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| <b>Institution:</b> Newcastle University  |                                   |  |
| <b>Unit of Assessment:</b> 19 Politics and International Studies  |                                   |  |
| <b>Title of case study:</b> Improving the Quality of Democracy: Deliberative Innovations and Parliaments  |                                   |  |
| <b>Period when the underpinning research was undertaken:</b> 2015-2019 (Elstub), 2010-2019 (O'Flynn)  |                                   |  |
| <b>Details of staff conducting the underpinning research from the submitting unit:</b>  |                                   |  |
| <b>Name(s):</b>   | <b>Role(s) (e.g. job title):</b>  | <b>Period(s) employed by submitting HEI:</b> |
| (1) Dr Stephen Elstub<br>(2) Dr Ian O'Flynn   | (1) Reader<br>(2) Senior Lecturer | (1) Sept 2015-present<br>(2) 2004 - present  |
| <b>Period when the claimed impact occurred:</b> 2016-2020   |                                   |  |
| <b>Is this case study continued from a case study submitted in 2014?</b> N  |                                   |  |
| <p><b>1. Summary of the impact</b><br/>Newcastle University's pioneering research combines normative political theory with institutional design, and focuses on deliberative innovations to make policy-making more inclusive, reasoned, respectful and focused on the common good. Between 2016 and 2020 it had a significant impact on the quality of democracy in the UK at the national and sub-national level in three ways: (i) it enabled the Northern Ireland (NI) Assembly to reach an agreement on how the Assembly's veto procedures would be reformed so as to reduce the risk of legislative deadlock and improve the quality of legislative deliberation; (ii) it enabled the UK and Scottish Parliaments to significantly improve the quality of deliberation and public engagement through the introduction of deliberative mini-publics into Committee inquiries, and it significantly improved the knowledge and the understanding of mini-publics among MPs, MSPs and Committee clerks in both parliaments; and (iii) it facilitated more effective campaigning by several major UK-based civil society groups, charities and public bodies for a wider use of mini-publics by parliaments and providers of public services.</p> |                                   |  |
| <p><b>2. Underpinning research</b><br/>Representative democracy has been in crisis. Trust in parliaments in the UK is low and is declining further, with their legitimacy being increasingly questioned by scholars, the media and the public. Democratic theorists have stressed the importance of public deliberation to any future reforms, but there has long been a lack of clarity as to how deliberation relates to established representative institutions, such as parliaments. The impact in this case study has been underpinned by the ground-breaking research at Newcastle University (NU) that addresses precisely this gap. NU's research findings provide clear and practical suggestions for how parliaments can promote the norms of deliberative democracy. These suggestions relate to how parliamentarians can communicate and reach decisions when there are deep ethno-national divides (O'Flynn), and how the public can meaningfully engage with parliament in an informed and considered manner to enhance executive scrutiny (Elstub). NU's research has provided convincing evidence that the promotion of deliberative norms can enhance both the normative and perceived legitimacy of parliaments.</p>              |                                   |  |
| <p><b>The key findings and normative insights of the underpinning research are:</b></p> <p>1) Important political decisions in deeply-divided societies should be made through processes of inclusive deliberation rather than through processes of competitive bargaining; as such, decisions should be based on clearly articulated reasons that are in principle acceptable to all relevant sides (PUB1, 2).</p> <p>2) In order to reduce the risk of legislative deadlock in deeply-divided societies, it is important that deliberative innovations are effectively inserted into the legislative process in ways that encourage</p>   |                                   |  |

parliamentarians to develop shared intentions, founded on a commitment to basic human rights, with respect to shared social and political problems (PUB3).

3) Deliberative mini-publics, which bring together a diverse, and sometimes representative, group of citizens, to discuss and make informed recommendations on a pertinent policy issue, are an effective format for public engagement with parliaments: (i) Elstub's research, on three Federal citizens' juries in Italy, showed that lay citizens can deliberate to a high quality when discussing complex policy issues making them particularly well-suited for reviewing and filtering existing arguments for and against an issue. While data was collected in 2010 and 11, it was analysed and written up for PUB4 in 2016-17. As lead author, NU's unique contribution to the study was to use the findings to theorise how mini-publics could be used within a political system; (ii) Elstub's research, as part of his ESRC funded Parliamentary Fellowships at the UK and Scottish Parliament (2017-19), included interviews with committee Chairs/ Conveners, Clerks and other committee staff and analysis of three pilot case studies. It showed that mini-publics can enhance the diversity and representativeness of evidence considered in the committee inquiries and enable the public to participate actively in scrutinising government. Elstub collected, analysed and wrote-up all the data regarding mini-publics for PUB5 in 2018-19 Elstub designed the data collection instruments, collected the data, led the analysis of the data and led the write-up of the findings for PUB6 in 2018-20.

4) This same underpinning research provided recommendations for how to effectively link mini-publics with parliamentary inquiries, including specific suggestions on how to choose which inquiries are suitable and how to incorporate the outcome of mini-public into committee recommendations (PUB5, 6).

5) Elstub's research on citizens' juries on onshore windfarms in Scotland has suggested how mini-publics should be organised (in particular, how witnesses and evidence should be incorporated to promote balance). This includes how witnesses should be selected, the types of witnesses required, the best formats for providing evidence to mini-public participants, and how to prepare participants to receive evidence critically. While data was collected in 2013-14, it was analysed and written-up for PUB7 between 2016-19 NU provided the theoretical analysis, in particular interpreting how the findings relate to mini-public design.

**Note:** While some of the publications appeared after the impact occurred, they disseminate the underpinning research that was initially published as reports.

### 3. References to the research

PUBs 1-5 and 7 are either articles published in international peer reviewed journals or contributions to major research handbooks. PUB6 is an internal report.

**PUB1.** O'Flynn, I. (2010) 'Deliberative Democracy, the Public Interest and the Consociational Model', *Political Studies*, 58(3), 572-589. DOI: <https://doi.org/10.1111/j.1467-9248.2009.00795.x>.

**PUB2.** O'Flynn, I. and Caluwaerts, D. (2018) 'Deliberation and Divided Societies', in A. Bächtiger, J. Dryzek, J. Mansbridge and M. Warren (eds), *Oxford Handbook of Deliberative Democracy*. Oxford: Oxford University Press, pp. 742-754. DOI: 10.1093/oxfordhb/9780198747369.013.51.

**PUB3.** O'Flynn, I. (2017) 'Pulling Together: Shared Intentions, Deliberative Democracy and Deeply Divided Societies', *British Journal of Political Science*, 47 (1), pp. 187-202. DOI: 10.1017/S0007123415000459.

**PUB4.** Elstub, S. & Pomatto, G. (2018) 'Mini-Publics and Deliberative Constitutionalism', in King, J., Kong, H. and Levy, R. (eds.) *The Cambridge Handbook of Deliberative Constitutionalism*, Cambridge: Cambridge University Press, pp. 295-310. DOI: <https://doi.org/10.1017/9781108289474.023>.

**PUB5.** Beswick, D. and Elstub, S. (2019) 'Between Diversity, Representation and 'Best Evidence': Rethinking Select Committee Evidence-Gathering Practices', *Parliamentary Affairs*, 74(4): 945-964. DOI: <https://doi.org/10.1093/pa/gsz035>.

**PUB6.** Elstub, S. & Carrick, J. (2020) Comparing Mini-Publics in the Scottish Parliament, Newcastle: Newcastle University. Available on request.

**PUB7.** Roberts, J., Lightbody, R., Low, R. and Elstub, S. (2020) 'Experts and Evidence: Scrutinising the role of witnesses and evidence in mini-publics', *Policy Sciences*, 53: 3-32. DOI: <https://doi.org/10.1007/s11077-019-09367-x>

#### 4. Details of the impact

##### **(i) NU's research enabled the Northern Ireland (NI) Assembly to reach an agreement on how the Assembly's veto procedures would be reformed.**

NI's power-sharing government was suspended from 2017 to 2020. O'Flynn's research on the importance of deliberation in deeply-divided societies (PUBS 1-3) made a distinct and material contribution to enabling the five main political parties in NI, under the auspices of the UK and Irish governments, to overcome this prolonged stalemate by developing a more effective, transparent and inclusive mechanism of decision-making in the NI Assembly. In particular, O'Flynn's research had an impact on the Assembly's 'Petition of Concern' (POC) veto mechanism, dramatically reducing its use and thus enabling government to proceed. The POC was intended to ensure that unionists and nationalists could protect their 'vital communal interests' by subjecting relevant decisions to a cross-community vote requiring majority support within each community. Over time, however, the POC came to be used with increasing frequency (1999-2002  $n = 7$ ; 2007-2011  $n = 38$ ; 2011-2016  $n = 115$ ), often to pursue more narrowly political concerns (e.g. to block changes to NI's abortion law, an issue which cuts across communal lines). This led to frequent legislative deadlock and contributed to the decision to suspend in 2017. In 2020, O'Flynn's research provided the basis for a successful proposal for reforming the POC process.

The proposal was co-produced by O'Flynn and the NI Human Rights Commission (NIHRC - an independent public body, established under the terms of the Good Friday Agreement and funded by the UK government) at the NIHRC's request. As testified by NIHRC CEO: 'I worked closely with Dr O'Flynn over two years to develop proposals focused on the issue of institutional reform. This was inspired in part by his expertise in the subject of deliberative democracy and it shaped the Commission's advice to political leaders who negotiated the restoration of devolved government in 2020' (IMP1). Drawing directly on O'Flynn's research (PUB1), the proposal suggested 'that valid petitions should first be required to pass a justificatory test grounded in existing human-rights law' (p. 1). This test should require political parties 'not just to explain why a given decision should be subject to a cross-community vote, but to do so by reference to a set of universal human rights standards' (p. 4).

The proposal directly influenced the text of the 'New Decade, New Approach' deal negotiated by the UK and Irish Governments and the five main NI political parties, which was published on 9 January 2020 ('New Decade, New Approach'). According to the deal, 'a Petition must be accompanied by a statement of the grounds and rationale upon which it is being tabled...' (IMP2, para 2.2.1). Moreover, a 'valid Petition of Concern shall trigger a 14-day period of consideration, including on any reports on whether a measure or proposal for legislation is in conformity with equality requirements, including the ECHR/Bill of Rights...' (IMP2, para 2.2.7). As further testified by the NIHRC CEO: 'The content – and indeed the wording – of those proposals [developed with O'Flynn] were mirrored in the 'New Decade, New Approach' document published by the UK and Irish governments and are reflected in the amended legislative procedures of the Northern Ireland Assembly' (IMP1). Indeed, following the restoration of the devolution in 2020, the POC has not been used (albeit the same justificatory requirement has not been extended to the use of votes within the NI Executive where deadlock remains a problem).

By enabling the NI Assembly to conclude this milestone agreement, NU's research directly benefitted NI's five main political parties, the UK and Irish governments. Moreover, its impact has indirectly reached the general population of NI who have benefitted from the restoration of democratic accountability in Northern Ireland.

##### **(ii) NU's research enabled the UK and Scottish Parliaments to significantly improve the quality of deliberation and public engagement through the introduction of deliberative mini-publics into Committee inquiries and by shaping the knowledge and the understanding of mini-publics among MPs, MSPs and Committee clerks.**

Elstob's research (PUB4-7) has had a long-term impact on how Scottish and UK Parliamentary Committees conduct inquiries. His ongoing research and collaboration with the Scottish Parliament has made an essential

contribution to the decision to pilot mini-publics, to their detailed design, their implementation, their evaluation and to their long-term implementation. His contributions have promoted a participatory and deliberative innovation that works in the real-world of already existing democratic representative institutions.

In Scotland, Elstub's research (a report that was subsequently developed into PUB7) was directly cited in the 2017 report of the independent Scottish Commission on Parliamentary Reform that made a recommendation to establish a Committee Engagement Unit (CEU) at the Scottish Parliament. This recommendation proposed to task the newly-established CEU with piloting mini-public approaches 'as part of moving towards a more participative approach to scrutiny' (IMP3, p.65). The significance of NU's research impact is evident in the fact that Elstub's research was the only study of mini-publics cited in this report. NU's further impact was facilitated by Elstub's Fellowship at the Scottish Parliament in 2018-19. Following the establishment of the CEU, Elstub's research had a direct and significant influence on the introduction, design and evaluation of several mini-publics at the Scottish Parliament: a Citizens' Jury for the Environment, Climate Change and Land Reform Committee on land use and the natural environment (March 2019) and a series of deliberative public panels as part of the Health & Sport Committee inquiry on the future of primary care (June 2019). As evidenced in the 2019 CEU Report on the Citizens' Jury pilot, most organisational features of the Jury were directly influenced by Elstub's research (PUB 7) including topic selection (IMP4, p.2), the use of a steering group (IMP4, p. 3), the role of experts (IMP4, p. 11), and the way evidence was provided (IMP4, p. 15). Again, Elstub's work was the only research on mini-publics cited in this report.

The introduction of mini-publics noticeably improved the quality of the committee inquiries by significantly strengthening the quality of public scrutiny and by enabling the committees to produce stronger and more considered recommendations than they would have otherwise. This positive impact was documented in another CEU report (2019): 'this process enabled us to reach people who we might not otherwise hear from' (IMP5, p. 3). In the view of MSPs who participated in the inquiry, the Citizens' Assembly gave "more strength to the committee" (IMP5, p. 13). The 2019 CEU Report concluded that 'based on our trials and feedback we can see that deliberative engagement via mini-public processes has immense potential to (...) add value to our scrutiny processes' (IMP5, p. 18), and explicitly called for embedding mini-publics in future parliamentary inquiries: 'a Review Group should be set up that holds and administers an annual budget for parliamentary mini-publics' (IMP5, p. 15).

Wider benefits to democracy of Elstub's research arise from a positive impact of mini-publics on trust in Parliament and confidence in political participation. According to the 2019 CEU Report, most participants in the Scottish pilots (94%) indicated that they probably (23%) or definitely (71%) would participate in similar activities in the future, while 98% of participants also agreed "very much" (43%), "extremely" (51%), or "moderately" (4%) that the Scottish Parliament should run more deliberative engagement processes (IMP5, p. 6). As evidenced in the report, 'there was a 26% increase in the extent participants felt "politicians care about what people like them think" (IMP5, p. 7). Thus, the CEU Report concluded that 'deliberative engagement increases trust in Parliament and increases confidence in political participation' (IMP5, p. 20).

By enabling the Scottish Parliament to successfully pilot mini-publics, Elstub's research had a significant impact on the UK Parliament's decision to trial mini-publics at the UK level. The 2019 Report on 'The Effectiveness and Influence of the Select Committee System', which was produced by the House of Commons Liaison Committee and recommended adopting mini-publics as part of the Select Committee work, directly refers to the experience of the Scottish Parliament: 'We note that earlier this year the Scottish Parliament held its first citizens' jury, on funding and advice for land management, which was designed and delivered in-house' (IMP6, p. 61). In June 2019, six House of Commons Select Committees subsequently established a Climate Citizens' Assembly to learn about public preferences on how the UK should address the climate emergency. Elstub is providing the official evaluation of this assembly. Thus, NU's research has achieved a long-lasting impact on the culture of public engagement, and made it significantly more likely that the UK and Scottish parliaments continue using mini-publics in future.

**(iii) NU's research facilitated more effective campaigning by civil society groups, charities and public bodies for a wider use of mini-publics and other deliberative formats by parliaments and providers of public services.** The beneficiaries of this work include NESTA (National Endowment for Science Technology and the Arts), the Alliance for Useful Evidence (a network, hosted by NESTA, of 'more than 3,700 individuals from across government, universities, charities, businesses, and local authorities in the UK and internationally' that advocates a 'smarter use of evidence in social policy and practice'), the Involve Foundation (UK leading public participation charity) and the NI Human Rights Commission.

In 2018 Elstub co-authored a report, commissioned by NESTA, on the potential of mini-publics to promote evidence uptake in social policy. Drawing on Elstub's work on best-practice for the incorporation of evidence (PUB7), this report directly informed the advocacy campaign of the Alliance for Useful Evidence. The significance of this impact is evidenced by a heavy reliance on the report's findings and Elstub's body of work more generally in the Alliance's 2019 report on 'How 'mini-publics' can traverse the gap between citizens, experts, and evidence' (IMP7, pp. 2, 5, 9, 10, 14, 24, 25). Furthermore, Elstub's research on the benefits of using mini-publics in Select Committee inquiries (PUB5) directly influenced the recommendations of the Involve Foundation in its written evidence to the UK House of Commons Liaison Committee in 2018 (IMP8). The effectiveness of Involve's advocacy, underpinned by Elstub's research, is evidenced by multiple references to Involve's evidence in the Committee Report, particularly in the Committee's recommendation that 'the House should consider how knowledge and learning on citizens' assemblies and other types of deliberative public engagement should best be captured, recorded and shared with a view to undertaking such activities more easily in the future' (IMP6, p. 61).

By making this contribution to improving the quality of democracy, NU's research has significantly altered parliaments' understandings of deliberative democracy, and thus parliamentary procedures, across Great Britain and Northern Ireland, and has benefitted a large population across the UK through engaging them with more rigorous parliamentary procedures and the opportunities to engage with the Parliaments and public bodies.

##### **5. Sources to corroborate the impact**

IMP1. Testimonial by the CEO of the NI Human Rights Commission (NIHRC).

IMP2. Northern Ireland Office (2020) '[New Decade, New Approach](#)'.

IMP3. Commission on Parliamentary Reform (2017) '[Report on the Scottish Parliament](#)', Edinburgh: Commission on Parliamentary Reform.

IMP4. Committee Engagement Unit (2019) '[Scottish Parliament Citizens' Jury on land management and the natural environment](#)', Edinburgh: Scottish Parliament.

IMP5. Committee Engagement Unit (2019) 'Deliberative Engagement at the Scottish Parliament', Edinburgh: Scottish Parliament.

IMP6. Liaison Committee (2019) '[The effectiveness and influence of the select committee system](#)', London: House of Commons.

IMP7. Breckon, J., Hopkins, A. and Rickey, B. (2019) '[Evidence vs Democracy](#)', London: Alliance for Useful Evidence.

IMP8. The Involve Foundation (2018) '[Evidence to the Liaison Committee \(Commons\) Inquiry into the Effectiveness and Influence of the Select Committee System](#)'.