuously improve and transform services*’. The programme is overseen by a Project Steering Group which includes representatives from the Scottish Government, the Scottish Health Council, Healthcare Improvement Scotland, The Alliance and COSLA. In advance of the programme starting in earnest a series of national events, discussion groups and online surveys brought people together to consider what was useful and would make a difference to how people’s voices are heard across Scotland. Seven key themes were identified through this process.

⁶ See <http://www.scdc.org.uk/what/community-empowerment-scotland-act/> accessed May 2017

⁷ See <https://www.north-ayrshire.gov.uk/news/50000-boost-for-mental-health-and-wellbeing.aspx> accessed May 2017

4. The Critique of Citizen Juries

The critique of the citizens jury model seems to revolve around two main issues. Inclusivity and impact on decision-making.

Inclusivity

Clearly one of the most attractive features of the citizens jury process is the idea that it is able to act as a mini version of the public and that in theory there is an equal probability of being selected to participate. It is worth interrogating this notion in more depth. As mentioned previously the reality is that most mini publics use a process of 'near random selection' (Warren and Pearse 2008). It is an imperfect selection process for a number of reasons.

Firstly, the reality of the incomplete nature of any database used to identify a sample. The electoral roll is unsatisfactory as not all residents will be registered. Random telephone dialling will inevitably mean a sample will be dominated by the older population who have land lines (Smith 2009). Secondly, participants are under no obligation to take part so inevitably this means that those taking part have 'self selected'. Research from other forms of mini publics help shed some light on this.

The British Columbia Citizens Assembly participants turned out to be more civically active than the wider population, more politically knowledgeable and less satisfied with the existing political system (Carty et al 2008). Fishkin's work on deliberative polls concurs; *'those who decide to attend are usually somewhat more politically active and better educated than the initial sample'* (Fishkin and Farrar 2005).

Stratified sampling should go some way to address this potential imbalance. Some processes have experimented with a combination of recruitment methodologies for example recruitment through the electoral roll then additional outreach work to recruit any of the social groups prioritised as part of the stratified random sampling approach (Bryant 2016). However, as Smith (2009) suggests *'the differences with the wider population appears very minimal and by no means reflect the wide differences in socio-economic characteristics between participants and nonparticipants in traditional political processes'*.

It is naive to assume that inclusivity is achieved if all that is required is the gathering together of a diverse jury composition through stratified random sampling. There are other influencers.

- 1) Isolation. Analysis of the British Columbia citizens assembly supports the idea that it may be insufficient to have one or two participants from a particular social group and that instead there may need to be a critical mass of people from minority social groups to ensure that firstly, one voice does not become isolated amongst a larger group, secondly, that members are able to offer support to each other and thirdly ensure that when small group discussions are taking place the perspective of a minority group is still articulated (James 2008). Smith concludes *'It may be the case that 'achieving critical mass may require overrepresentation of small minority groups'*.
- 2) Rational deliberation. Some academics argue that a citizens jury emphasis on rational communication will inevitably mean that some are excluded (Escobar 2011). The argument is that the idealisation of the legal model of the citizens jury means that rational forms of deliberation are prioritised i.e. claims, counter claims and so on. This inevitably means that some forms of communication and language may be encouraged at the expense of others.

Smith (2009) draws on the work of Young (2000) to conclude that *'according to Young, particular types of contribution, in particular dispassionate and disembodied reason giving, are often privileged over other modes, such as narrative, thus perpetuating the dominance of citizens more skilled in these 'higher' forms of communication'*.

As a result participants may feel that emotion has no place as does personal experiences and storytelling. *'the overly formalised exchange of reasons that is so central to the traditional notion of rational deliberation can be seen as a way of excluding those who do not master the method of logical debate'* (Escobar 2011). Escobar goes on to suggest that *'exchanging narratives about personally significant life episodes, sharing meals together and participating in activities designed to create a sense of group identity may be necessary to creating the emotional connection needed to motivate the kind of argument desired. The key is to recognise that deliberation also requires conditions that foster emotional engagement, mutual nurturing and effective tie to one's community'*.

- 3) Small group work. Closely linked to the problems of rational deliberation is the reluctance many feel towards speaking in front of large groups of people, especially if such spaces *'are dominated by a small number of skilled and charismatic speakers..... who count on rhetoric rather than argument'* (Elster 1998). As a result citizens jury practitioners draw from a selection of tools to ensure that the chances of such exclusionary practice are minimised. For example small group work; the regular use of small groups of 10 to 15 citizens by the 160 strong British Columbia citizens assembly. The evaluation of this process noted *'these small group discussions were crucial opportunities for learning, asking questions of clarification, sharing ideas, testing theories, building consensus, generating solutions and so on'* (Smith 2009). Other facilitators have used tools such as discussion pairs and speed dating to achieve the same result (e.g. Wirral Alcohol Inquiry) (Beddow and Bryant 2016).
- 4) Facilitation: However, it is also the case that even small groups may become dominated by certain voices. This serves to underline the importance of independent skilled facilitation. The literature review on the use of citizens juries in health policy decision-making (Street et al 2014) defines the facilitator role as including: drafting a proposal for common ground, neutral in content but active in process, ensuring discussions stay on topic and assisting in question formulation and reaching for consensus. Some processes have used two different facilitators one whose role is focused on the question, timekeeping etc whilst the other adopts a more pastoral role so as to encourage people to contribute and that a variety of voices are heard. In the Scottish wind farm citizens juries the organisers also introduced a 'devil's advocate' role (Roberts and Escobar 2015).

The work of the facilitator cannot be underestimated in terms of the impact upon the deliberative process. A relaxed noninterventionist style may result in the process being dominated by a few whilst an approach that attempts to ensure that all have an opportunity to speak may appear to some to be too interventionist (Smith 2009). The values, principles and philosophy that underpin facilitator practice is seldom considered in the literature or in our experience during the citizens Jury project design phase.

'The facilitator becomes a crucial figure in the promotion of free fair exchanges between citizens. This is a difficult task and judgements will be made about the extent to which different forms of discourse are valued - some facilitators may well value anecdotes and stories; others may promote more reasoned and principled forms of debate' (Smith 2009).

Later in this review we reflect upon Graham Smith's (2009) analytical framework for the evaluation of democratic innovations. In it he suggests we must consider inclusiveness, popular control, considered judgement, transparency, efficiency and transferability. We cannot underestimate the importance of the role of the facilitator in being able to influence these factors both in the way that the process is designed and is facilitated. However as Wakeford and Pimbert (2013) conclude *'the process of facilitation itself has been largely ignored'*. They blame many facilitators for their critical attempt to apply *'an off-the-shelf method of participation as if it were merely a technical procedure or research method'*. They call for a re-conceptualisation of facilitation as craft and facilitator as bricoleur. i.e. *'a handy man or handy woman who makes use of the tools available to ensure he or she completes the task'*. *'Our experience of being bricoleur-facilitators suggests that much more is needed for the participatory democratic model to succeed than the standard 'principles of good practice' drawn up by various participation organisations in recent years. We argue that such guidelines perpetuate a myth that giving communities a voice through participatory processes can be achieved simply by the application of a preconceived toolkit of methods'*. Their suggestion is that rather than applying the rigid format of, for example the citizens jury, adopted by some, the facilitator must be able to respond to the needs of participants within the wider institutional landscape to design a unique iterative process drawing on a range of approaches.

Impact on decision-making

The most regularly rehearsed critique of the citizens jury is its ability to influence decision-making processes and affect change.

'Communities may well become subject to a carnival of participatory methods that, like the annual street carnival popular in many parts of the world, leaves everything essentially the same. Citizens juries in conventional guise may be little more than a short-term consultation for interested parties, such as governments and policymakers. They have been employed to give the appearance of public legitimacy to political decisions that have already been made behind closed doors.' (Wakeford et al 2015)

Similarly the review of citizens juries in health policy decision-making concludes *'only a handful of juries rulings (were) considered by decision-making bodies'* (Street et al 2014).

'Many participatory processes end up in a dead end once the participatory momentum finishes and participants go home. This is the case for example with many of the citizens juries organised by the Spanish local government, where lack of involvement (and thus oversight) of local associations and disinterest on the part of local media and opposition parties have often resulted in silence and lack of action by local authorities'. (Font and Smith 2013)

It would appear then, that the citizens jury model is failing to realise its potential. Smith (2009) suggests that we must look to the work of the Canadian citizens assemblies for inspiration. The Canadian citizens assemblies on electoral reform (and the Irish Constitutional Convention) described earlier were very clearly linked to a process of legislative ratification. There is no reason why a similar process cannot be applied to the work of a citizens jury perhaps at a local authority level.

However, being able to clearly identify the impact of a citizens jury is a messy business:

'citizens reports are conceived as advisory, and their recommendations invariably compete with other forms of advice from political parties, expert committees, interest groups, for example. Moreover, when some of these sources of policy advice happen to recommend the same policies and celebrate the same values articulated in the citizens reports, it can be difficult to determine which recommendation held more sway' (Hendriks 2005).

Once again a glance at research on the impact of other forms of mini publics is useful.

'The Texas series of deliberative polls held on electricity provision, influenced the decisions of the electricity companies to pursue more renewable energy sources and state legislature promotion of renewable energy sources. In the Chinese deliberative poll in Zuego, the local government that ran the poll had committed themselves to implement the resulting majority preferences on budgeting (Elstub 2014)

This does not mean that citizens jury practice has not influenced public policy decision-making but the research in this direction is very limited. Dryzek explores the role of the nature of the political system within which the mini public operates identifying a number of political systems based on whether the system is *'inclusive or exclusive in terms of integrating social interests into the policy process; and whether inclusivity and exclusivity are active or passive'* (Elstub 2014)

It would appear that the opportunities for citizens juries to operate in inclusive states which actively seek out additional voices to supplement those heard through the organs of representative democracy are few. However Elstub concludes on a more positive note that *'there is still plenty of scope for them (mini publics) to have more influence than they currently do'*.

Some practitioners have started to explore some of these options:

'mini publics can also support communities by functioning as 'trusted proxies' or 'honest brokers' that clear the ground by distilling pros, cons and trade-offs of an issue or law into balanced information that can be shared with local communities as a resource and stimulus for participation' (Escobar and Elstub 2017).

This requires, on the part of the commissioning body, a commitment (and associated resources) to promote the findings of a mini public.

The Citizens Initiative Review as established in Oregon in 2011 is another interesting approach. Randomly selected panels of some 20 Oregonians consider draft legislation. For example in 2016 a new panel met for four days to consider Measure 97 (revising the minimum level of corporation tax). After a period of deliberation the panel writes a citizens statement designed to give voters key facts to consider when deciding how to vote on the measure (including the 'best' reasons to vote for the measure and the best reasons to vote against the measure). The booklet is sent to every registered voter in the state of Oregon as part of the official voters guide. A state-wide telephone survey of Oregon voters found that 52% of Oregon voters were aware of the Citizens Initiative Review (in 2016) and that some 43% of Oregon voters read the Citizens' Statements before completing their ballots, with the vast majority finding them *'at least somewhat helpful and informative'* (Gastil et al 2017).

In the context of the Scottish Parliament, Escobar and Elstub (2017) suggest mini publics could have a role in contributing to *'the preparation of draft legislation to supplement Parliamentary debates, with the hope that the mini publics will have a significant influence on the outcome of Parliamentary debates'*.

An alternative approach may be rather than linking citizens jury processes to legislation, jury recommendations could be directly linked to spending decisions. It appears that this link between the model of the citizens jury and participatory budgeting has not yet been formally conducted, however there are some interesting experiments worthy of attention, both from Australia. Canada Bay Council (Sydney) opened their council budget to a citizens jury. The randomly selected participants met five times over two and a half months for the equivalent of 30 hours (supplemented with online discussions and talking to people in their own neighbourhoods). The jury was tasked with *'agreeing the priority services for Council to deliver, agreeing the level of those services which Council should deliver and agreeing the preferred funding sources for each of their preferences'*. A parallel process engaged a staff panel which met three times before inputting into the citizens jury process. Melbourne City Council (2104) also set up a similar People's Panel of 43 participants convened for three months (five face-to-face meetings). The Council committed to *'listen to the panel's views and consider all recommendations when developing its ten year financial plan. As part of this commitment, Council agreed to meet with the panel and formally*

*respond to all of its recommendations*⁸. Both processes performed an advisory function with ultimate responsibility for spending decisions remaining with elected members.

Inevitably, with citizens juries performing an advisory role it is difficult to ascertain their impact. The designer of Germany's planning cells attempted to address this issue by forcing the commissioning body, the organisers and the participants of planning cells to sign a contract requiring the Commissioners to explain what action will be taken in response to the recommendations produced, within a certain timeframe (Smith 2009). This practice has been adopted by other citizens juries in the UK for example a citizens jury on health and well-being in Congleton commissioned by a housing association (Our Life 2013) and a citizens jury on alcohol in Cumbria. This does not, however, avoid the reality that 'unpalatable' recommendations may be ignored by the commissioning authority or what some describe as the 'cherry picking' of recommendations that support their perspective (Smith 2009).

The research is scant on why some citizens jury recommendations are implemented and others ignored. Font and Blanco (2007) are an exception and so their examination of a series of citizens juries in Catalonia is of interest. In two cases proposals were abandoned by the local government, in three cases there was no action due to *'apparent political and/or technical difficulties with the proposals'* (Font and Smith 2013) and in three cases recommendations were implemented either fully (one example) or partially (two examples). The authors conclude that there seems to be *'no obvious distinctions in terms of the types of proposals (recommendations) coming out of the processes; it is the whole package that is forgotten'* (Font and Smith 2013). Their paper goes on to consider what maybe some of the factors influencing the impact of 'participatory processes' on policy. Usefully they suggest that *'there is a tendency to assume that a policy proposal has a dichotomous fate: adopted or not. However the reality is likely to be more complicated'*. They suggest that the following factors will impact whether or not a policy proposal from a process such as a citizens jury will be adopted 'by the municipality'. These are divided into contextual factors and policy related factors.

Contextual factors include

- 1) Organisational culture (they compare the culture in British health authorities described as at the *'vanguard of engaging the public'* and the hierarchical German Department of Health). Too often citizens are regarded as unskilled, consumers of services by professionals. The *'culture of the sponsoring organization'* is also identified as an important contextual factor in the success of citizens' juries by Abelson et al (2007).
- 2) timing of the process (e.g. effect of the electoral cycle or policy cycle)
- 3) ideology of the governing parties
- 4) availability of resources
- 5) design of the process and in particular the relationship between the process and formal decision making
- 6) whether the process is the exclusive result of political will of the authority or whether external forces are at play (for example central government pressure on local government to engage with citizens)
- 7) the visibility of a participatory process can increase its policy impact (we will look at the role of the media shortly,
- 8) whether the process is on-going or a one off *'As the citizens jury examples suggest, one off exercises may be easier to ignore (except if well publicised) compared to those, such as participatory budgeting, which provide opportunities for citizens and/or civil society organisations to return to issues on a regular cycle of engagement'*. Work on participatory processes in two UK cities suggest recommendations are more likely to challenge or

⁸ <http://www.theage.com.au/comment/melbourne-peoples-panel-makes-bold-decisions-where-politicians-fear-to-tread-20150331-1mchjp>

disrupt policies when the process has a short life span that *'prevents lay members from becoming institutionalised'* (Font and Smith 2013)

- 9) Finally, the 'types of participants' may have an impact. One criticism of citizens juries is that once the jury has finished its work there is no-one to remind policy makers of their work and the recommendations produced. Many of the citizens juries organised by Shared Future (and prior to their existence Our Life), have included a 'post-jury' element designed to support jury participants to push for action. One process commissioned by East Sussex Council attempted to answer the question *'What can we all do to make it easier for people to have a healthier relationship with alcohol?'* (Beddow and Bryant, forthcoming, 2017). An initial citizens jury of 20 Hastings residents meant for 10 sessions. Running parallel to the jury facilitators ran a series of workshops for local stakeholders to help them to explore the concept of co-production and the possibility of future working with the jury members. Subsequent to this, those members of the jury interested in carrying on received community development support to help them to organise and prepare for future interactions with decision-makers. This work culminated in the residents forming a constituted community association. Similarly, in Blackburn participants in an obesity citizens jury decided to take it upon themselves to implement one of their main recommendations by designing, establishing and staffing a food co-op in their neighbourhood, with the support of the Healthy Living Centre, in order to enable better access to fresh fruit and vegetables (BwDHL 2009).
The impact of the citizens jury process participant's future political efficacy and civic skills has received little attention. 97% of the participants in the series of three Scottish windfarm citizens juries said that they would be willing to participate in similar activities in the future. Roberts and Escobar (2015) concluded *'The process fostered civic skills and attitudes, and thus can be seen as a school of democracy where participants develop deliberative capacity that is transferable to other contexts'*.

Policy related factors include

- 1) the nature of the proposals (i.e. whether they are too generic or vague to be useful for policy makers to use).
- 2) the degree to which they challenge existing policy (the authors suggest that it may be the case that those recommendations that do not challenge the status quo will be more likely to be adopted, however, they also suggest that in the context of government change or a desired change of policy direction recommendations that support this may receive support).
- 3) boundaries of political competence (recommendations may be made by the jury participants that are outside of the competence of the organisation commissioning the jury)
- 4) the degree of support is also influential (i.e. the degree of support from participants themselves for particular recommendations, hence the value of voting and prioritisation as well as the support of other stakeholders).

Also worthy of consideration is the degree to which the wider public trusts the outputs of a citizens jury process. The work of Chwalisz (2015) suggests there is support for the use of mini publics. 54% of respondents in her research expressed a willingness to participate in a local citizens assembly. While research from the Scottish windfarm citizens jury experiment concluded that 93% of jury participants thought citizens are able to make decisions on complex issues. *'Participants highlighted three necessary conditions for their trust in the process: diversity of views, quality of evidence and effective facilitation'* (Escobar and Elstub 2017).

Undoubtedly bringing policymakers and stakeholders into the wider citizens jury process from the start appears to be an increasingly favoured approach. Two thirds of the health-related citizens juries examined by Street et al (2014) established a steering committee or advisory group made up of key stakeholders i.e. policymakers, experts in the field under consideration, advocacy group representatives, clinical practitioners, deliberative methodologies and patients. *'The role of the group was variously described as: to prevent bias in expert presentation, to guide question development and evidence presentation, general oversight, to engage stakeholder representatives, and to disseminate or implement findings'*. In the Fracking citizens deliberation described earlier, much time and energy was invested in recruiting an oversight panel that included voices from both industry and environmental campaigning groups in order to give the process legitimacy and to check rigour (Bryant 2016).

Other factors

In addition to the two main factors considered above i.e. inclusiveness and impact on decision making it is worth considering additional factors as identified in the critique of Smith (2009) and his analytical framework for the evaluation of 'democratic innovations'⁹. These include the following:

- 1) **Popular control:** We have already seen how those commissioning processes or other powerful interests are capable of setting the agenda to suit their own needs or of ignoring or cherry picking recommendations. One counter balance to this dynamic maybe the degree to which the participants themselves are able to influence and control the process. *'Placing agenda setting power in the hands of the citizens requires mechanisms and procedures to be in place so that citizens are able to influence the selection of issues and the way in which they are to be considered, including for example the type of information they receive'* (Smith 2009). Giving citizens the power to set agendas is difficult as the sponsoring agency may subsequently withdraw support as was the case in the US (Elstub 2014). However, there has been some experimentation worthy of note; firstly a process which brought together people over 50 years of age to discuss the most important issues affecting them and then for them to agree which issue to prioritise in the citizens jury itself (they chose older people and falls), secondly a citizens jury process dubbed 'community x change' which brought together citizens 'to work on two issues in parallel one *'raised by local people from marginalised social backgrounds, the other dictated by the UK government's science department'* (Wakeford 2016).
- 2) **Considered judgement:** Smith (2009) argues that the legitimacy of a democratic innovation such as a citizens jury also depends upon the ability of the process to produce *'thoughtful and reflective judgements'* i.e. to produce, as described earlier, refined rather than raw opinion and not simply the learning of facts. In order to achieve this, citizens need to engage with and appreciate the views of those different from themselves. 'This requires a capacity to imaginatively place ourselves in the position of others, distancing ourselves from private circumstances that limit and inhibit the exercise of judgement. Smith (2009) goes on to quote Arendt (1968): considered judgement *'must liberate us from the 'subjective private conditions' that is, from the idiosyncrasies which determine the outlook of each individual in his privacy and are legitimate as long as they are only privately held opinions, parts are not fit to enter the marketplace, and lack all validity in the public realm'*.

⁹ Smith (2009) defines democratic innovations as *'institutions that have been specifically designed to increase and deepen citizen participation in the political decision making process'*.

Smith (2009) identifies three main features of mini publics that motivate considered judgement firstly, hearing 'evidence' from 'witnesses' and then cross examination, secondly, discussion of the issue with other citizens (from a range of backgrounds) and thirdly, through how the process encourages participants to move towards judgements beyond self interest to the greater public good. In citizens juries in the UK and US there is evidence that participants change their minds (Smith 2009) and in British Columbia the decision of the citizens assembly to prioritise certain criteria not always in harmony with the opinions of the experts suggests *'that ordinary citizens thought differently about the issues at stake than experts or elected officials'* (Lang 2007).

Elstub (2014) suggests it is difficult to *'prove that preference change has been the result of deliberation and not just the distributed information packs, the media coverage, other political or psychological factors'*. An evaluation of an Australian citizens jury suggested that the key influencer for preference change was the information given to the participants rather than the process of deliberation, although the latter did still have some effect (Goodin 2008). However, a study of the 'We the citizens' Irish citizens assembly showed that compared to a control group provided with the same information packs, the members of the citizens assembly underwent preference change, suggesting deliberation might still be important (Farrell et al 2012). Examining the use of citizens juries in healthcare decision-making Scuffham et al (2014) conclude *'there is evidence that jurors become actively engaged in debates, express their views, are able to recall fine details about the information presented and, subsequently, develop a sense of community, shifting their views from self interested to socialistic'*

However, Smith (2009) warns us to be wary of the influence of irrational group dynamics hence the importance of facilitators using secret ballots.

- 3) Transparency: Firstly, transparency that enables the participants themselves to understand for example how the issue under consideration was selected, who the organisers are and how the process will (or may not) influence policy. Secondly, external transparency so that the process can be scrutinised by the wider public. This will be achieved by publicity *'the transmission of information about the institution and its decisions to the wider public'* Smith (2009). Clearly, the media have a vital role to play here. *'Ultimately, the perceived legitimacy of mini publics as democratic bodies will depend greatly on how the story of legitimacy is told. And here is where the role of the media is essential. Unfortunately there has been scarce attention to the importance of the media in developing democratic innovations. The value of mini publics is amplified when work and conclusions can become a stimulus for broader public deliberation via the media. Otherwise, they can be rendered as isolated instances, rather than integral parts of a deliberative system'* (Escobar and Elstub).

The 2006 citizens jury in Mali on genetically modified crops and the future of farming in the country is a story of successful media engagement. Seven local radio stations broadcast live coverage of the entire deliberative process reaching an estimated total of at least 1.7 million listeners (Pimbert et al 2011). However, generally the story appears less positive.

Smith (2009), notes that mini publics face a number of problems in their relationship with the media namely, much of the process of deliberation takes place in private and media interest is dependent upon the issue under consideration. Coverage of the NHS deliberative poll appeared to concentrate on areas of conflict and polarisation *'what makes good television does not necessarily reflect the virtues of deliberation'* concludes Smith (2009).

- 4) Efficiency: citizens juries and other democratic innovations will inevitably involve costs as well as benefits. When making such a calculation it is important to make the comparison with the costs and benefits of not running such a process (Smith 2009). The House of Commons Select Committee on Public Administration concluded in 2001 that the government's attitude to mini publics '*failed to take proper account of the cost – sometimes a very high cost – which can be attached to rushed government decisions based on contested scientific judgements*' (Smith 2009). However, this discussion is incomplete without considering the cost upon the individual who chooses to spend their time attending a citizens jury style process. Records of the attendance levels for the British Columbia citizens assembly suggest attendance never dropped below 90% (Smith 2009), evidence from the Shared Future series of citizens juries concurs with this. Roberts and Escobar (2015) offer a valuable perspective on the efficiency debate '*Price must be placed in the context of value. If mini-publics are framed and designed as 'add-ons', rather than as integral part of the democratic system, then they can be seen as expensive. Their price/value ratio seems thus relative to the political context and their purpose in the institutional landscape. The difference with previous waves of support may be the current level of civic aspiration in Scotland. It may well be that the value placed in building a more participatory and deliberative democracy is now more widespread. If that is the case, the empirical question will be how much are we prepared to pay for fair and inclusive participation, and high quality deliberation, in democratic decision-making?*'
- 5) Transferability this final factor considers how possible it is to transfer the example of democratic innovation into other contexts. There are many examples of citizens jury processes being run at national, regional and neighbourhood level and indeed at an international level (e.g. Tomorrow's Europe in 2007 and the European Citizens Panel 2005-2007)'.

Smith's (2009) analytical framework for the evaluation of democratic innovations asks us a very useful series of questions to consider. As summarised above, how citizens juries score against these useful questions reveals some gaps in research before we are able to answer them fully:

'the democratic challenge is clear: innovations need to show equal participation can be overcome; how citizens can be empowered in the decision-making process; how the environment can be structured to enable informed judgements; and how proceedings can be open to participants and observers. Additionally innovations face the practical challenges of ensuring that costs placed on citizens and institutions are not too burdensome; and that the design can be used in a variety of political contexts. It is only if democratic innovations can realise an attractive combination of these goods that they will be deemed legitimate and worthy of institutionalising within our political systems.'

Appendix 1: References

- Abelson, J., Blacksher, E., Li, K., Boesveld, S. And Goold, S. (2013) Public deliberation in Health policy and Bioethics: Mapping an emerging interdisciplinary field'. *Journal of Public Deliberation* (vol 9. Issue 1)
- Abelson, J., Forest P., Eyles, J., Casebeer, A., Martin, E. Mackean, G. (2007) Examining the role of context in the implementation of a deliberative public participation experiment: results from a Canadian comparative study. *Soc Sci Med.* 64(10): (pp2115–2128).
- Arendt, H (1968) *Between Past and Future*. Viking Press.
- Beddow, N. and Bryant, P. (2016) The Wirral Alcohol Inquiry 2015/16: a citizen led deliberation on our relationship with alcohol. Shared Future.
https://sharedfuturecic.org.uk/wp-content/uploads/2016/04/shared_future_wirral_alcohol_inquiry_april2016.pdf
- Blackburn with Darwen Healthy Living (2009). Annual Report of the Trustees of Blackburn with Darwen Healthy Living.
http://www.bwdhl.org/wp-content/uploads/2016/05/annual_report_2008-9.pdf
- Bryant, P. (2009) Deliberative governance: Political fad or a vision for empowerment. IN *The limits to governance. The challenge of policy-making for the new life sciences*, (pp.349-378.)
- Bryant, P. (2016) Fracking: a citizens deliberation. Shared Future.
<https://sharedfuturecic.org.uk/casestudy/fracking-citizens-deliberation-preston-2016/>
- Carty, K., Blais, A. and Fournier, P. (2008). "When citizens choose to reform SMP: The British Columbia Citizens' Assembly on Electoral Reform." IN Andre Blais, ed. *To Keep or to Change First Past the Post*. Oxford: Oxford University Press, (pp140-62).
- Chwalisz, C. (2015) *The populist signal: why politics and democracy needs to change*. Policy Network
- Farrell, D.M., O'Malley, E., Suiter, J. (2013). *Deliberative Democracy in Action Irish-style: The 2011 We the Citizens Pilot Citizens' Assembly*
- Davies, C., Wetherell, M., and Barnett, E., (2006) *Citizens at the centre: deliberative participation in healthcare decisions*. Policy Press.
- Delap, C. (2001) Citizens' juries: reflections on the UK experience. PLA Notes 40.
<http://pubs.iied.org/pdfs/G01929.pdf>
- Elster, J. (1998) *Deliberation and constitution making* IN Elster, J. (ed). *Deliberative democracy*. Cambridge University Press (pp 97-122)
- Elstub, S. (2011) 'A comparative analysis of the role of minipublics in institutionalising deliberative democracy', paper presented at the Political Studies Association Annual Conference 2011, (London)
- Elstub, S. (2014) 'Mini-publics: issues and cases' IN *Deliberative Democracy: Issues and cases*. Edinburgh University Press (pp 166-189).
- Escobar, O. (2011) *Public Dialogue and Deliberation. A communication perspective for public engagement practitioners*, Edinburgh: Edinburgh Beltane -UK Beacons for Public Engagement. <http://www.qmu.ac.uk/mcpa/CDial/PublicDialogueAndDeliberationOliverEscobar2011.pdf>
- Escobar, O. and Elstub (2017) *Forms of mini-publics: An introduction to deliberative innovations in democratic practice*, Research and Development Notes, newDEMOCRACY.

https://www.newdemocracy.com.au/docs/researchnotes/2017_May/nDF_RN_20170508_FormsOfMiniPublics.pdf

Fishkin, J. (2009) *When the people speak: Deliberative democracy and public consultation*. Oxford University Press.

Fishkin, J. And Farrer, C. (2005) *Deliberative Polling*. In Gastil, J. And Levine, P. (eds). *The Deliberative Handbook: strategies for effective civic engagement in the 21st century*.

Flinders et al (2015) *Democracy Matters: Lessons from the 2015 Citizens' Assemblies on English Devolution*.

<http://citizensassembly.co.uk/wp-content/uploads/2016/04/Democracy-Matters-2015-Citizens-Assemblies-Report.pdf>

Font, J. and Blanco, I. (2007) 'Procedural legitimacy and political trust: the case of citizen juries in Spain', *European Journal of Political Research*, 46: (pp557-589).

Font, J. and Smith, G., (2013) *The policy effects of participation: Cherry-picking among local policy proposals?*. In Ponencia presentada al XI Congreso de la AECPA, UPO, Sevilla (pp. 18-20). https://ecpr.eu/Filestore/PaperProposal/9494_e92b-0da8-4036-9aeb-e4cbb7097cde.pdf

Fournier, P., Van Der Kolk, H., Carty, RK., Blais, A. and Rose, J. (2011) *When Citizens Decide: Lessons from Citizen Assemblies on Electoral Reform*. Oxford University Press

Gastil, J., Johnson, G. F., Han, S., & Rountree, J. (2017). *Assessment of the 2016 Oregon Citizens' Initiative Review on Measure 97*. State College, PA: Pennsylvania State University. Available online at <http://sites.psu.edu/citizensinitiativereview>.

Goodin, R. E. (2008) *Innovating Democracy: Democratic Theory and Practice After the Deliberative Turn*, Oxford: Oxford University Press.

Hendriks, C. (2005) *Consensus Conferences and Planning Cells*. Jossey-Bass.

Huitema, D., van de Kerkhof, M. and Pesch, U., (2007). *The nature of the beast: are citizens' juries deliberative or pluralist?*. *Policy Sciences*, 40(4), (pp.287-311).

James, M. (2008) *Descriptive representation in citizens assemblies*. In Warren, E. And Pearse, H (eds) *Designing Deliberative Democracy: the British Columbia Citizens Assembly*. Cambridge University Press (pp 106-26)

Lang A. (2007) *But is it for real? The British Columbia citizens assembly as a model of state sponsored civic empowerment*. *Politics and society* 35 (pp35-69)

NHS Citizen Learning report (2016) https://www.neessexccg.nhs.uk/uploads/files/nhs-citizen-learning_report_may_2016.pdf

Our Life (2013). *Well-being matters: the Bromley Farm Inquiry*. Our Life

People First (Scotland) (2011) <http://peoplefirstscotland.org/files/2012/10/citizensgrandjuryreportweb.pdf>

Pimbert, M. et al (2011) *democratising agricultural research for food sovereignty in west Africa*. <http://pubs.iied.org/14603IIED/>

Reybrouck, D. (2013) *Against elections: the case for democracy*. Penguin.

Roberts, J. and Escobar, O. (2015) *Involving communities in deliberation: A study of three citizens' juries on onshore wind farms in Scotland*, Edinburgh: ClimateXChange. http://www.climateexchange.org.uk/files/5614/3213/1663/Citizens_Juries_-_Full_Report.pdf

Scuffham, P., Ratcliffe, J., Kendall, E., Burton, P., Wilson, A., Chalkidou, K., Littlejohns, P. and Whitty, J. (2014) *Engaging the public in healthcare decision-making: quantifying preferences for healthcare through citizens' juries*. *BMJ Open*.

Smith, G. (2005) *beyond the ballot: 57 democratic innovations from around the world*. The POWER Inquiry.

Smith, G. (2009) *Designing Institutions for Citizen Participation*. Cambridge University Press.

Stevenson, R., Gibson, P., Lardner, C. (2004). Evaluation of people's panels and juries in social inclusion partnerships. Edinburgh: Scottish Executive Social Research.
<http://www.scotland.gov.uk/Publications/2004/04/19229/35737>

Street J, Duszynski K, Krawczyka S, Braunack-Mayer A. (2014) use of citizens juries in health policy decision-making: a systematic review. *Social Science and Medicine* 109 (1-9)

Wakeford (2016) 'Signposts for people's knowledge' IN *People's Knowledge and Participatory Action Research: Escaping the White-walled Labyrinth*. Practical Action Publishing. (pp 113-135)

Wakeford T., Pimbert M., Walcon E. (2015) Re-fashioning citizens' juries: Participatory democracy in action. In: Bradbury-Huang H. (ed.) *The Sage handbook of action research*, 3rd ed. New York, NY: SAGE, (pp. 229–245).

Wakeford T., Pimbert M., (2013) 'Opening participatory democracy's black box: facilitation as creative bricolage' IN *problems of participation: reflections on authority, democracy, and the struggle for common life*. Noorani, T., Blencowe, C., Brigstocke, J. (eds). Authority Research Network.

Warren, M.E and Pearse, H. (2008) *Designing Deliberative Democracy*. The British Columbia Citizens' Assembly, Cambridge: Cambridge University Press.

Young, I. (2000) *Inclusion and Democracy*. Oxford University Press.

Literature Review on Citizen Juries

May 2017



Project coordinated by Shared Future CIC

www.sharedfuturecic.org.uk