

CITIZENS ASSEMBLY OF SCOTLAND

MEMBERSHIP – EXCLUSION OF REPRESENTATIVES OF ADVOCACY GROUPS

Purpose

1. To discuss the need or otherwise to exclude representatives of advocacy groups from membership of the Citizens Assembly of Scotland.

Background

2. The specification for the tender for recruitment of members of the assembly includes information about the proposed ineligibility rules for membership. It states that “the representatives or officials of relevant advocacy groups (to be identified by the Authority in advance of contract award) will all be ineligible to be Assembly members.”
3. At the time the ITT was published the issue of how to identify those advocacy groups and representatives or officials of them was identified as a matter requiring further consideration. It was noted in the paper prepared by Donna Easterlow on 21 May 2019 on Membership Size, Profile and Recruitment: Background and recommendation on approach that it seemed reasonable and important to exclude members of advocacy groups, but that would require tying down of the discussion topics to be able to identify relevant advocacy groups.

Discussion

4. We are now clearer what shape the proposed remit of the Assembly will take. It does not seem likely that it will include a detailed and specific list of topics to be considered. Rather the 3 broad questions set out by the First Minister will remain the most substantive direction being given to the Assembly. Instead, it will be left to the Assembly itself to determine which particular topics it wishes to consider in detail.
5. Accordingly, the project team need to consider the viability of identifying ‘relevant advocacy groups’. While it would be possible to list groups involved in the independence debate e.g. Scotland in the Union, Women for Independence, there are a number of difficulties with this approach. Firstly, there are a large number of such groups, some more formal and organised than others, readily identifying these would be difficult and risky, as there is a clearly a potential for missing groups out, overidentifying groups on one side of the independence debate, etc. Secondly, identifying such groups suggests that the subject of the Assembly is independence, which is not our understanding of Ministers’ intentions. Thirdly, there is a question over whether it would be appropriate to exclude people who are members of such advocacy groups, particularly if the net was cast quite wide. This may be inappropriately excluding a potentially quite large section of the population.

6. As it is not clear yet what specific topics the Assembly will consider it is not possible to identify relevant advocacy groups. It would be inappropriate to try and anticipate the topics under discussion e.g. climate change, migration, etc and exclude membership on the basis of the potential for those to be under consideration.
7. This leads to one further consideration – even if it were possible to identify the scope of advocacy groups to be excluded, close consideration would need to be given to the level of involvement which is considered to merit ineligibility. It would be relatively straightforward to include office holders, but would mere membership also merit exclusion? Depending on the particular organisation being considered membership might simply mean subscribing to a newsletter without any financial contribution or it could mean a close and active engagement with the work of the organisation. Again, this is something which is difficult to determine in the absence of a clear and precise understanding of the topics under discussion by the Assembly.

Timing

8. The contract for the recruitment of members of the Assembly will likely be awarded w/c 15/7. Shortly thereafter it will be necessary to provide the successful contractor with greater detail on the membership. The proposal is for the remit for the Assembly to be published at the earliest w/c 29/7. However, that seems likely to be in its existing format, which does not include any specification of topics over and above the 3 questions set out by the First Minister. The proposal is for the remit to be agreed by Parliament when it reconvenes in September. Therefore, even if that results in a higher degree of specification, it will not be in time to assist with the design of the member recruitment process, as that will be carried out over the summer, with actual recruitment taking place from August.

Recommendation

9. We remain of the view that the intention of excluding advocacy groups in order to prevent undue influence over the members of the Citizens Assembly is a sound one. However, we do not consider it is something which can be done in an effective and robust manner given the breadth of potential exclusions from eligibility which would be required. Accordingly, we recommend that this element of the recruitment of membership is no longer pursued.

[Redacted S.38(1.)(b)]
11/7/19