

**Reflection on the consultation approach for Scotland’s Open Government Action Plan 2018-20**

1. **Introduction & Background**

This report is a reflection on the design and implementation process for the development of the Scottish National Action Plan for Open Government 2018-20. It builds on SCDCs role as independent facilitator of a series of public engagement events which fed into the development of the plan and its emerging priorities. The insights and conclusions are drawn from observation of two meetings of the OGP steering group where the process was discussed; a focus group which specifically explored the process drawn from steering group and non-aligned participants in the local sessions and an interview with a staff member who was supporting the OGP partnership.

The focus group consisted of ten participants drawn from the following:

* National agencies with relevant remits
* Civil Servants involved in the process
* Community Councils
* Individual citizens and members of community projects
* Third sector interfaces

Roughly a third were current members of the OGP partnership steering group. The group therefore included - participants in, and designers of, the consultation process as well as those implementers of its outcomes. The topic guide for the focus group/interview is included as appendix one.

1. **Overview of conclusions**

Although there were varied views about aspects of the process, and its role in progressing the Open Government (OG) agenda, there was a shared overall sense of significant progress in the way the consultation was designed and delivered in relation to the experience of the previous plan.

Participants cited the growth in references to OG in a much wider range of Scottish Government, Local Government and civil society contexts as evidence of growing interest in the issues. It was felt important to remember that the wider Open Government Partnership (OGP) process is at a relatively early stage in Scotland and that this plan had built on very thoughtful, creative conversations which clearly fed into its development and were visible in many of the actions.

Participants viewed the development of the plan, and the potential space for innovation within and between its proposed actions, as important to Scotland’s wider process of democratic development and service reform. There was also a strong sense of commitment to further improvement in the process. Despite this the following issues were identified as requiring further action and proposals for strengthening the process are included where they emerged.

1. **Improvement action to strengthen engagement**
	1. **Resourcing the planning process** – There was a strong view that the process needed to be more effectively resourced. Key elements of this were identified as follows:

* + *Strengthening the OGP* itself. Implementation of the current plan will require increased commitment of time and energy from Scottish Government and other OGP partners. This will need support from within SG, with significant delegated authority from senior levels, to support the steering group to progress and monitor implementation. It was suggested that tracking arrangements such as those in place in implementing the sustainable development goals and national Performance Framework offered potential models for doing this.
	+ *More Achievable timescales* - Staff from within government, and from the civil society partners in the OGP, must be tasked with the next phase of development of the plan with more protected time in their roles to do so. A practical timeline for promotion, marketing and engagement should be developed considering lessons from this year’s process. It should include active dialogue with citizens about implementing the current plan and engagement in the next one. Slippage in timelines and key decisions this year affected consultative processes to some extent and although an acceptable result was achieved, there was a strong sense that this should be avoided in the next phase of development to maximise the potential of the process.
	+ *An adequate budget for involvement-* Resources for promotion, targeted marketing, event costs and creating barrier free environments which maximise participation should be identified. This is to enable the fullest participation in the process generally and ensure it reaches those with protected characteristics or facing additional barriers to taking part. Providing independent facilitation of elements of the process should also be considered again as this was identified as helpful by participants. This year the core work on the engagement phase was delivered by a very small staff group from within the Open Government Team (formerly Ingage team) and Scottish Council for Voluntary Organisations with contracted support from SCDC for delivering the regional sessions and providing independent facilitation support. Whilst this arrangement worked effectively once it was fully up and running, it was felt that it could have been initiated and implemented earlier with greater resourcing to improve the process. Doing so in future would significantly increase numbers of those involved.
	1. **Structural constraints in the process -** These were Identified as:
* *Changes in the way that the UK OGP digital platform was supported* required a re-recruiting exercise for all contacts in the Scottish OGP dataset. Having to do this during the run up to the engagement on this year’s action plan had a detrimental effect on the contact strategy and probably affected participation rates. Although this is unlikely to be an issue again in the short to medium term, it does raise issues about how Scottish contact data is controlled by the OGP partners in Scotland in future.
* *Five Scottish Government Actions* - The need to focus on five actions which could be delivered by the Scottish Government was viewed as problematic by some participants in terms of delivering the wider aspirations of the public engagement. It was thought that this led to a degree of conflation of important issues and narrowed the selection at the drafting stages. Some participants felt that this did not reflect the broader findings of the engagement and made securing a consensus on the eventual priorities more difficult. The wide range of views on the issues of openness in the actions of the state, and public services more generally, were difficult to contain within these parameters and in both the public events and the online dialogue, a wider set of issues were raised. As the eventual plan was required to focus on the five actions for SG, there were concerns that other legitimate citizen priorities would be lost in relation to key services like health and social care, housing or other localised service experiences. This was seen as problematic as local authorities and other public agencies increasingly embrace the OG agenda. The cause of this was clearly located by participants as arising from limited space for manoeuvre within the UK wide “sub national process” and the need for SG to work within this.

It was suggested that a more extensive set of OG actions identified and owned in Scotland could arise from the engagement, but still highlighting key priorities for the UK/international process. It was also suggested that some countries, notably Paraguay, have a greater number of priorities included in their plan and that it may be feasible for Scotland to seek to increase its number of legitimate actions within the broader UK plan therefore reducing pressure to select from wider concerns.

It was made clear to participants at each of the meetings that Scotland has a limit of 5 commitments in each Action Plan cycle and that this was out with Scottish Government control as a member of the OGP Locals Programme. This means Scotland’s approach has been to group multiple commitments into overarching themes, with several commitments within them. The desire to be more explicit across a broader range of themes is evidence of a commitment to apply OGP principles more broadly and this is clearly a positive aspect of the engagement.

* 1. **Reaching and engaging people**

The above constraints had a practical impact on the design & subsequent reach of the engagement process. Participants also discussed other issues which could be usefully addressed to strengthen future processes and identified potential solutions:

* *Overlaps with other* *dialogue: T*here were concerns about perceived overlaps and resulting confusion between this and other democracy related developments. These included the parallel consultation on Democracy Matters; research into the role of Community Councils; the implementation of participatory budgeting and the ongoing local planning arising from implementation of the Community Empowerment Act. To address this type of problem in future the following ideas were suggested:
	+ That open government should be more explicitly located in a wider narrative about Scotland’s approach to improving the lives of citizens through involvement in decision making in a strengthened, more participatory, democracy.
	+ Parallel developments with other policy or engagement initiatives should therefore be more clearly acknowledged and linked to this narrative using opportunities to encourage participation overall.
* *Consultation fatigue –* This phenomenon is increasingly recognised as a de-motivating factor in public dialogue and community engagement, particularly when follow up processes are not clear for those who participated. Some participants felt that this was a factor in low engagement rates for the OGP process. Several responses to this were indentified:
	+ Clear feedback mechanisms for all who participated should be guaranteed at the point of engagement – ideally in the context of further opportunities to engage with the analysis of results and priorities achieved. The process of publishing the draft OGP document achieved this to some extent and there is clearly further potential as the plan is implemented.
	+ In the longer-term results from a wide range of consultative initiatives across the country should be gathered centrally, shared between agencies and appropriately coded in open source locations. These should be searchable by location, subject matter etc. These could be used as a source of ongoing data and to avoid the sense of people being repeatedly asked the same, or similar questions unnecessarily. It was felt that this would increase the potential for future engagement, on this subject and others, to have a greater sense of momentum.
* *Strengthening the OGP engagement process –* There was widespread support for the methods used to engage citizens both online and in face to face sessions. There was also positive comment on the design and delivery of the final session which supported those present to develop a long list of priorities. In addition to this there were a number of other ideas raised by participants which had potential to improve the process, these were:
	+ Further development of the principle of openness at the heart of the process by involving people in the design of dialogue, drafting of decisions and in developing OGP delivery plans. This was trialled at the design stage this year but suffered from administrative delays which undermined it to some extent.
	+ Clearer messages to the public and to OGP partners about who controls which aspects of the process and final content of the plan are also important to ensure that expectations were clear amongst all taking part. Whilst attempts were made to do so there is potential for improving the messaging around this.
	+ A systematic stakeholder engagement strategy should be produced. This would determine methods, nature of events, targeting of local communities and communities of interest. It should do so within and beyond existing OGP partners.
	+ The work should be more proactive in creating conditions to bring easy to ignore groups into the process from excluded sections of society.
	+ This could include pulling together specific engagement opportunities and “piggy backing” other relevant conversations with other networks where participants could offer a perspective on open government issues, even when it was not their main focus.
	+ A self-directed OGP facilitation toolkit should be produced which groups & networks could use themselves to engage with the issues and structure responses to feed in to the core conversation.
	+ The process should consider how to engage the public sector workforce as citizens via partnerships with Local Government and/or trade unions.
	+ It should continue to mobilise other issue based and civil society intermediaries with common interests in aspects of open government in the context of tangible issues such as health & Social care, education or rural development.
	1. **Clear Lines of sight****in setting priorities**

In a process which emphasises core principles of transparency and direct citizen influence in decision making, it is unsurprising that participants talked about the relationships between the engagement output and the eventual priorities in the plan. Some concerns were raised about action which appeared in the final plan which was felt not to have been fully rooted in this year’s engagement phase. This related to some actions which were viewed as existing SG priorities or relating to bigger political priorities such as Brexit. A number of OGP participants reported discomfort with this and that it had caused difficult discussions within the partnership. There was a sense that this needed to be avoided in future wherever possible. Potential ways in which participants felt this could be addressed were:

* Increasing the numbers of actions in the eventual plan in line with comments made earlier and placing commitments from this exercise in a broader co –produced Scottish Open Government plan, linked to but independent of, the sub national commitments and therefore reducing the need for narrowing the priorities.
* Separating out outstanding, or new, infrastructure actions from areas of new OG innovation, with the latter the focus of the OGAP actions submitted to the UK/international process.
* Developing a stronger role for non-SG partners in the selection and drafting of the priorities.
	1. **Implementation**

A number of proposals were made about the implementation. These were:

* + - That a robust delivery plan was needed quickly with clear leadership from senior SG politicians and civil servants capable of creating an effective drive for change.
		- This required an authorising environment which empowered staff to take issues forward independently within the principles and priorities of the OG delivery plan.
		- This depended on effective modelling of expectations about changes in culture in Scottish Government and other related service delivery environments including local authorities.
		- A practical concern was the small number of OGP steering group meetings to keep track of and drive progress. The role and operation of the OGP and SG may therefore need to be reviewed.
		- This creates an imperative for a self-motivating and regulating process of action in between meetings - and a division of labour that supports this. This requires the key staff leading on the process to be supported with delegated authority to drive forward the strands of the plan.
1. **SCDC Observations**

SCDC endeavoured to ensure that participants views that drove the sessions, framed the drafting of the plan and are reflected in this report. In broad terms we believe that this has been achieved to a significant degree. The decision to retain independent facilitators, and to commission and publish independent reports on the consultation outcomes and now the process itself, is very encouraging and we feel that the Scottish Government and its civil society partners should be commended for this. We feel this positively models important underlying principles of open government and reflects aspects of the wider value base of those who took part and are committed to the wider open government movement. Many of the observations on the process and how to build on its strengths in future, focus on improving the way in which people are supported to join the discussion in ways which are comfortable, accessible and relevant to them in their everyday lives. This is consistent with our experience in promoting empowerment more generally using community development methods where the ways in which the dialogue process is conceived, designed and implemented are crucial to how people perceive it and therefore its success. Open Government is deeply rooted in how people feel they are able to act effectively in a democratic context. A focus on identifying the nuts and bolts of how people secure the opportunities, knowledge, skills and confidence to engage in decision making is therefore a positive basis for securing the information and influence they need to bring our democracy alive in new more participatory ways. Levels of real cynicism in this process were low and constructive proposals for future development widespread. This is evidence of a healthy environment for future development of this agenda.

**5. Conclusion**

Participants reflected that engagement opportunities can unleash negative responses if those engaged feel alienated from decision making. In this case however, there was generally good will towards the process and pragmatic ideas for improvement were most prevalent, albeit within an ambitious vision for the future. This may be since most of those engaged were already interested in open government. The discussions about how to deepen dialogue with citizens and organisations more widely looking to influence local government and structures such as Health & Social Care partnerships or other arm’s length organisations, are evidence of real potential to develop the agenda further in Scotland. While progress has been made there remains much to do and these reflections on the process demonstrate how Scots want to help Open Government partners achieve this in future.

**Appendix One**

**Open Government Action Plan 2018-2020 - Learning Report Focus Group Topic Guide**

**Date:** 10th of October – The session will last for about 90 minutes.

**Facilitator:** Mick Doyle Scottish Community Development Centre

**Focus Group Purpose:** The process of consultation to develop the Open Government Action plan has now been completed. During the work several challenges in reaching and engaging people in the process prompted refection on how to improve citizen involvement in future. As part of our work on the project, SCDC will attend the next Open Government Partnership steering group to hear members reflections on the process and run a focus group on the 10th of October for stakeholders and participants in the regional consultation events. It is intended that these discussions inform a final learning report with a view to strengthening participation it in future.

**Focus Group Interview schedule:**

* What were your expectations of the OGP process and how did you get involved?
* What did you think of the experience of taking part?
* How well do you think the actions identified reflect the process you took part in?
* How could we improve people’s involvement next time in terms of:
	+ Reaching people?
	+ Involving them in discussion?
* How could the findings be used?
	+ To implement the action plan itself?
	+ Including ideas which didn’t make the final plan?
	+ In supporting activity in other democratic initiatives?