

19-21 Broad Street | St Helier
Jersey | JE2 4WE

Deputy Inna Gardiner
Chair of the Public Accounts Committee
BY EMAIL

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Dear Deputy Gardiner

Citizens Panels and Juries

Thank you for your letter on the use of citizens' panel, juries and related processes as part of government policy making.

This is an area of emerging practice, where Jersey is showing leadership and experimenting with different formats and approaches to support ministers and the States Assembly to improve public policy making. I'm pleased to be able to share some of the learning from recent exercises in response to the Committee's questions. I recognise though that, because these processes all involve trying something new, we are not yet able to codify and standardise them as perhaps the Committee's questions suggest we might. This is a question we will no doubt return to as the current processes conclude and are evaluated.

I have also taken this opportunity to respond to your related letter of 29 April, regarding the cost of the climate conversation programme of participation, which is being delivered as required by the Carbon Neutral Strategy (P.127/2020).

Is there a difference between the so-called Citizens Panels, Juries and Assemblies and Policy Development Boards? If so, please explain.

Policy Development Boards and citizens' processes are both used to explore issues and make recommendations as part of the policy making process, but there are differences in their composition and ways of working. The key difference is in their purpose: Policy Development Boards ("PDB") were established in 2018 primarily as a means of widening political input into policy development, although they do also have some independent members chosen for their relevant expertise; citizens' processes are intended to deepen and strengthen the role of citizens in policy development.

The difference between citizens' processes is primarily one of size, with juries generally operating at between 12-24 members, while assemblies take larger forms (as an example, Jersey's Citizens' Assembly on climate change has 45 participants). A citizens' panel is often a plain-English term for a citizens' jury, although it is more properly used to refer to larger-scale groups often with standing membership over a longer period.

You will know from previous written questions that the Government has contracted the services of Involve (a public participation charity), whose website sets out helpful definitions for a citizens' panel, jury or assembly - <https://www.involve.org.uk/resources/methods>.

Given their different and specific purposes I do not believe there is a case for consolidation either of different forms of citizen participation or of such approaches with the practice of using policy development boards. Each format provides a slightly different policy making tool for a slightly different context.

What principles are followed to organise these bodies?

What internal guidelines are followed to ensure that the bodies described above meet the designed input conditions and succeed in their designated function? Is there a document similar to the Public Finances Manual to achieve this?

What is the direct trigger that leads to the foundation of a Citizens' Panel or similar body and how is consistency sought to ensure that there are clear, known and necessary reasons for their existence?

Each policy making process is bespoke, and needs to respond to a range of considerations relating to the political, resourcing, information, technology and other contexts at that time and in respect of the given issues.

The creation of a citizens' body may occur as the result of a decision by ministerial body, such as a political oversight group of Council of Ministers; as a Ministerial Decision by an individual Minister; or as a decision of the States Assembly. There may be other appropriate ways to constitute a citizens' body, depending on its scope, remit and intended influence. Each citizens' process will have its own purpose and terms of reference, which will be established under appropriate political governance and made available to participants, States Members and other interested parties. These steps, together with the ministerial and official codes of conducts, ensure that each body is appropriately and transparently constituted.

As they are bespoke rather than standardised processes, there is no equivalent to the public finances manual. I understand that the previous reference to forthcoming guidance, which you note, will take the form of learning captured from the current citizens assembly and citizens jury processes, which will be retained as part of the professional development knowledge base for the Department for Strategic Policy, Planning and Performance, and shared as part of the cross-government policy community of practice.

Who is responsible for selecting the members of these bodies and advisors, particularly for bodies that are not composed through sortition or other forms of randomised selection, and how does the selection process ensure the overall objectives of the Panel is maintained?

The selection methods and responsibility for selecting participants vary between different citizens processes, depending on their objectives.

Some citizens processes seek to bring together a representative group of citizens that reflect the island's wider population. Recently, the government has used the services of the Sortition Foundation, an external provider of sortition services, to achieve this.

Others processes have different membership requirements and mean they need to be populated on a different basis. For example, the Care Inquiry Legacy Panel was intended to primarily represent a specific interest group (survivors and those with a connection to the care system) and the Island's community as a whole.

Is there a formal feedback loop whereby members of these Citizens' Panels and Juries provide feedback as to the effectiveness of the panel in obtaining input from the community at large and in meeting the objectives of the panel they were on? If not, why not?

Where a representative citizens' body is formed, it is intended that the body itself is the means of obtaining input from the community at large. A representative group of citizens is brought together to provide their own informed opinions, rather than to represent the opinions of others.

A feedback and learning loop is an important part of a well-run process, and it is good practice to undertake an evaluation. This might involve sharing evaluation forms or questionnaires or undertaking a reflective discussion in order to assess effectiveness against intended objectives and to identify future improvements and other learning about the process.

Stakeholder engagement will vary depending on the exercise followed and might be assessed in facilitator and speaker de-brief sessions or as part of the on-going stakeholder engagement relationships.

As for stakeholders' views about the 'performance' of citizens deliberative processes, this would be heard as part of the wider policy making process which that deliberation informs. Because stakeholder access and influence are important determinants of the success of such processes, we have put in place advisory panels for the Citizens' Assembly on Climate Change and the Citizens' Jury on Assisted Dying. These expert panels – which, in the case of Climate Change, I know you have had the opportunity to observe as a member of the Environment, Housing and Infrastructure Scrutiny Panel – help to advise on the right information and evidence to provide, which of course at times may involve restricting stakeholder access in order to ensure a balance of views.

How are conflicts of interest between DG initiatives and panels monitored and dealt with?

Any conflicts of interest relevant to a citizens' body or process would be declared and recorded under the appropriate provisions of the ministerial or States of Jersey code of conduct.

How are the follow-ups to recommendations made by these bodies tracked and implemented, and how do you ensure this happens?

The process for responding to recommendations will generally be set out in a Terms of Reference, for example the mandate for the Citizens' Assembly on Climate Change sets out that:

- iv. The citizens' assembly will make a report with recommendations on the matter set out at (i) above. The report will be published and sent to all States Members.
- v. The Council of Ministers, on receipt of the report, will make the necessary arrangements to ensure that:
- an in-committee debate is held in the States Assembly to give initial consideration to the report of the citizens' assembly;
 - the recommendations of the citizens' assembly are considered as part of the development of a long-term climate action plan for Jersey; and
 - the Government will publish a response to the citizens' assembly that sets out:
 - which recommendations are accepted and how these will be implemented, including an indicative timescale
 - which recommendations the Government does not propose to implement, in which case a clear and reasoned justification will be given.

In terms of tracking the response to or implementation of recommendations, this might be done in several ways such as through internal work plans, published responses or departmental business plans, or by being incorporated into future policy publications.

The work of citizens' bodies has also been scrutinised by the States Assembly, for example the Care of Children in Jersey Review Panel has taken an active interest in monitoring the work and progress of the Care Inquiry Legacy Panel, and the Environment, Housing and Infrastructure (EH&I) Panel has observer status on the Citizens' Assembly on Climate Change.

Do you have updated costings for all of the Citizens Panels to date, including Future Hospital, Care of Children, Assisted Dying, and can you provide them please?

I understand that the costs set out in the previous Chief Executive's response, on 2 February, to your letter of 19 January, remain current and accurate for the Future Hospital Citizens' Panel and the Citizens' Jury on Assisted Dying.

Additional further expenditure on the Care Inquiry Legacy Panel, since the start of this year, amounts to £10,250.

Finally, you asked, in your letter of 29 April, about the difference between the cost for the Citizens' Assembly on Climate Change identified in the letter of 2 February (a total of £116,986), and the further information provided to your committee about the overall costs of the participatory approach to tackling the climate emergency (a total of £389,008).

There are two reasons for the difference in these figures.

The first reason is the scope of enquiry. The letter of 19 January asked for, "a 'best estimate' cost of Citizens Panels and Juries, including their set-up and operational costs, and, where appropriate, payment of expenses and remuneration" – hence the figure of £116,986 identified in the letter of 2 February might be considered the 'core' costs of the citizens' assembly process and are of comparable scope to the costs for other citizens bodies set out in that letter (recognising that the Citizens' Assembly is a larger and more involved process).

The higher cost of £389,008 was provided in response to a request from the EH&I Panel for the costs associated with the, "entire participatory democracy process" established by the Carbon Neutral Strategy. These costs were subsequently also shared with PAC following a request on 14 April. This participatory democracy process includes a range of other activity, procurement and staffing costs, including those associated with the Explore phase (referred to in the Carbon Neutral Strategy as the Input phase) that ran through the winter in advance of the Citizens' Assembly starting; the creation of the Jersey's *Climate Conversation* brand, assets and associated marketing; the development of a new website – www.climateconversation.je – to host

the process and publish associated work; purchasing a deliberative software package – www.comment.gov.je; a series of education, awareness and engagement events and activations; and additional staff costs to support the above activity. The specific costs associated with each of these aspects of the process are set out in detail in the document previously provided to the Committee and the EH&I Panel, and include associated costs that forecast for the period after the Citizens' Assembly has concluded.

In addition, there has also been a small increase in the 'core cost' identified in the letter of 2 February, as Citizens' Assembly members requested an additional session in order to have more time to consider their recommendations. This creates further costs, such as additional honoraria for Citizens' Assembly members, facilitator time and support for Citizens' Assembly members. In addition, throughout the process there have been some additional necessary Advisory Panel sessions and a slightly greater use of paid expert speakers in order to meet the context requirements.

Thank you again for your interest – and that of the Committee – in the innovative area of practice. Ensuring that the voice of Jersey citizens is directly present in government policy making brings a range of benefits is an approach we intend to strengthen and improve in the coming years.

Yours sincerely



Paul Martin
Interim Chief Executive and Head of the Public Service

D +44 (0)1534 440129

E paul.martin@gov.je

