

Proposal for the Online Delivery of the Citizens' Assembly of Scotland

Introduction

The Citizens' Assembly of Scotland was due to have completed its work and reported to Government by June 2020. However, the final two meetings of the Assembly which were scheduled to take place in March and April were postponed in line with public health guidance. Given the continuing uncertainty over when it will be possible to hold such large scale gatherings it has been agreed between the Convener and Ministers that the Assembly should move on-line to complete its work.

This proposal sets out the arrangements for the Assembly to reconvene. It assumes that the Assembly will be delivered over 4 shorter weekends between September and December and that outputs will be produced, as the Government has indicated is required, by the end of 2020.

The proposal sets out:

- the scope of the Assembly and outputs to be delivered
- technical changes required to the remit and terms of reference
- the digital approach and timetable for delivery
- engagement with members since March and prior to reconvening
- initial Assembly legacy activity
- estimate of budget requirements

Scope of the Assembly and outputs to be delivered

Following discussion with the Stewarding Group and Assembly members and the earlier exchange of letters between the Convener and Scottish Government, the following key requirements have guided consideration of the scope and outputs of the Assembly. These requirements, which draw upon and supplement the existing remit and terms of reference, are that the outputs of the Assembly will –

- build on and use work done by the Assembly to date
- be agreed by Assembly members
- be clear, relevant and well-evidenced
- stimulate wider public debate and be likely to command substantial support from the wider Scottish public
- be practicable and capable of implementation within the lifetime of the next Parliament

The Assembly has undertaken wide-ranging work already to prepare a vision for Scotland, including considering key challenges facing the country and priorities for future action. Assembly members have learned about where power lies to take decisions for the country and assessed a wide range of evidence about building a

sustainable country and the resources available to support that. Assembly members have developed skills both to engage with evidence and in deliberation.

The Assembly is ideally placed to build on this work and in its conclusions to contribute to discussion about the impact of COVID and priorities for renewal. It occupies a unique position in providing an independent and representative voice on behalf of citizens.

The outputs from the Assembly will report against the remit questions and set out the Assembly's agenda for Scotland's response to COVID renewal, including a refreshed vision of the kind of Scotland members wish to see and the challenges and priorities they consider to be important areas for action over the next Parliament. Citizens' experience of the crisis and how decisions are taken for and about Scotland will feature in these outputs.

The Assembly outputs will be published by the end of the year. Assembly members will wish to present their conclusions and discuss them with Government Ministers and with members of the Parliament, building on the earlier politicians' panel.

Assembly remit and terms of reference and memorandum of understanding

We do not consider that the scope and anticipated outputs outlined above require adjustment to the Assembly remit, although it would be appropriate to acknowledge the new context for the work in correspondence, building on the earlier exchange of letters.

Certain modifications to the Assembly terms of reference are required to reflect the changed circumstances. Of particular importance are: paragraph 7 – relating to Assembly membership; paragraph 8 – relating to the timing and number of meetings; and paragraph 10 – relating to Conveners. The modifications are explained below.

The provisions of paragraph 7 requiring membership be broadly representative of the wider population should remain in place with recognition also to be given to the fact that some members may no longer be able or willing to participate. Given the work completed to date it would not be appropriate (even were it to be practicable) to recruit replacement members. Ensuring equality of access and supporting members to engage with the on-line Assembly and maintaining a broadly representative membership are high priorities and we will work with analysts to continue to monitor and report on these matters.

Paragraph 8 refers to 6 meetings being held by spring 2020. Changes should be made noting that meetings may be held on-line and according to a different pattern and that the Assembly will conclude its business and publish outputs by the end of 2020.

Paragraph 10 refers to the appointment of 2 conveners. As agreed at the time an adjustment should be made to reflect the resignation of David Martin and the agreement to continue with a single Convener.

A mock-up of potential textual amendments is provided at annex B, recognising of course that it is for the Government to decide what changes may be appropriate and how these should be made.

In addition, the Memorandum of Understanding between the Scottish Ministers and the Convener should be amended to reflect the pause in proceedings and that the deadline for the publication of outputs from the Assembly will now be 31 December 2020.

Outline of digital approach

A technical delivery proposal to deliver an on-line Assembly has been commissioned from the existing design contractors. This proposal will meet relevant aspects of the Assembly remit and terms of reference and key requirements, that the proceedings of the Assembly will be –

- consistent with ethos and rules of the Assembly
- accessible and inclusive for as many member as possible
- an exemplar of and promote effective use of Citizens' Assembly in the future
- deliverable and affordable in timescale
- a demonstration of the effective use of technology

The design team has significant experience of delivering on-line citizen participation activities, including the UK Climate Assembly, which is the only-on-line Citizens' Assembly delivered in the UK to date. We are confident that the team have the skills and experience to deliver an on-line Assembly and that the technical delivery proposal is a sound and practicable proposal which meets the key requirements outlined above. The technical delivery proposal has been reviewed by the Stewarding Group and key aspects discussed with our members' reference groups.

The formal activity to be conducted on-line will not be significantly different to a face-to-face Assembly. However, significant adjustments have to be made to ensure equality of access and a positive and productive experience for members, bearing in mind their different levels of confidence in using technology. This includes substantial preparatory work to ensure members will be comfortable with and confident in the approach.

A key decision is the platform to host the meetings. The technical delivery proposal considered the range of practicable options and the Secretariat undertook an independent assessment of these. We have decided to use Zoom, on the basis that it offers the greatest functionality and ease of use for members. There are some issues, notably around security, that will require to be carefully managed. Zoom has been

used successfully in large-scale deliberative activity, including the final stages of the UK Climate Assembly.

A key change in moving to an on-line approach is the length and pattern of meetings. Research shows that working intensively on-line over a whole weekend is not a practicable option given on-line fatigue and that members will be in their own homes, rather than a third party venue with the support and facilities that comes with that. Shorter and spaced out sessions are therefore required - a total of 6 to 8 hours over a weekend is considered to be optimal.

This has significant implications for the delivery of the Assembly in that it means that four meetings are required over the period as an equivalent to 2 full face to face weekends. It would not be possible to reduce this overall commitment if members are to have adequate time to hear evidence, deliberate and come to reasoned conclusions. Whilst the total number of hours will still be less than 2 full face to face meetings but we are agreed that this is the right balance between providing sufficient time for deliberation and the fact of more disruption to the day to day life of members. This is an important consideration given that the Assembly is now extending significantly beyond the original time period envisaged.

In reference group discussions, members have generally responded positively to the proposed approach. However a view has been expressed that this additional time commitment and disruption should be recognised through an uplift to the honorarium. The convener has not commented beyond committing to raise the matter with the Government since additional funding would be required. Our view is that such an uplift is appropriate and could significantly help with member retention. This has been reflected in the budget estimate.

There are some opportunities with on-line delivery of the Assembly. The ability to pre-record evidence gives much greater flexibility in choice of presenters and evidence can be edited to remove jargon and ensure clarity of message. It will be possible to run 'catch up' sessions for key workers and others who may not be able to participate in the planned weekends.

As far as possible all Assembly business will be conducted live ('synchronously') to ensure maximum deliberation between members, but it will be possible also to take certain business into smaller groups out-with formal sessions, for example, for preparatory drafting.

The main deliberative sessions will continue to take place in small groups supported by facilitators. Additional training will be provided to facilitators.

The additional costs associated with design of an on-line Assembly and training for members and facilitators are reflected in the revised budget estimate.

Timetable

A broad timetable is set out below.

| Date | Milestone |
|------------------------------|---|
| July- August | <i>Pre- Assembly period:</i> <ul style="list-style-type: none">• Publish summary papers and interim report• Evidence gathering and design planning• Members training and development and review previous work |
| 5/6 September (provisional) | <i>Meeting 5</i> |
| 3/4 October (provisional) | <i>Meeting 6</i> |
| 30/31 October (provisional) | <i>Meeting 7</i> |
| 21/22 November (provisional) | <i>Meeting 8</i> |
| By end December | <i>Assembly outputs published</i> |
| late January (provisional) | <i>Celebration event</i> |

Pre-Assembly engagement with members

Following postponement of the Assembly in March communication continued with members to maintain their interest and engagement, including an Assembly-wide survey and an on-line forum. Two members' reference groups have now discussed the main elements of the technical delivery proposals and both have been enthusiastic and positive about the Assembly reconvening in this way.

Whilst the reference groups are keen for the Assembly to reconvene and complete its work, members' are concerned about the new time commitment, the effectiveness of the on-line approach and noted the need for proper induction and support. They were keen that the work done to date should be brought together in an easily accessible way to ensure that they are able to review it and draw conclusions without having to repeat discussions that took place prior to the Assembly being suspended.

A substantial programme of pre-Assembly engagement will be completed over the course of July and August to ensure –

- members individual technical needs are assessed and induction and training provided on how to use the technology
- summary materials and interim report are provided covering work to date
- those members willing and able to do so have the opportunity to comment on and shape the design of future Assembly sessions.

Initial Assembly legacy activity

The legacy of the Citizens Assembly is an important part of the overall project. As the first large scale participative deliberative democracy project in the UK, the Assembly has the opportunity to provide a number of lessons to add to knowledge of citizens' participation in democratic processes worldwide, particularly as the Assembly moves online. The research partnership between the Scottish Government and independent academics will be an important source of knowledge.

As a consequence of COVID and mindful of budgetary pressures, the legacy programme considered by the Secretariat has been substantially scaled back. It now comprises: initial launch and presentation of the Assembly outputs; short documentary film drawing primarily on existing footage; and short individual outputs for each member who wishes to record them covering why they got involved, what the experience has meant to them and their hopes for what comes as a result of the Assembly.

The Government will wish to consider legacy alongside this work, not just in relation to responding to the conclusions and recommendations of the Assembly, but also to support and draw upon Assembly members in the future, maintain resources and promote awareness of the process. The Secretariat can share its earlier thinking if this would be helpful.

Budget

A revised budget for the rest of 2020-21 has been estimated taking into account the changed circumstances and timeline. The move on-line has generated significant savings since the cancellation fees for weekends 5 and 6 have now been refunded. Additional costs will be incurred, notably for additional design work and training and development associated with on-line delivery. Every effort has been made to limit costs while retaining the quality of delivery. The overall level of estimated expenditure for the rest of 2020-21 does not in practice differ substantively from estimates prepared earlier in the year, although the balance of expenditure has shifted. Overall anticipated outturn continues to be well within the initial budget allocation for the Assembly as a whole of £1.365 million.

| 2020-21 revised estimated expenditure | 2019-20 expenditure | Estimated total outturn |
|--|----------------------------|--------------------------------|
| £0.288m | £0.754m | £1.043m |

A more detailed breakdown and analysis of estimated expenditure, including information on new costs and savings achieved, is provided in annex A.

Revised expenditure estimates for completion of the Assembly in 2020-21

| Details | 19/20 Actuals | 20/21 estimated out-turn (revised) | Total out-turn (revised) | Original budget | Variance (- saving) |
|-----------------------------------|------------------|---|-----------------------------|--------------------|------------------------|
| Members and Conveners | 138498 | 92335 | 230833 | 339600 | - 108767 |
| CA Events | 168371 | -17286 | 151085 | 217577 | - 66492 |
| Contracts | 396229 | 123320 | 519549 | 518909 | + 640 |
| Advisers | 10648 | 7000 | 17648 | 55000 | - 37352 |
| Office Costs | 34977 | 57533 | 92510 | 84312 | +8198 |
| Publications and Engagement | 5780 | 25950 | 31730 | 150000 | - 118270 |
| | | | | | |
| Total | 754,504 | 288852 | 1043356 | 1365398 | - 322043 |

The revised estimate results in a total saving overall on the original budget of £316,043.

Commentary on estimates:

Members and Conveners

The original budget included a precautionary level of estimated expenditure on T&S and support costs for members, for sustained high level of membership of around 120 and for 2 conveners.

New Costs

- Additional members' payments to cover increase in overall time commitment from the remaining 2 weekends to 4 weekends – estimated additional cost £22,800 – which is an overall uplift of £200 per member across the final 4 weekends.
- This line also covers a modest amount as a contingency to provide equipment to members. A range of possibilities for this are being investigated but it is clear that any provision could only be provided in exceptional circumstances rather than as a general offer to members.

Offset by a Saving on

- Original estimates of members support costs significantly exceeded actuals.
- Original budget included costs for two Conveners.

- The remaining Convener has worked less hours than budgeted for, in part due to Covid.
- Member support costs and T&S are not required for the online meetings, only for the final celebratory event.
- Conveners T&S has reduced based on restrictions due to the Covid-19 pandemic

Uncertainties

- Depending on progress with tackling Covid it may be possible for a final Assembly session to be conducted face to face. The costs of that would be offset in part by not holding a final celebratory event. There would be some other additional costs, including increased member support costs for a whole weekend and additional accommodation for the facilitation team.
- Costs for members is based on the current cohort of 114, should this decrease additional savings may be accrued i.e. members payments and T&S for the celebration event.

Decrease in overall budget of £108,767

CA Events

This line covers the cost of holding the events at the Golden Jubilee Hotel, additional overspill accommodation that was needed and now includes estimated costs for an online platform. Some costs originally attributed to this heading have been moved elsewhere in the budget – this includes the costs for accommodation and subsistence for those caring for/being cared for by members and the accommodation and subsistence costs for the Stewarding Group. The former costs have moved into the Members line and the later into the Advisers line. In addition, the budget originally included VAT which has subsequently been found to be recoverable. As two events were cancelled in 19/20 cancellation fees of £43,286 were incurred during that financial year. We have subsequently secured a refund of these cancellation fees which has been paid in 20/21 and so form a credit of that amount in this current financial year. The Secretariat have confirmed with the Scottish Government Finance Business Partner that this refund can and should be properly attributed to the current financial year. While part of this refund is being used to hold a celebratory event in January, it will not be spent. Accordingly, there is overall a net saving under this heading.

New Costs

- The use of an online platform likely Zoom and potentially other online tools, this is an estimate of £5000 at this stage, as exact costs are still being determined and will depend on the approach to deliberation.
- £21 000 has been included for the cost of a possible celebratory event in the New Year Covid-19 restrictions permitting.

Offset by Savings on

- In 19/20 the two events at the Golden Jubilee were cancelled and fees of £43,286 were incurred. These cancellation fees have subsequently been refunded in full, but in the financial year 20/21. As a result of the events taking place online, the costs of 2 in person events @£37,610 each originally

budgeted for March and April for the hotel and overspill accommodation have been removed.

- It has been possible to recover the VAT from hotel and accommodation costs.

Uncertainties

- As noted above, delivering any formal Assembly business face-to-face would bring certain additional costs, notably associated with members support and accommodation for facilitators.
- On-line platform costs will vary depending on the design of Assembly meetings and tools required.

While there is a decrease in this budget line, given the reallocation of expenditure to different budget lines, it is not accurate to say there has been an overall reduction of £66,492. However, there has been a significant saving made on Events costs due to the recouping of cancellation fees already paid and the move from in person to online events.

Contracts and Services

New Costs

- Additional costs will be incurred for design and facilitation to move the Assembly on-line. These additional costs, include additional design and facilitation time beyond that still available under the original contract, the preparation of the technical delivery proposal and the provision of training to members on the use of the tools and participation in an on-line Assembly. The costs are slightly in excess of a 10% variation and procurement advice is that whilst the costs are allowable a modification notice will be required to be published on Public Contracts Scotland.

Offset by savings on

- The Communications Media/PR contract was suspended in March and will not be renewed. This work will be absorbed within the Secretariat.

Uncertainties

- Any costs associated with live-streaming are yet to be confirmed. It may be possible to secure further savings by live-streaming direct from the digital platform but certain costs may still be incurred in editing digital material and recording and presenting interviews with experts and members, The current estimate includes provision equivalent to the previous face to face weekends.

Increase in overall budget of £640

Advisers

The original budget including contingency for the payment of expert advisers to give evidence and prepare papers for the Assembly. In 19/20 the majority of those giving evidence and assisting the Assembly did not ask to be paid, therefore there has been a significant saving under this line. However, we do not think we can rely on an assumption that experts will be content to provide their services free of charge, so we have continued to provide budget for the payment of expert advice. Separately, a

contingency was added to the original budget in case there was a need for legal advice to be obtained by the Assembly but no such advice has been required to date. Accordingly, it has been agreed with the sponsorship team within the Scottish Government that there is no need to keep any contingency in the current financial year to cover the cost of potential legal advice as, if necessary, this would be capable of being met by central funds, on the basis the Assembly itself has no separate legal personality capable and any liability would be the Government's. This does leave a risk of the Assembly being subject to legal action and requiring to rely upon the Scottish Government to assist with the provision of legal advice, albeit that risk is low.

Savings

- Stewarding Group travel and subsistence is now not required apart from the final celebratory event.
- As noted above legal fees have now been excluded.

Uncertainties

- Should there be a requirement for legal or other professional advice on matters beyond the control of the Secretariat discussion would be required with the Government about how that advice could be provided.

Decrease in overall budget of £37,352

Office Costs

New Costs

- The overall timeframe of the assembly has increased, this has resulted in additional rental costs for Rosebery House.

Uncertainties

- It is not clear when it will be possible to begin to use our office accommodation again. Savings could be accrued by giving this up, although a 3 month notice period is required and arrangements would have to be put in place for printing and holding of office materials required for Assembly business.

Increase in overall budget of £8,198

Publications and engagement

Savings

- Proposed legacy activity in the form of events, publications, and memorabilia for members have been substantially reduced. It is now proposed that all publications will be digital and a one-off launch event only will be held. This comes on top of significant savings secured earlier in the process through the approach to live-streaming and digital publications only.

Uncertainties

- The type and therefore costs of the gift for members to celebrate their participation in the process is under consideration.

Decrease in overall budget of £118,270

Proposed additions to the terms of reference

Proposed introductory addition - The Assembly was temporarily suspended in March 2020 in accordance with public health requirements relating to COVID-19. As the Assembly resumes, certain adjustments to the Assembly terms of reference are required, which are shown as additions to ensure transparency.

Current paragraph 7 –The Assembly will comprise up to 130 citizens selected randomly so as to be broadly representative of the population eligible to vote under the arrangements proposed in the Scottish Elections (Franchise and Representation) Bill 2019. Members must be available to participate in all meetings of the Assembly.

Proposed addition – When the Assembly reconvenes endeavours shall be made to retain as many members as is practicable and that it continues to be broadly representative of the wider population. A report on those matters will be published by the Convener when the Assembly reconvenes and as part of the final outputs.

Current paragraph 8 - The Assembly will meet over 6 weekends between autumn 2019 spring 2020.

Proposed addition - The Assembly will reconvene in September and will conclude its business by the end of December 2020. Meetings may be held on-line.

Current paragraph 10 - Two Conveners, who will not be members of the Assembly, will be appointed by the Scottish Ministers to convene the Assembly independently of Government. The Conveners will be responsible for ensuring the Assembly operates within its remit

Proposed addition - following the resignation of a Convener in December 2019, there will be one convener of the Assembly.