

PROFESSOR CRISTINA LESTON-BANDEIRA**How well does the Scottish Parliament engage?***1. What is the Parliament's image?*

Parliament's image is invisible. Or, to put in another way, it is like a sponge that absorbs other units' image. This means that it is very difficult for the public to actually differentiate and identify a specific image of parliament. Parliament is a collective institution that encompasses a variety of different actors (representatives, parties, officials) and agendas (support government policies, scrutinise government, oppose government, represent constituents), many of which run counter to each other. Parliament's image is simultaneously the composite of the image of all of these units/actors with an overriding general image associated with other elements of our political systems: politics in general, politicians, democracy and government. In practical terms the main body that affects parliament's image is government. Most people cannot differentiate between parliament and government. This is not a problem specific to the UK or Scotland. It is an issue seen with parliaments all over the world, though in the UK it is particularly prominent due to the Westminster culture which encompasses a fusion between the Executive and the Legislative branches. As a result of this, if government is popular, parliament will be popular, and vice-versa, without this necessarily reflecting parliament's actual actions. This lack of a strong image for the institution itself is mainly due to it being a collective institution comprising a range of diverse actors. It also reflects power relationships. For most cases, power lies within government (not parliament). As a consequence the media and other stakeholders pay particular attention to what members of the government do and what government decides; the reaction from parliament to these becomes subsidiary. This changes in those situations where power shifts to parliament (for instance in situations of minority government), in which cases parliament's image may become more visible and distinct. Regardless of context, there has been in recent years a concerted effort from parliaments to be more pro-active in presenting an institutional image of parliament to the public. This is particularly patent in the Scottish Parliament.

2. Who does the Parliament engage with and how well?

Most people engaging with parliament are already politically engaged, campaign for a specific issue and/or are part of a specialised public. Paths for engagement with parliament can be summarised into three. (1) Most engagement takes place as part of daily routine politics, for instance representatives interacting with constituents. The vast majority of engagement with parliament comes therefore from a politically active public or from constituents who have a pressing issue that leads them onto a path of campaign that eventually involves their parliamentary representative. (2) Another type of engagement is developed around specific parliamentary business, such as bill proposals. This tends to engage specialised public such as campaign groups and any interested stakeholders. (3) finally, in recent times, parliaments have expanded considerably their activity explicitly aiming at public engagement; this includes activities focusing on education, information and/or participation. The Scottish Parliament is a particularly good example of the expansion of this type of public engagement, having had a strong focus in this area from its inception, with its

founding principles specifically emphasising ideas of openness, accessibility and participation. This third type of engagement is the one most likely to reach a disengaged public, because it is specifically developed to reach out to public that may not routinely engage with parliament. Comparatively to other legislatures, the Scottish Parliament is well known for its public engagement activity, namely in the way it works with local communities and in the way it has integrated non-political activities into its programme (such as the Festival of Politics in the summer). The last Parliament's programme of Parliament Days is a very good example of a well thought through public engagement activity: issue specific and community focused.

3. *Where could it improve?*

Three key aspects can lead to the improvement of public engagement: more emphasis on issues, better integration with the normal parliamentary business and going where the people are. Parliamentary public engagement is often very a-political, that is very neutral. A number of reasons explain this, namely the fact that most public engagement activity is delivered by officials who have to be neutral and a-political at all times. But people engage through issues and opinions. The vast majority of the public doesn't engage with politics because they are interested in politics or because they have a burning desire to participate; it is the interest for specific issues which will lead them to participate. One way of improving on parliamentary public engagement is therefore by integrating politics more – be it by the active involvement of politicians or by focusing on issues. Activities such as Facebook based consultations on ongoing bills (for example consultation on train stations) are a good example of issue specific activities. The Scottish Parliament already does this, but could do more (though this requires resources to be done properly). Focusing on committees as a basis for this type of activity is a good way to keep public engagement activity updated and issue specific. Integration with representatives is also important though. There is sometimes a tendency of developing public engagement in parallel to “normal” parliamentary business, resulting in a poor integration with representatives' work. Involving MSPs in consultations run with the public for instance, is one way of integrating this element. Or making sure MSPs refer back to material collated through consultations in their speeches for instance. Besides issue specific, public engagement works best also when it goes out to where the people are. Be it to people's own communities where they live, study or work, be it online communities (such as online groups supporting specific campaign groups, for example Friends of the Earth Scotland or Spokes- the Lothian cycle campaign), rather than expecting the public to come to Parliament (or to Parliament's online platforms) to engage. Integrating the study and understanding of parliament into the school curriculum would also contribute to dismissing some myths often associated with politics and parliament from an earlier age.

4. *What can we learn from elsewhere?*

Public engagement is still a very new activity for parliaments. It can be dated to the turn of the 21st century. The vast majority of parliaments, therefore, still do little in this area or use very traditional methods for engagement. In this context, the Scottish Parliament has actually been a leading legislature in trying new and innovative methods of engagement. Still, many other legislatures are also experimenting with a variety of methods. From this we know that experimenting and taking risks is

paramount, rather than worrying about only applying well tried methods. Parliaments are risk averse institutions (for a variety of reasons), however it is important to embrace innovative and perhaps temporary methods when it comes to public engagement; as different types of activity will suit different types of groups of people and this may change rapidly. The examples I outline here are in great part a result of this approach, of trying out experiments but also being flexible and not expecting to adopt the same approach for all similar types of engagement activities. One example worth investigating is the digital debates being developed by the Houses of Parliament. These are debates taking place on a social media platform around a bespoke hashtag, linked to a specific parliamentary activity (debate, motion, e-petition). The debate takes place prior to the parliamentary activity, a briefing summarising the key issues raised by the public is produced for relevant MP(s), who then refer to this in the actual session. MPs may also engage directly into the social media discussion at a specific time. Another example is the work the Welsh National Assembly has been developing recently around bills, namely the small focus groups it organises, which are led by AMs. This enables a direct contact between representative and public, through a focused activity that may unveil day-to-day practical experiences of a particular bill's effects. Finally, the very well known *e-democracia* programme of the Brazilian lower chamber also needs to be mentioned. This is a complex platform that facilitates public participation in the proposal, discussion and amendment of bills and has been live since 2009.

[Letting the public in on the Act](#), Research Report, October 2016

Managing Parliament's Image,

Professor Cristina Leston-Bandeira (supplementary submission)

Thank you for your email and further questions. Indeed Citizens Assemblies (mini juries or other known as "democratic innovations") have mainly taken place linked to initiatives led/focused on the Executive, be it local or national; and often on major issues that affect a collective of people. But this is why I was trying to turn the discussion away from just this type of initiatives, as there are other ways of undertaking this engagement and consultation with the public, through more flexible formats that are easier to organise and fit with a legislature way of working and roles. Though a Citizens Assembly model may be suitable say for instance for a matter such as this Commission on Parliamentary Reform, which is a collective type of topic that would affect anyone in society. You could have, for instance, somewhere in your process a Citizens Assembly say over a weekend to discuss the key priorities that you identify, which would then be integrated into the Commission's deliberations.

But as I say above, this is not necessarily the most useful model for legislative scrutiny. There are a number of examples of public participation in scrutiny processes out there based on far more flexible type of initiatives and more suitable for legislative scrutiny, which tends to be on very specific issues; and it depends on what you'd like to do in each instance and its context.

My favourite example at the moment is the work that the Welsh Assembly is doing. If you look at their inquiry into Alcohol and drugs misuse you'll see that they used small focus groups with key stakeholders (doctors, charities giving support, patients, people affected by these issues etc), which then led to a group actually wanting to carry on discussing and deliberating online (for which the Assembly used an online platform called Loomio) and then they came back again for a face-to-face meeting. AMs were involved throughout this process and the final report of the Committee makes several references to these deliberations, including some of its recommendations. The page for this inquiry is here:

<http://senedd.assembly.wales/mglssueHistoryHome.aspx?Ild=11450>

More flexible possibilities are the use of a social media hashtag or page/forum for public consultation. Westminster does this regularly now. Here are some examples: The Public Park inquiry of the Communities and Local Government Select Committee again is one of my favourite current examples, where they did a number of different initiatives. The inquiry page is here:

<http://www.parliament.uk/business/committees/committees-a-z/commons-select/communities-and-local-government-committee/inquiries/parliament-2015/public-parks-16-17/>

In here they've compiled their Twitter hashtag #parks consultation:

<https://storify.com/CommonsCLG/publicparksinquiry>

And here, they present the result of a survey of population:

<https://spark.adobe.com/page/Cu7ttlsXspLhK/>

Another example, a bit old now, is the #AskPickles:

<https://www.parliament.uk/business/committees/committees-a-z/commons-select/communities-and-local-government-committee/news/askpickles-2014/> - where the Committee used a hashtag to ask the public to send questions to ask the Secretary of State. I like this example because it actually led to a change in the law, as Pickles was asked a question about a matter he wasn't aware of, and subsequently changed the law to fit this (something v specific about council meetings' minutes).

There are plenty of other formats of consulting the public though, such as a web forum on parliament's website (example here of inquiry into high heels use at places of work, petition: <http://www.parliament.uk/business/committees/committees-a-z/commons-select/petitions-committee/inquiries/parliament-2015/high-heels-workplace-dress-codes-inquiry-16-17/high-heels-and-work-place-dress-codes-web-forum--/>) or using web forums that are located elsewhere such as moneysavingexperts, which has a forum for discussion (http://forums.moneysavingexpert.com/?_ga=1.199293805.251986710.1480583762) and has hosted web discussions for Parliament. Just as MumsNet have and many more. The advantage of using forums outside parliament is that you are able to talk to people who would not come to parliament necessarily.

I'll mention one final example, simply because I've just finished a research project on this. It refers to the scrutiny of a bill, the Children and Families Bill in 2013, in the House of Commons. This bill was open online, through a web forum, to the public for comments on all of its clauses. It received over 1000 comments over a period of two weeks. My report on this experiment can be found here (I actually left a printed copy

of this report with Mary when I went up there):
<https://publicreadingstage.files.wordpress.com/2016/02/prs-research-report.pdf> and
a blog summarising it can be found here:
<https://ukconstitutionallaw.org/2016/11/04/cristina-leston-bandeira-louise-thompson-and-will-mace-why-public-scrutiny-of-legislation-requires-new-parliamentary-processes/> .