



BLUEPRINT FOR A UK CONSTITUTIONAL CONVENTION

ALAN RENWICK AND ROBERT HAZELL

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The Constitution Unit
University College London

June 2017



ISBN: 978-1-903903-75-9

Published by:

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United Kingdom

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First published June 2017

Front cover image: The Irish Constitutional Convention at work. © Convention on the Constitution.

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Acknowledgements

We are deeply grateful to Ken Carty (Academic Director of the British Columbia Citizens' Assembly on Electoral Reform), David Farrell (Academic Director of the Irish Constitutional Convention), and Jonathan Rose (Academic Director of the Ontario Citizens' Assembly on Electoral Reform) for their very helpful comments on a previous draft of this report, and to Meg Russell (Director of the Constitution Unit) for many discussions of the report's contents. We thank Kasim Khorasanee, who proofread the draft with immense care and skill.

Alan Renwick is also grateful to the Democracy Matters team – Matthew Flinders, Katie Ghose, Will Jennings, Eddie Molloy, Brenton Prosser, Graham Smith, Paolo Spada, and Gerry Stoker – with whom he worked to deliver the UK's first pilot citizens' assemblies – Assembly North and Assembly South – in 2015. That project was realised through the generous funding of the Economic and Social Research Council. The experiences that participation in this project generated have shaped much of what is written in this report.

At the time of writing, Alan Renwick is working again with Graham Smith, Will Jennings, Katie Ghose, and Eddie Molloy, as well as Meg Russell, to deliver a Citizens' Assembly on Brexit. Again funded by the Economic and Social Research Council, this project provides a further reminder both of the value of quality public deliberation on major policy questions and of the many practical details that need to be dealt with if such deliberation is to be secured.

Executive Summary

Proposals for a UK constitutional convention are made by several parties in their 2017 election manifestos and have been prominent on the political agenda for several years. Such proposals are offered both as a response to widespread disillusionment with the state of democracy and as a means of addressing the deep constitutional challenges posed by Brexit and uncertainty over the future of the Union. But there has as yet been little detailed thinking about the form that a constitutional convention should take. This report fills that gap. It examines the issues, explores the lessons to be learned from constitutional conventions elsewhere, and identifies the pitfalls to be avoided.

What form a constitutional convention should take depends upon its purpose. If the purpose is to develop cross-party consensus, then cross-party talks may be advised. If it is to harness expert opinion, the best vehicle might be an expert commission. But a wide range of parties and other groups have gone beyond elite models dominated by politicians and experts and called for a *citizens'* convention, with ordinary members of the public invited to take evidence, deliberate, and make recommendations. This report explains what would be involved, and the decisions required for a citizens' convention to be successful.

First is the convention's agenda. If given too big a task, it will not have time to grasp the complexities, and risks becoming a focus group rather than a deliberative body. So its agenda should be limited to one aspect of the constitution. And the tighter the resources, the narrower the focus needs to be.

Ideally the convention should consist of ordinary members of the public only. If politicians or representatives of organised civil society are included, they should constitute no more than one third; but there are other ways of involving them. Stratified random sampling should select a convention that is broadly representative of the population by gender, age, class, employment status, geography and ethnic background.

Previous citizens' assemblies in Canada, Ireland and the Netherlands have had 100–150 members, which may be appropriate for an all-UK convention. If the agenda relates to devolution, a federal structure may be necessary. This would start with smaller conventions in Scotland, Wales, Northern Ireland, and England or the English regions, which would combine to form a larger UK body.

The convention's work involves three phases: learning; consultation; deliberation and decision. It would need at least two weekends for each topic on its agenda, spaced two to four weeks apart. But more time is better: the Dutch Civic Forum met for 10 weekends, and the Canadian Assemblies for 12 weekends, spaced out over a year.

This requires a big commitment from members, who should be paid around £150 per day for giving up their time. To maintain high participation they need to enjoy the meetings and feel appreciated, with good hotel accommodation, food and refreshments, and strong support from the secretariat.

The convention needs to reach out from the start to engage with politicians, the media and the public, with an interactive website, and lively social media. Politicians are the most important target group: the main reason why conventions in other countries failed to lead to constitutional change was that they became too detached, such that government and parliament were not prepared for their findings. In Ireland, where politicians comprised one third of the convention members, they became ambassadors for its report. But it is preferable to engage politicians in the process without making them full members.

The Canadian and Dutch assemblies were well resourced, with staffs of 12 to 15 people, and budgets of €4m to €5m. The Irish Convention was under-resourced, with a staff of four and a budget of €1.4m. An official, UK-wide convention would probably cost around £5m, but a federal convention meeting in different parts of the country would cost more. An unofficial convention could be run on a tighter budget, but would still need around £1m to work well. These costs may seem high; but to put them in proportion, the cost of holding a UK-wide referendum is £75m.

Only in Ireland has the convention resulted in subsequent constitutional reforms. What happens to a convention's report and recommendations is crucial in determining its prospects of success on this score. A government setting up a convention needs to think ahead and declare in advance how it will respond: with a parliamentary debate, legislation, or a referendum. If there is to be a referendum, the government needs to think ahead to when the referendum will be held, and how to maximise public information and education relating to the convention's proposals.

1. Introduction

Proposals to hold a UK constitutional convention (or something similar) are high on the political agenda. Labour and the Liberal Democrats both include such proposals in their 2017 election manifestos; the Greens, UKIP, and others have also shown sustained interest. In the wake of the EU referendum, a range of constitutional questions – relating, above all, to the implications of Brexit itself and to the future of the Union of England, Scotland, Wales, and Northern Ireland – require considered attention, engaging both diverse expertise and the concerns of the wider public. The creation of such a body offers opportunities, both to reform established institutions and to engage citizens in new forms of political participation. But it also carries dangers: a badly designed or run process could raise unrealistic expectations and heighten tendencies towards division and discord.

This report therefore sets out a blueprint for what a convention might best look like and what pitfalls need to be avoided. To do so, it draws on a wide range of international experience of similar bodies and on lessons learned from two pilot citizens’ assemblies in the UK that were run by the Democracy Matters project in autumn 2015.¹ Table 1.1, on the following page, summarises the key features of the comparator bodies that we will mention most frequently in this report.

The report emphasises that a constitutional convention could take a range of different forms, depending on the purposes for which it is set up, the nature of its remit, and the resources available to it. For example, we expect that the resources available would be very different depending on whether it is an official body given major responsibilities in developing proposals for the future of our country or an unofficial body with the lesser (though still important) task of driving forward ongoing discussions. Whether an official constitutional convention might be held depends on the outcome of the 2017 general election, which is just days away at the time of writing. Even if an official convention is not created, proposals for an unofficial convention have been actively pursued in recent years by the Labour Party – in Westminster, Scotland, and Wales – the Liberal Democrats, the Greens, and various independent groups such as Assemblies for Democracy (see section 1.2, below, for further details), and such pressures can be expected to continue. We therefore allow for conventions of both of these types in the following chapters.

¹ Matthew Flinders et al., *Democracy Matters: Lessons from the 2015 Citizens’ Assemblies on English Devolution*, April 2016; accessed 17 May 2016.

Table 1.1. Options for a constitutional convention: comparator bodies

	Dates	Membership	Focus	For details, see
Scottish Constitutional Convention	1989–95	143 elected politicians/party reps + 16 civil society reps	Scottish devolution	Box 4.2 on p. 25
British Columbia Citizens' Assembly	2004	160 randomly selected citizens + appointed Chair	electoral reform	Box 3.4 on p. 16
Dutch Civic Forum	2006	140 randomly selected citizens + appointed Chair	electoral reform	Box 3.4 on p. 16
Ontario Citizens' Assembly	2006–07	104 randomly selected citizens + appointed Chair	electoral reform	Box 3.4 on p. 16
Icelandic Constitutional Council	2011	25 non-politicians elected in nationwide vote	general constitutional review	Box 3.1 on p. 13
Irish Constitutional Convention	2012–14	66 randomly selected citizens + 33 politicians + appointed Chair	specified list of constitutional reform proposals	Box 3.2 on p. 14
Assembly North	2015	32 randomly selected citizens + appointed Chair	English devolution	Box 4.1 on p. 24
Assembly South	2015	23 randomly selected citizens + 6 politicians + appointed Chair	English devolution	Box 4.1 on p. 24
Irish Citizens' Assembly	2016–17	99 randomly selected citizens + appointed Chair	abortion law and other const. reform proposals	Box 3.5 on p. 17

From the start, we make two important assumptions about the nature of any convention that might be established:

- First, we assume that it would be some form of *citizens'* convention: it would comprise not (just) politicians or the 'great and the good', but (also) people who represent ordinary

members of the public in a wider sense. Reflecting voters' increasing disengagement from traditional institutions of representative democracy, all of the groups that currently advocate a constitutional convention in the UK (as we outline shortly) propose such a body, and so we assume it is a choice among variants of this model that is at stake.

- Second, we assume that the body is intended to deliver *informed and considered* recommendations in relation to the questions it is set. It is not designed to elicit top-of-the-head responses to complex constitutional questions. Rather, it is designed to foster a careful weighing of options, informed by good understanding of their strengths and weaknesses.

There is a third possible assumption that we do not make: we do not assume that the body in question would be charged with reviewing the whole constitution or with proposing a complete written constitution. While some voices in the current debate argue for such a convention, others propose a body tasked with reviewing one part of the political system (similar to the citizens' assemblies that have examined electoral reform in Canada and the Netherlands) or with a package of particular elements (as in the case of the Irish Constitutional Convention of 2012–14 and the ongoing Irish Citizens' Assembly). We discuss the pros and cons of all of these approaches.

In the remainder of this introduction, we first outline the structure of the rest of the report. Then, by way of background, we briefly outline the state of the debate around a constitutional convention in the UK today.

1.1. Outline of the Report

As we have said, whether a citizens' constitutional convention will succeed or fail will depend crucially on how it is designed. The chapters of this report therefore analyse the various key aspects of that design, starting with key questions around purpose, terms of reference, membership, and structure, before turning to more procedural matters and then to the convention's wider impact and powers:

- *Chapter 2* analyses the **purposes** for which such a convention might be established. What are the purposes for which a citizens' convention is well suited? For what purposes would it be badly suited?
- *Chapter 3* considers the **agenda** of any constitutional convention. How wide or narrow should it be? Who should determine its content?
- *Chapter 4* assesses options for the **membership** of a convention. Some advocates of a popular convention have in mind something like the Scottish Constitutional Convention of the 1990s, comprising politicians and leaders of organised civil society. Others want something more like Ireland's recent Constitutional Convention or its current Citizens' Assembly, including randomly selected members of the public. What are the strengths and weaknesses of these various options? This chapter also looks at the question of how many members the convention should have. We strongly recommend the inclusion of ordinary citizens. Given this, much of the rest of the report works from the assumption that they comprise part or all of the membership.
- *Chapter 5* considers the best method of **recruitment** of ordinary citizens, if they are to be included. Effective recruitment is possible, but not easy, and it is a crucial matter.

- *Chapter 6* turns to the **structure** of a constitutional convention in the UK. Should it be a unitary or a federal body? If it is federal, how should its component parts relate to each other? How does this question of structure interact with the issue of the number of members that the convention should have?
- *Chapter 7* investigates the appropriate **operating methods** of the convention. How should it conduct its business? What steps should it go through in order to complete its work?
- *Chapter 8* analyses the convention's **schedule**. How much time should it have to conduct its work? Should that work be concentrated or spread out? How should particular meetings be scheduled?
- *Chapter 9* looks at **support for convention members**. Citizens who give up their time for a convention deserve to be treated well and to be assisted to participate equally. How can this be done, and how can members be protected from potentially hostile comment in traditional or social media?
- *Chapter 10* focuses on the convention's **external engagement**. How should it draw politicians, opinion-formers, and the general public into its work?
- *Chapter 11* draws together the implications of other chapters in relation to **staffing**. What roles need to be performed? By whom are they best performed? How many staff members, overall, are needed?
- *Chapter 12* looks at the convention's **budget**. What are the key budget lines that need to be allowed for? Where might an unofficial convention run by civil society organisations be able to save on the budgetary requirements of a full-blown official convention? What have been the budgets of previous similar conventions?
- *Chapter 13* considers the convention's wider **role in the decision-making process**. Should its recommendations automatically be considered in parliament or put to a public vote in a referendum, or should this be a matter for government discretion? How can the impact of the convention's work be maximised most effectively?
- Finally, *Chapter 14* sums up the **recommendations** from the preceding chapters and draws out conclusions.

1.2. Debating a UK Constitutional Convention

The balance of opinion on the appropriate design of constitution-making processes has shifted quite significantly in recent years. In its very first report – published in April 1996 – the Constitution Unit explored many processes of inquiry and consultation that might accompany constitutional reform, including a directly elected constituent assembly, a constitutional convention comprising ‘politicians, experts and the wider civic community’, and a constitutional commission of experts.² All of the options considered thus had members of the elite – politicians and experts – at their heart. The only official bodies for constitutional deliberation actually created

² Nicole Smith and Katy Donnelly, *Delivering Constitutional Reform* (London: Constitution Unit, 1996), pp. 53–70; quotation from paragraph 201.

in subsequent years were expert commissions, such as the Jenkins Commission on the electoral system, the Wakeham Commission on reform of the House of Lords, and the many expert commissions on the future of devolution in Scotland and Wales.

Two changes have taken place since around 2010. First, proposals for some form of constitutional convention have become much more common. The Liberal Democrats proposed a ‘citizens’ convention’ on the constitution in their 2010 manifesto.³ In 2012, Welsh First Minister Carwyn Jones proposed a convention on the model of the Scottish Constitutional Convention.⁴ In 2013, the House of Commons Political and Constitutional Reform Committee (PCRC) published a report called *Do We Need a Constitutional Convention for the UK?*⁵ The Scottish Government pledged to establish a constitutional convention in the event of a vote for independence in the referendum of September 2014.⁶ In 2015, Labour, the Liberal Democrats, and the Green Party all proposed the creation of such a body in their election manifestos.⁷

Since 2015, the Conservative government has not supported a constitutional convention, but pressure has continued from elsewhere. Following his election as Labour leader, Jeremy Corbyn included the post of Shadow Minister for the Constitutional Convention in his shadow cabinet.⁸ In November 2016, former Prime Minister Gordon Brown called for the creation of ‘a UK-wide people’s constitutional convention, mandated with setting a roadmap towards a more federal constitution that empowers all of the nations and regions’.⁹ The leader of the Scottish Labour Party, Kezia Dugdale, speaking at the Constitution Unit in February 2017, announced that she was seeking the establishment of ‘a people’s constitutional convention, made up of citizens from across the United Kingdom’, mandated to work out a path towards ‘a more federal UK’.¹⁰ This policy was endorsed by the Scottish Labour Party at its conference later that month.¹¹ Labour and the Liberal Democrats repeated their commitment to establishing a constitutional convention in their 2017 election manifestos.¹²

Second, the content of these proposals has shifted towards emphasising ordinary citizens’ participation. The model of a citizens’ assembly – a body comprising ordinary members of the public randomly selected from those on the electoral register – was first tried in British Columbia in 2004, the Netherlands in 2006, and Ontario in 2006–7. We find the first signs of interest in this model in policy circles in the UK in 2012: while the PCRC showed no inclination towards it in its

³ Liberal Democrats, *Liberal Democrat Manifesto 2010*, p. 88.

⁴ Carwyn Jones, ‘[A Constitutional Convention for the UK?](#)’, speech to an Unlock Democracy public meeting, Parliament, 12 July 2012; accessed 14 May 2016.

⁵ Political and Constitutional Reform Committee, *Do We Need a Constitutional Convention for the UK?* HC 371, 28 March 2013.

⁶ Scottish Government, *Scotland’s Future: From the Referendum to Independence and a Written Constitution*, February 2013; accessed 14 May 2016.

⁷ Labour Party, *Britain Can Be Better: The Labour Party Manifesto 2015*, p. 63; Liberal Democrats, *Manifesto 2015*, p. 133; Green Party, *For the Common Good: General Election Manifesto 2015*, p. 60.

⁸ Jon Trickett, [speech to Labour Party Conference](#), 29 September 2015.

⁹ Gordon Brown, [speech to the Fabian Society](#), 3 November 2016.

¹⁰ Emma Bean, ‘[Kezia Dugdale: It is time to create a federalised Britain](#)’, Labour List, 13 February 2017.

¹¹ ‘[Scottish Labour conference delegates back federal UK motion](#)’, *BBC News online*, 24 February 2017.

¹² Labour Party, *For the Many Not the Few: Labour Party Manifesto 2017*, p. 102; Liberal Democrats, *Change Britain’s Future: Liberal Democrat Manifesto 2017*, p. 91.

2013 report, four of those who submitted evidence to its inquiry did at least suggest that it should be considered.¹³ In their 2015 manifestos, Labour’s proposal was for ‘a people-led Constitutional Convention’, while the Liberal Democrats advocated ‘a UK Constitutional Convention, made up from representatives of the political parties, academia, civic society and members of the public’, and the Green Party proposed ‘a Constitutional Convention led by citizens’.¹⁴ Following the 2015 election, private member’s bills were introduced in both chambers of parliament that proposed the creation of a convention at least half of whose members would be non-politicians.¹⁵ The Liberal Democrats in 2017 repeated the wording of their 2015 manifesto. Labour chose slightly more open-ended language, saying, ‘We will consult on its form and terms of reference and invite recommendations on extending democracy.’¹⁶

The result of the EU referendum in June 2016 and the ongoing process of Brexit has raised and will continue to raise a range of fundamental constitutional questions. Some of these relate to Brexit itself: in September 2017, the Constitution Unit, working with several partners and with funding from the Economic and Social Research Council (ESRC), will run a Citizens’ Assembly on Brexit, tasked with examining aspects of the UK’s post-Brexit relationship with the EU.¹⁷ Others relate to how decision-making structures should change once EU membership has ended: as additional powers revert to Westminster, should new checks and balances be constructed to prevent their abuse? Yet others concern the structure of the Union between England, Scotland, Wales, and Northern Ireland: the markedly varying voting patterns in the different parts of the UK have put the Union under added strain; the process of Brexit will add considerably to that.¹⁸ Others still concern ways of integrating all parts of society more effectively into processes of public decision-making. Given these concerns, pressure for some kind of constitutional review could grow as the Brexit process unfolds. It is against this backdrop that we write this report.

¹³ Political and Constitutional Reform Committee, *Do We Need a Constitutional Convention for the UK?*, vol. II: Additional Written Evidence, 3 April 2013, pp. Ev w3–4 (Constitution Society), Ev w12–13 (Michael Gordon and Brian Thompson), Ev w14 (Iain McLean), and Ev w27 (Katie Ghose, Electoral Reform Society).

¹⁴ Labour Party, *Britain Can Be Better: The Labour Party Manifesto 2015*, p. 63; Liberal Democrats, *Manifesto 2015*, p. 133; Green Party, *For the Common Good: General Election Manifesto 2015*, p. 60.

¹⁵ [Constitutional Convention Bill](#) (sponsored by Lord Purvis) and [Constitutional Convention \(No. 2\) Bill](#) (sponsored by Graham Allen); accessed 17 May 2016.

¹⁶ Labour Party, *For the Many Not the Few: Labour Party Manifesto 2017*, p. 102; Liberal Democrats, *Change Britain’s Future: Liberal Democrat Manifesto 2017*, p. 91.

¹⁷ UCL Constitution Unit, [Citizens’ Assembly on Brexit](#).

¹⁸ See Alan Renwick, *The Process of Brexit: What Comes Next?* (UCL European Institute and Constitution Unit, January 2017), especially pp. 35–43.

2. The Purposes of a Convention

A constitutional convention can be established for a variety of reasons. This chapter discusses the various purposes that might lie behind a constitutional convention, reflects on their feasibility, and highlights some of the tensions that may exist among them.

2.1. Why Create a Constitutional Convention?

At the broadest level, a constitutional convention might be created:

- to promote and legitimise particular constitutional reforms that the convention's advocates already have clear ideas about;
- to develop proposals for constitutional reform through deep public engagement;
- to pursue broader purposes of developing a bottom-up democratic movement as an alternative to traditional politics and/or of re-engaging people with traditional politics by connecting them to the process of decision-making.

All of these purposes are visible in the proposals referred to in section 1.2, above. It is common, for example, to hear someone call for a constitutional convention and then, in the next breath, say that they think specific reforms – such as the abolition of the House of Lords in its current form or the adoption of proportional electoral rules for the House of Commons – are urgently required. Equally, others argue that there is a need to reform the democratic system in ways that can command public respect, and suggest a citizens' constitutional convention as the best route to achieve this. The leadership of the UK Labour Party, meanwhile, sees a constitutional convention, at least in part, as one element of its broader objective of building a grassroots movement for social and political change.

It is important to recognise that a citizens' constitutional convention is better suited to some purposes than to others. If reformers already know exactly what reforms they want, then establishing a constitutional convention would be an expensive (see chapter 12) and also rather disingenuous way of promoting those objectives: either citizens are empowered to come up with their own proposals, or they risk being turned into pawns in a costly talking shop. For the same

reasons, a constitutional convention should not be created just to kick complex and difficult questions into the long grass.

By contrast, if the convention's creators do not have a clear view on the best path forward – or if they have a sense of the broad direction of travel, but not of the details – then a citizens' constitutional convention could be very helpful.

Here too, it is important to be clear as to what a citizens' constitutional convention is and is not good for. If the main objective is to build cross-party consensus at the elite level, then cross-party talks may be the obvious vehicle – as, for example, the talks that preceded the 1998 Belfast Agreement. If the main objective is to harness expert opinion, then the best vehicle may be an expert commission. In recent years, expert commissions have been used to chart the way ahead to further devolution in Scotland and in Wales.¹⁹

But the advocates of a citizens' constitutional convention are right to think that these approaches may be inadequate for many purposes in the contemporary political environment. The extraordinary levels of public engagement during the referendum campaign in Scotland in 2014 raised the bar: they created an expectation that, for proposals to command legitimacy, there must be greater citizen involvement in producing them. The EU referendum has added further to the same mood, raising scepticism towards elites in general and 'experts' in particular.

Indeed, that scepticism is often legitimate. Expertise is certainly relevant to any significant constitutional question. But expertise is also limited. It may be bounded by intellectual fashions and disciplinary preoccupations, and by the fact that 'experts' may have their own agendas. Politics is about values, interests, and identities as well as about facts and knowledge.

The purpose of a citizens' constitutional convention should therefore be to develop proposals based on the preferences of a cross-section of the public at large who have had the chance to learn in detail about the options, gather and reflect upon a broad range of expert advice, and hear the perspectives of activists with diverse viewpoints. It should seek to translate people's diverse values, interests, and identities into concrete proposals in the light of deep knowledge and understanding of possible courses of action and their implications – or at least to articulate clear value trade-offs and how they should be balanced in any concrete solution. This is what is often called a 'deliberative' approach to democracy. According to deliberative democrats, engaging members of the public in informed discussion is the best way of developing proposals that are both well grounded and likely to command broad public respect. That is why this report focuses on the options for a *citizens'* convention, and not on the more elite models of groups dominated by experts or politicians.

Of course, the convention's wider impact matters too: if a citizens' convention is just a closed talking shop, generating excellent deliberation within itself, but not influencing political and public discourse more widely, its value is limited.

We can therefore gauge the success of such a convention in terms of four criteria:

¹⁹ The Calman Commission in Scotland led to the Scotland Act 2012, the Smith Commission led to the Scotland Act 2016, and a series of commissions (headed by Ivor Richard, Emyr Jones Parry, Gerry Holtham, and Paul Silk) have gradually led to the granting of further legislative powers to Wales.

1. *Are the members broadly representative of all parts of society?* A small sample of perhaps a hundred people cannot represent every last subsection of society. But it should be as broadly representative as possible, reflecting the diverse make-up of the wider population. As we discuss in chapters 4 and 5, there are, at least in principle, different ways in which such representation can be sought.
2. *Does it generate high-quality deliberation and recommendations that reflect clear understanding of the issues as well as the interests and values of all parts of society?* We can assess this in part in terms of the quality of the discourse within the convention: are all members able to take part equally; do they listen and respond to each other's perspectives; do they show understanding in what they say?²⁰ We can assess it also by looking at the convention's recommendations: are they mutually coherent and are they consistent with the values that the convention identifies as important?
3. *Does the convention's work affect broader public discourse around the topic in question?* Do the media report on the convention's work? Do they do so in a manner that shows engagement with the process and the convention's arguments, or is some reporting disengaged or unthinkingly dismissive? Do politicians pick up the recommendations, take them seriously, and give them due consideration?
4. *In so far as the convention recommends reforms, are these implemented?* If a convention works as it should, then its proposals should be sensible: based on reasoned consideration of the interests and values of all parts of society. If its proposals are sensible, then there is likely to be good reason to implement them. If its proposals are not implemented, it may be either that they were not in fact sensible, or that political processes are not primarily driven by reasoned consideration of the interests and values of all. Either way, something is amiss.

2.2. Tensions among these Purposes

As we have already suggested, there may be tensions among the various purposes that might lie behind the creation of a constitutional convention. Unsurprisingly, most, perhaps all, of those who argue for such a convention believe that the UK's constitutional structures should be reformed in some way. But then what will they think if the convention's members conclude that, in fact, the status quo is better than any of the alternatives? Indeed, most advocates of a convention not only want reform, but also have views as to the nature of the reforms that are needed. What happens if the convention turns out to have different ideas? Even if politicians established a convention without any specific reform objectives in mind, they might find that the convention comes up with particular proposals that they dislike or that are politically difficult. These points illustrate the risks involved in establishing a constitutional convention: there is inevitably a loss of control, because no one can confidently predict what the convention's recommendations will be.

These risks can be reduced by giving the convention a clear task, with narrow terms of reference. How much latitude to give to a constitutional convention will also depend on what stage a policy proposal has reached in the policy cycle: is it still in its infancy, a broad and vague idea, or has a more specific reform been formulated which requires only the detail to be fleshed out? Examples

²⁰ For further discussion of how to assess the quality of deliberation, see Jürg Steiner, André Bächtiger, Markus Spörndli, and Marco R. Steenbergen, *Deliberative Politics in Action: Analysing Parliamentary Discourse* (Cambridge: Cambridge University Press, 2004).

of both can be found among recent elite commissions. The Kilbrandon Commission and the Wakeham Commission were broad inquiries into the options for devolution and for a new second chamber respectively. The more recent Commissions on a British Bill of Rights, and on the Consequences of Devolution for the House of Commons, were more specific inquiries with more limited terms of reference. The next chapter suggests that the narrower a convention's terms of reference, the more likely it is to succeed, especially if it is given only limited resources. We consider these issues of scope further in chapter 3.

Risk can also be reduced if the convention's recommendations are advisory only, and it is up to parliament to decide what to do with them: whether to legislate, put them to a referendum, or simply ignore them. The options for what happens to the convention's report and recommendations are considered in chapter 14. The underlying tension is between competing notions of popular and parliamentary sovereignty. Some of the more ambitious advocates of a constitutional convention see its purpose as being to assert popular sovereignty:

Imagine that a UK convention is given a wide remit and some power to set its own agenda (and time to develop it). If a convention is to be genuinely 'people-led' mustn't its agenda be responsive to the people? ... An open, citizen-led CC process would in effect refound the UK as a whole on the principle of popular sovereignty.²¹

This quotation exposes a further tension, over who determines the convention's agenda. Do politicians determine the agenda and define the convention's task in its terms of reference? Or is the convention to be allowed some power to set its own agenda? We explore these questions in chapter 3.

So far we have focused on the tension between controlling the agenda and giving power to produce recommendations to another body. A further tension may exist between the desire to produce well grounded recommendations and the intention of building a grassroots movement. As we explore in chapters 4 and 5, a convention will produce recommendations worthy of serious consideration only to the extent that it is representative of the population as a whole. But a representative sample can be built only by turning away many of those who want to take part. Furthermore, movements tend to exist only because they are united upon a particular way of looking at the world. A constitutional convention on its own can do little to overcome public disengagement directly, because only a tiny fraction of the population can ever be involved: even with the largest convention proposed in chapter 4, of 500 members, the chances for an individual citizen of becoming a member of the convention are about 1 in 100,000. Thus, while building grassroots movements may be important for the reinvigoration of democracy, such efforts should be kept separate from any constitutional convention that is designed to produce considered and representative proposals.

On the other hand, a convention must also be capable of reaching out beyond its membership if its recommendations are to stand any chance of implementation. The goal of producing impartial recommendations might be best served by maximising the convention's independence from external forces. But the goal of producing recommendations that will be enacted requires

²¹ Stuart White, '[Will a constitutional convention democratically refound the British state?](#)' 29 April 2015; last accessed 14 June 2016.

engagement with politicians, activists, and others. We explore these dilemmas further in chapters 4, 10, and 13.

2.3. Recommendations on Purposes

- Constitutional conventions have been proposed for multiple purposes. The most common are to promote particular reforms, to develop reform proposals through deep public engagement, and to build a grassroots democratic movement.
- But there are risks in over-selling constitutional conventions. They are not panaceas, which are going directly to re-engage people with politics and restore trust on a large scale. Nor can it be presumed that they will produce well grounded and representative conclusions unless they are well designed. They might produce recommendations that their creators are very uncomfortable with. And there is no guarantee that their recommendations will be implemented even if they are impeccably developed.
- So advocates of a constitutional convention must be careful not to over-state what might be achieved. They should be cautious in suggesting that a convention holds the key to promoting wider public engagement or restoring trust in politics. Deliberative democracy does hold great potential; but if it is over-sold, and exaggerated expectations are not fulfilled, the effect will simply be disappointment and disillusionment, which will serve further to diminish trust.
- A convention will work best if its purpose is understood as being simply to develop proposals that are well grounded, being based in serious, thoughtful, and knowledgeable engagement of a broadly representative sample of the population with the issues in hand.
- The success or otherwise of such a convention can be gauged in terms of four criteria: how far it represents the wider population; how far it deliberates effectively – in a manner that is reasoned and reflects the interests and values of all parts of society; how far it influences wider public discourse positively; and whether its proposals are implemented.

3. Scope and Terms of Reference

The question of what should be on the agenda of a constitutional convention is one of the most fundamental in the design of such an institution. This chapter examines the different options for how wide or narrow the agenda of a convention might be, and then discusses who should set the terms of reference which will determine its scope.

3.1. What Should Be on the Convention's Agenda?

We can broadly identify three possible models for the scope of a convention, with examples of each to illustrate how wide or narrow its scope might be.

Maxi model: review of the whole constitution

An example of a maxi model from international practice would be the series of bodies in Iceland that reviewed the whole Icelandic constitution in 2010 and 2011 (see Box 3.1, on the following page).²² Closer to home, organisations like OpenDemocracy have called for a constitutional convention to be convened to consider all aspects of the British constitution and how it should be codified.²³ Another example can be found in the Liberal Democrat manifesto for the 2015 general election, which contained the commitment to ‘establish a UK Constitutional Convention, made up from representatives of the political parties, academia, civic society and members of the public, tasked with producing a full written constitution for the UK, to report within two years’.²⁴

The argument for inviting a convention to review the whole constitution is that it would enable development of a coherent overall reform package, rather than further piecemeal reforms. Many constitutional reforms are inter-connected, such as the idea of underpinning devolution with a Senate of the nations and regions, or creating an English Parliament to match the devolved

²² See Alan Renwick, *After the Referendum: Options for a Constitutional Convention* (London: Constitution Society, 2014), pp. 57–65.

²³ E.g., Phil England and Anthony Barnett, ‘[Why does the UK need a constitutional convention? An interview with Anthony Barnett](#)’, OpenDemocracyUK blog, 29 July 2015.

²⁴ Liberal Democrats, *Manifesto 2015*, p. 133.

Box 3.1. The Icelandic Constitutional Council of 2011

The economic crisis of 2008 hit Iceland hard. Early elections led to the formation of a new government in 2009, which was pledged to pursuing a programme of constitutional renewal. In October 2010, a one-day National Forum, comprising 950 randomly selected citizens, met to discuss the themes that they wanted to see reflected in the revised constitution.

This led on in November 2010 to elections for a 25-member Constitutional Council (originally called the Constitutional Assembly). The election was conducted by a nationwide ballot using the single transferable vote (STV) system. Politicians were excluded. Those elected included ‘lawyers, artists, priests, professors, political scientists, media people, erstwhile MPs, doctors, company board member, a farmer, a campaigner for the rights of handicapped people, mathematician, a nurse and a labour union leader’.*

The Constitutional Council deliberated intensively over several months in early 2011 and delivered its draft for a new constitution to parliament that July. This draft has sometimes been referred to as the ‘crowd-sourced constitution’, but the reality was more prosaic: while much public submissions were made, they appear to have influenced only a relatively small number of articles.**

The proposals were endorsed at a referendum in 2012. But this referendum was purely advisory and required the endorsement of two successive parliaments. That has not been forthcoming, though it has remained a live issue in Icelandic politics.

* Eirikur Bergmann, *Iceland and the International Financial Crisis: Boom, Bust and Recovery* (Basingstoke: Palgrave Macmillan, 2014), p. 177.

** For discussion, see Alan Renwick, *After the Referendum: Options for a Constitutional Convention* (London: Constitution Society, 2014), pp. 61–3.

legislatures in the other three parts of the UK. A constitutional convention could address all the unfinished business from previous reforms: further reform of the House of Lords, a British Bill of Rights, reform of party funding, the English Question, devolution and the Union, our changing relationship with Europe, culminating in a written constitution.

The argument against such a wide agenda is that a convention charged with resolving so many diverse issues would face an almost impossible task. Each issue has, on its own, been difficult; in combination, they might prove insuperable. That may be especially so for a citizens’ convention rather than, say, an expert panel, given the need for members gradually to build their understanding of the issues.

Midi model: the future of the Union, or a selection of half a dozen constitutional topics

An example of a midi model from international practice would be the Irish Constitutional Convention of 2012–14, which was required in 12 months to consider eight unrelated constitutional topics (see Box 3.2). The convention’s timetable meant that, for the most part, it devoted one weekend to each topic, which inevitably was very rushed.

Box 3.2. The Irish Constitutional Convention of 2012–14

As in Iceland, the 2008 economic crisis led in Ireland to widespread questioning of the efficacy of the prevailing political institutions. All parties proposed major reforms in their manifestos for the 2011 general election. The Constitutional Convention emerged from post-election negotiations as a result of compromise between the parties that formed the new governing coalition. Fine Gael argued for a pure citizens' assembly on the Canadian and Dutch model (see Box 3.4), while Labour wanted a mixed assembly of politicians, experts, and members of the public. They agreed a mixed assembly comprising a majority of ordinary citizens (66 members) and a minority of politicians (33 members), convened by a government-appointed chair.

The Convention was given a ragbag of eight report topics to consider:

- reducing the presidential term of office to five years;
- reducing the voting age to 17;
- reviewing the electoral system for the Dáil;
- giving expatriates the right to vote in presidential elections;
- allowing same-sex marriage;
- amending the clause in the constitution on the role of women in the home;
- increasing women's participation in politics;
- removing the offence of blasphemy.

It was also granted a power (but little time) to add further topics of its choosing.

The Convention met over nine weekends between December 2012 and February 2014, devoting roughly one weekend to each topic. At each weekend, members heard from experts and campaigners, before deliberating among themselves and then voting on core proposals.

Most prominent was the Convention's decision to propose the adoption of same-sex marriage, which led to the successful referendum of 2015. Several other proposals have now also made progress since the Convention concluded its work. The value of the Convention process is also indicated by the fact that a similar body – the Irish Citizens' Assembly – was set up in 2016 to examine a further set of constitutional questions (see Box 3.5).

An alternative version of the midi model could give a constitutional convention not a set of disparate topics to consider, but a broad part of the constitutional framework. The proposals from Scottish Labour and Gordon Brown for a constitutional convention to examine the federalisation of the UK provide an example. Box 3.3 sets out one recent attempt to summarise the issues that such a convention – specifically, one examining the unfinished business arising from devolution and the future of the Union – would need to grapple with. It can be seen that this is a big agenda, containing multiple large items. Any one of the items listed in Box 3.3 could itself be the subject of a separate inquiry.

Mini model: a single specific issue

A mini model would task a convention with a specific issue, such as protection of human rights, reform of the second chamber, changes to the franchise, the Commons electoral system, or the

Box 3.3. Abridged extract from the concluding statement of the Wales Governance Centre and Institute for Welsh Affairs project on the UK's Changing Union, January 2015

It would seem to us that any process, convention or otherwise, should have to include in its agenda the following key issues:

- The definition of the key purposes and character of the Union
- The definition of the core powers reserved for the UK government
- The clarification of the core UK-wide entitlements of UK citizens
- The budgetary principles governing central and territorial taxation and borrowing powers
- Mechanisms to ensure the fair and consistent functioning of the Union
 - Means of strengthening the inter-governmental relations between the different legislatures
 - An independent UK-wide system for assessing the fair distribution and redistribution of financial resources on a clear statutory basis
 - A system for the resolution of disputes between governments and/or legislatures
 - The role and composition of a Second Chamber for the Union state, reflecting the nations and regions of the UK.
- The role of England in an asymmetric Union, taking into account the internal governance of England.

Source: Wales Governance Centre and Institute of Welsh Affairs, [UK's Changing Union Project: Closing Statement](#), January 2015.

funding of political parties. The official citizens' assemblies that have been established to date have all followed this model. The original citizens' assemblies – in Canada and the Netherlands – all looked at the question of electoral reform (see Box 3.4). The current Irish Citizens' Assembly in principle has a broader agenda encompassing six topics; in practice, however, it is heavily focused on just one of these – namely, abortion (see Box 3.5).

In the UK, a convention of this kind could be asked to examine one aspect of devolution, such as the governance of England. The Electoral Reform Society, one of the leading advocates of a constitutional convention, has proposed just this:

The governance of England is the most pressing issue in the current political debate, and English citizens have not yet had the opportunity afforded to other nations during the devolution process to have a say on these issues. It would therefore be preferable to proceed first with an English convention, which addresses the question: 'How should England be governed?' This would cover how England relates to the other nations of the UK, and how power can be devolved within England.²⁵

²⁵ Electoral Reform Society, [How to do a Constitutional Convention in the UK](#), March 2015, p. 2.

Box 3.4. The Original Citizens' Assemblies: British Columbia (2004), the Netherlands (2006), and Ontario (2006–7)

The idea of a *citizens' assembly* – an assembly of ordinary members of the public selected at random from the population as a whole, but with stratification to provide representativeness in terms of chosen features – was first developed and applied in the Canadian province of British Columbia in 2004. The BC Liberals had secured 77 of the 79 available seats in the 2001 provincial elections, sparking widespread concern about the electoral system, and the Citizens' Assembly on Electoral Reform was the vehicle chosen to consider whether change should occur and, if so, what form it should take.

The BC Citizens' Assembly comprised a Chair appointed by the government and 160 citizens: a man and a woman from each district plus two Aboriginal members. Besides the Chair, all members were chosen randomly: see section 5.3 for further details on the process. They met over twelve plenary weekends to learn about and deliberate upon electoral reform options. Members also took part in consultative meetings across the province.

Through this process, they concluded in favour of the single transferable vote system (STV), which was put to BC's voters in a referendum in 2005. Though 57.7 per cent of voters backed the change, this was insufficient to meet a 60 per cent threshold. A repeat referendum was held in 2009, but support for the reform fell to just 39 per cent.

The Dutch Civic Form of 2006 and the Ontario Citizens' Assembly on Electoral Reform of 2006–7 followed a very similar model. Here too, ordinary members of the public (randomly selected with some stratification) debated electoral reform over successive weekends. The Dutch body proposed only minor changes, which the government chose not to follow up on. The Ontario assembly advocated a mixed-member proportional system; as in BC, this was put to a referendum, but the vote was unsuccessful.

For further information on the assemblies, see their reports on their conclusions and their 'process reports' setting out how they had conducted their business: British Columbia Citizens' Assembly on Electoral Reform, [*Making Every Vote Count: The Case for Electoral Reform in British Columbia: Final Report*](#) (2004); British Columbia Citizens' Assembly on Electoral Reform, [*Making Every Vote Count: The Case for Electoral Reform in British Columbia: Technical Report*](#) (2004); Dutch Electoral System Civic Forum, [*Electoral System Civic Forum's Recommendations*](#) (2007, English-language version); accessed at www.burgerforumkiesstelsel.nl, 9 August 2007; Dutch Electoral System Civic Forum, [*Process Report of the Electoral System Civic Forum*](#) (2006); Ontario Citizens' Assembly on Electoral Reform, [*One Ballot, Two Votes: A New Way to Vote in Ontario: Recommendation of the Ontario Citizens' Assembly on Electoral Reform*](#) (2007); Ontario Citizens' Assembly Secretariat, [*Democracy at Work: The Ontario Citizens' Assembly on Electoral Reform: A Record of Ontario's First Citizens' Assembly Process*](#) (2007).

Even this is a big agenda: it comprises issues such as English votes on English laws, or an English Parliament; and the options for devolution within England include regional assemblies, city regions, combined authorities, elected mayors, restructuring of local government, and reform of local government finance.

The justification for choosing bigger topics is that all these issues tend to be inter-related. The difficulty in giving a convention too big a task is that it will not have time to grasp the complexities of a subject: it risks becoming a focus group not a deliberative body, delivering recommendations which are too high-level and open-ended to be of practical use or gain any political purchase. That was in part the experience of the Irish Constitutional Convention, which acknowledged in its final

Box 3.5. The Irish Citizens' Assembly of 2016–17

Building on the success of the Constitution Convention of 2012–14, the Irish government decided in 2016 to establish a new assembly, this time following the classic citizens' assembly model by excluding politicians: the Assembly has 99 citizen members and a chair. It is tasked with producing recommendations on five topics:

- whether the constitutional ban on abortion should be amended;
- 'how we best respond to the challenges and opportunities of an ageing population';
- 'fixed term parliaments';
- 'the manner in which referenda are held';
- 'how the State can make Ireland a leader in tackling climate change'.

The Assembly's overwhelming focus is, however, upon the first of these points. At the time of writing, it is scheduled to spend five weekends on this topic and a total of just three weekends on the four remaining topics combined.

Sources: For details of the Assembly's terms of reference and operations, see its [website](#).

report that it would have 'preferred more time to discuss some of the issues, particularly those of a more technical or complex nature'.²⁶

3.2. Who Should Decide the Agenda?

Some advocates of a constitutional convention, such as OpenDemocracy, have suggested that the convention's members should decide their agenda. 'They will be in charge of their own agenda. Their mandate will be to set out the constitution of British democracy and to put this into a set of proposals to the British people in the form of a referendum'.²⁷ But all the citizens' conventions which have been established in other countries have been given a specific task, or tasks, with a specific timetable. A small exception was made in Ireland, where the Irish Constitutional Convention was allowed, once it had completed its eight tasks, to consider other amendments to the Irish constitution. It chose to consider reform of the Dáil, and the inclusion of economic and social rights, but in the time available was not able to do justice to either topic. Of recent constitutional review bodies, only the Constitutional Council in Iceland was given genuine freedom to range across all constitutional matters.²⁸ But it was an elected body that behaved quite differently from a genuine citizens' convention.

In its final report, the Irish Constitutional Convention suggested that some of the topics on its agenda were not suited for the convention format, and that in future it would be easier to answer

²⁶ Irish Constitutional Convention, *Ninth Report of the Convention on the Constitution – Conclusions and Final Recommendations*, March 2014, p. 13.

²⁷ Anthony Barnett, '[From Here to Democracy](#)', open letter to Ed Miliband MP, 25 February 2015.

²⁸ '[The Role of the Constitutional Council](#)', Constitutional Council website; last accessed 15 May 2017.

Yes/No questions, as it was asked to do on, for example, same-sex marriage and the voting age. Its report continued, ‘It is ironic that two of the subjects with which the members appeared to struggle most were the two they chose themselves (Dail Reform and Economic, Social and Cultural Rights) and it was a challenge to retain a focus within single weekends on such wide-ranging topics.’²⁹

These experiences suggest that it is best for those who establish a convention to decide its agenda: otherwise, there is a danger that it will lack the focus required to reach well grounded conclusions on any particular issues. The more time and resources that are available to the convention, the more complex can be its agenda. As we explore in detail in chapter 8, however, truly informed deliberation, even on a single topic, takes considerable time. We therefore recommend that the work of a convention should be limited to one aspect of the constitution, the breadth of which should be decided in light of the time and resources available to it.

3.3. Recommendations on Scope and Terms of Reference

We recommend the following:

- The terms of reference for any constitutional convention should indicate the issues that the convention is to consider.
- Those issues should be limited to one aspect of the constitution: an overarching constitutional review would be too complex and controversial.
- The breadth of this aspect of the constitution should be determined in light of the time and resources that are available to the convention: the tighter the resources, the narrower should be the convention’s focus in order to permit meaningful learning and deliberation.

²⁹ Irish Constitutional Convention, *Ninth Report of the Convention on the Constitution – Conclusions and Final Recommendations*, 2014, p. 13–14. For the full list of the Convention’s recommendations, see Appendix D at pp 24–6.

4. Membership

As we indicated in the Introduction, this report sets out options for the design of what, in broad terms, can be called a *citizens'* constitutional convention. We therefore do not consider bodies whose membership is composed entirely of experts or politicians. Nevertheless, two sources of possible variation in membership remain. First, there are different ways in which ordinary members of the public might be chosen. Second, many of the proposals that have been made are for mixed bodies, in which ordinary citizens sit alongside other participants.

In fact, five broad categories of proposed member can be identified in current debates:

- ordinary members of the public, chosen at random;
- elected non-politicians;
- politicians;
- representatives of organised civil society;
- experts.

The following sections of this chapter flesh each of these out in turn, assessing arguments for and against their inclusion and drawing out recommendations. The final section considers how many members there should be.

4.1. Ordinary Members of the Public

The major newcomer to the menu of options available for a constitutional convention is the 'citizens' assembly': a body comprising members of the public who are selected at random to be representative of the population as a whole (see Boxes 3.4 and 3.5 on pp. 16 and 17 for sketches of previous examples). The details of the selection process are important, and we therefore consider them in depth in the next chapter. In essence, a process of 'stratified random sampling' from the general population is used to ensure that members are representative in terms of chosen criteria, such as gender and age. An analogy is sometimes made to jury service, though the presumption should be that participation is voluntary.

Supporters of this model advance the following arguments:

- The constitution sets out the fundamental rules of the community and must therefore reflect the wishes of the community as a whole. By contrast, if the constitution is determined by those who already hold political power, the structure of power that they devise will inevitably reflect their own interests.
- Given the public's disengagement from traditional representative institutions and disillusionment with 'the establishment', a conventional, elite-led constitution-making process would no longer garner public legitimacy.
- Contrary to what some may say, ordinary members of the public, when given appropriate time and support, are well able to deal with complex constitutional questions.

Opponents make rather different points:

- Major constitutional reforms can legally be introduced only through Acts of Parliament, so political buy-in is essential. This is unlikely if politicians are excluded from the process of devising proposals.
- Constitutions set out fundamentally important rules and must therefore be shaped by expertise. Politicians, who see how power structures work day-by-day, have that expertise; most ordinary citizens do not.
- It is difficult to make a citizens' assembly representative of the whole population: even if representativeness is engineered in terms of criteria such as age and gender, those who accept the invitation to participate will principally be people who are unusually interested in politics. They are unlikely to reflect the interests and concerns of the wider public.

All of these arguments, on both sides, have merit. Evidence suggests, however, that most of the sceptics' concerns can be addressed. The hardest challenge is that of representativeness, which we explore further in the next chapter. Taking the arguments in turn:

- It is true that politicians, when considering political reforms, are heavily influenced by their own power interests. Many political scientists regard that as an obvious point that does not require detailed justification.³⁰ That is not our view: one of us has explored in depth the various circumstances and ways in which other considerations also come into play.³¹ Even that work shows, however, that politicians' interests always remain important.
- Such evidence as we have indicates that citizens' assemblies do enhance public legitimacy. Citizens voting in referendums following citizens' assemblies have been more likely to support the proposed reforms if they knew about the assemblies, suggesting that they saw the assemblies as a trustworthy source of advice.³²
- Past citizens' assemblies show very clearly that ordinary citizens can, with time and support, deal with complex constitutional issues. The concern that ordinary citizens know little

³⁰ E.g., Vernon Bogdanor, 'Electoral Reform and British Politics', *Electoral Studies* 6, no. 2 (August 1987), 115–21, at p. 115.

³¹ E.g., Alan Renwick, 'Electoral Reform in Europe since 1945', *West European Politics*, 34, no. 3 (May 2011), 456–77.

³² This can be seen in both British Columbia and Ontario: Patrick Fournier, Henk van der Kolk, R. Kenneth Carty, André Blais, and Jonathan Rose, *When Citizens Decide: Lessons from Citizen Assemblies on Electoral Reform* (Oxford: Oxford University Press, 2011), pp. 131–2.

about such issues is, it is true, well founded: survey evidence suggests that most people do not have worked-through opinions on such matters.³³ But the experience of citizens' assemblies is that citizens who are given time and support to learn and think are well able to develop reasoned positions: the proposals they put forward are internally coherent and reflect the underlying values that assembly members identify as important.³⁴ We explore the structures need to build these outcomes in chapters 7–9.

- Nevertheless, political buy-in is also crucial. As the Constitution Unit pointed out in its first report, if the purpose is to get something done rather than just to gather opinions, parliamentarians need to be engaged.³⁵ It is notable that none of the three pure (and official) citizens' assemblies that have concluded their work to date – in British Columbia, the Netherlands, and Ontario – has led to any actual reform. In every case, that was partly because politicians did not back the proposals. By contrast, Ireland's mixed Constitutional Convention has facilitated at least one actual reform: the introduction of same-sex marriage (see Box 3.2). Some of its politician members acted as 'cheerleaders' for the Convention itself and for its proposals.³⁶
- Achieving genuine representativeness of the population as a whole is the hardest challenge. Unless participation is made compulsory for those who are randomly selected (which no one seriously advocates), the great majority will turn the invitation down. It is possible to use stratification to achieve representativeness in terms of chosen criteria – which may include gender, age, ethnic background, economic position, and so on. But people who accept the invitation are by definition unrepresentative of people who do not accept the invitation. This is therefore a genuine challenge, and we consider it further in the following chapter. Nevertheless, the range of people willing to accept a targeted invitation is much greater than the range of people who put themselves forward for an event that anyone can attend and also much greater than the range of people willing to stand for public election. So the presence of ordinary members of the public, while not perfect, is still greater in a citizens' assembly than under alternative arrangements.

In short, the evidence is that ordinary citizens are well able to engage with complex constitutional questions and that their inclusion can promote public legitimacy and constrain any temptation towards self-interest among politicians. The need for political buy-in means that any assembly of citizens must also engage politicians closely – we discuss several ways of doing this in what follows. Representativeness is a challenge, which we examine further in the next chapter. But representativeness is at least as great a challenge for other processes too.

³³ The views that survey respondents express regarding political institutions are often highly dependent on the wording of the questions they are asked, which suggests many are making up opinions in response to the question. See, e.g., Alan Renwick, '[Could Electoral Reform Really Happen?](#)', LSE British Politics and Policy blog, 6 May 2015; accessed 11 June 2016.

³⁴ Fournier et al., op. cit., pp. 79–93.

³⁵ Smith and Donnelly, op. cit., para. 199.

³⁶ Jane Suiter, David M. Farrell and Clodagh Harris, 'The Irish Constitutional Convention: A Case of "High Legitimacy"?' in Min Reuchamps and Jane Suiter (eds) *Constitutional Deliberative Democracy in Europe* (Colchester: ECPR Press, 2016), pp. 33–52, at pp. 46–7.

4.2. Elected Non-Politicians

Besides random selection, there are several additional mechanisms through which ordinary members of the public might be introduced into a forum for constitutional deliberation. We alluded briefly to one above: an open invitation might be issued to anyone who wants to attend. This is the model of the ‘town hall’ meeting. It is certainly desirable to embed such meetings into broader deliberative processes, as discussed in chapter 7. But open invitation cannot be the basis of selection to a constitutional convention: as anyone with experience of consultation meetings knows, only a very unrepresentative sample of people are likely to attend.

Rather, the primary alternative to random selection is election. This is the model of the Icelandic Constitutional Council of 2011, whose twenty-five members were chosen in November 2010 in an election from which politicians were excluded (see Box 3.1 on p. 13). This example is often lauded as one that the UK might emulate.³⁷ Election clearly has the advantage of giving all citizens a say in who will represent them.

But election also has two serious flaws:

- As a mechanism for selecting ordinary citizens, it is unlikely to succeed. An election can be meaningfully democratic only if voters know relevant information about the candidates. In an election with partisan candidates, that is reasonably possible: even if voters know little about the candidates themselves, they know something about their priorities from their party labels; they can also have some confidence in the candidates’ competence from the fact that they have passed through a party vetting procedure. That is much harder for independents. Those independent candidates who do ‘cut through’ probably already have some public profile – and are thus not ordinary citizens. In addition, the people who choose to run as candidates in such an election are unlikely to be representative of voters as a whole. Election is thus unlikely to achieve demographic representativeness of the population – something that we discuss further in section 5.1.
- If the goal is a body whose members will genuinely deliberate – and therefore be open to changing their minds – election is problematic. Candidates would be expected to set out their positions and would then be somewhat bound to adhere to these positions, however ill-advised later reflection might show them to be.

Any attempt to select ordinary citizens through election should therefore be resisted.

4.3. Politicians

When we turn to the third possible category of convention members, we move beyond the idea that those members should themselves be ordinary members of the public. Politicians represent the public not (or, at least, not primarily) in the sense that they constitute a representative sample of the public at large, but rather in the sense that they are chosen by the public at large.

³⁷ E.g. Thorvaldur Gylfason, [‘Iceland Shows that a UK Constitutional Convention Should Involve Politicians as Little as Possible’](#), OpenDemocracyUK blog, 10 November 2014; accessed 19 May 2016.

Some of the arguments for and against inclusion of politicians flow from what has already been said. On the side against their inclusion:

- Politicians' personal interests are deeply tied up in constitutional structures. Being human, they cannot be expected to make constitutional choices unaffected by those interests.
- Politicians are (at least to a degree) tied to the positions on which they were elected and to the positions taken by their parties. As in the case of elected non-partisans, this would make it very difficult for them to deliberate freely and openly.
- If politicians join a mixed convention alongside members of the public, there is a danger that they could dominate the discussions. They are selected in part for their oratorical skills and confidence, and they develop those aptitudes further through their daily work. They may crowd out other voices from debate.
- Politicians lead exceptionally busy lives. MPs, for example, are expected to be in parliament for most of the week and in their constituencies for much of the weekend, while many councillors combine full-time work with their council duties. Careful deliberation about complex constitutional questions, by contrast, requires extended time. The danger is that politicians would be unable to squeeze in membership of a constitutional convention alongside their other roles, leading to low attendance and therefore inadequate participation.

The case for politicians' inclusion, by contrast, is simple: as suggested above, if they are not inside the body that devises constitutional recommendations, they are unlikely to take those recommendations seriously.

We now have evidence on politicians' actual participation in mixed assemblies from the Irish Constitutional Convention (see Box 3.2, on p. 14) and from a pilot mixed assembly held in Southampton in 2015 (see Box 4.1, below):

- In both cases, the evidence suggests that, while politicians do tend to dominate initially, that diminishes over time. The politicians learn to listen more, while the ordinary citizens gain confidence.³⁸ Still, we lack good evidence on the degree to which politicians engage in genuine, open deliberation, and some doubts must remain on this score.
- The issue of participation appears hard to resolve. In Southampton, the politicians who agreed to attend were less likely than the ordinary citizens actually to attend the first weekend and more likely to drop out before the second weekend.³⁹ In Ireland, while participation by politicians was high, that was partly because parties could send different politicians on different weekends: a total of fifty-seven individuals filled the thirty-three places for politicians over the nine weekends.⁴⁰ That did not pose a great problem, as each weekend of the Irish convention tackled a different topic. But we strongly recommend against the weekend-per-topic model for the UK (see chapter 8). Where single topics are discussed over multiple weekends, it is essential that the participants remain the same.

³⁸ Matthew Flinders et al., *Democracy Matters: Lessons from the 2015 Citizens' Assemblies on English Devolution*, April 2016; accessed 17 May 2016, p. 42; conversations with David Farrell.

³⁹ Matthew Flinders et al., op. cit. (note 35), p. 14.

⁴⁰ Jane Suiter, David M. Farrell, and Clodagh Harris, 'The Irish Constitutional Convention: A Case of 'High Legitimacy'? In Min Reuchamps and Jane Suiter (eds.), *Constitutional Deliberative Democracy in Europe*. Colchester: ECPR Press, 2016, pp. 33–51, at p. 43.

Overall, therefore, including politicians as members does appear to pose problems. While it may be possible to overcome problems of dominance, it may be harder to secure politicians' regular attendance, and it may also be difficult for politicians to engage in genuinely open-minded deliberation. Thus, it would be desirable to consider whether there are ways to engage politicians in the convention process other than as full members. We explore this issue in chapter 10.

Box 4.1. Citizens' Assemblies in the UK

There have to date been no official citizens' assemblies in the UK. There have, however, been many smaller citizens' juries, and in 2015 two pilot citizens' assemblies were convened by a group of academics (including one of the present authors) with funding from the Economic and Social Research Council. Both were regional assemblies and focused on government proposals for the devolution of powers to their areas under the 'city regions' scheme:

- Assembly North was based in Sheffield and comprised 32 members of the public from South Yorkshire, selected at random with stratification.
- Assembly South was based in Southampton and comprised 23 members of the public and six politicians from the Solent region. Members of the public were selected at random with stratification. Politicians were local councillors invited through local contacts.

Each assembly met for two weekends, learning about options, hearing from a diverse range of local politicians, campaigners, and officials, and deliberating upon the options. Each produced a report setting out its conclusions. These reports, together with analysis of the process, appear in the source below.

Source: Matthew Flinders et al., *Democracy Matters: Lessons from the 2015 Citizens' Assemblies on English Devolution*, April 2016.

4.4. Representatives of Organised Civil Society

Many advocates of a UK constitutional convention suggest that it should include representatives of organised civil society. The model most frequently mentioned is that of the Scottish Constitutional Convention, which laid the foundations for the creation of a Scottish Parliament between 1989 and 1995. As Box 4.2 indicates, however, this was very largely a partisan body: of its 159 members, only sixteen were neither politicians nor party representatives.

Two principal arguments are offered in favour of including civil society representatives:

- Groups such as trade unions and business organisations are influential. As with politicians, it is important to keep them on board in the development of reform proposals.
- It is important to include representatives of the groups that help society function well. They work hard to build an effective community, and they therefore deserve a particularly important role in shaping the rules of the community.

Box 4.2. The Scottish Constitutional Convention of 1989–95

The Scottish Constitutional Convention was an unofficial body convened by advocates of Scottish devolution to develop and agree upon detailed proposals. Though it is sometimes mentioned in discussions of a ‘people’s convention’ for the UK, it was in fact dominated by politicians. Furthermore, those politicians came overwhelmingly from just two parties: Labour and the Liberal Democrats. The Conservatives declined to participate because they did not want devolution. The Scottish National Party stayed away because they wanted full independence. The original membership comprised:

- the 55 MPs in Scotland from the participating parties;
- seven of Scotland’s eight MEPs (all from Labour);
- one councillor each from all nine Scottish regional councils, all three island councils, and 47 of Scotland’s 53 district councils;
- 7 political party representatives (one each from Labour, the Liberal Democrats, and five minor parties);
- 15 additional representatives from Labour (5 members) and the Liberal Democrats (10 members);
- 16 ‘institutional representatives’: three from the Scottish Trades Union Congress, four from the churches, one each from the National Federation of Self-Employed and Small Business (Scottish Section), the Scottish Convention on Women, and two Gaelic-speakers’ organizations, and five representatives of ethnic minority communities (plus six further members with observer status).

The Convention met for seven plenary sessions between March 1989 and November 1990; most of its work was, however, done by its Executive Committee. It then met again between 1993 and 1995 to address matters – notably the electoral system of the future Scottish Parliament – that had been left unresolved in the first phase.

Sources: Scottish Constitutional Convention, *Towards Scotland’s Parliament: A Report to the Scottish People by the Scottish Constitutional Convention* (Edinburgh, November 1990), pp. 19–20; Alan Renwick, *After the Referendum: Options for a Constitutional Convention* (London: Constitution Society, 2014), pp. 24–9.

But there are also arguments against:

- It is unclear which groups should be included and in what proportions. As Box 4.2 shows, four of the sixteen civil society representatives in the Scottish Constitutional Convention were churchmen. There were also five ethnic minority representatives, but no specific representatives of non-Christian faiths. Trade unions had three delegates, but the business community only one. There were also representatives of the Women’s Forum and two Gaelic-speaking organisations. Were these the right groups and proportions? Should there be wider representation of, for example, the voluntary sector, sport and other clubs, or other parts of society? There are no clear answers to such questions. Referring to demands from civil society groups to be allowed to appoint members to the Irish Constitutional Convention, the Irish constitutional law scholar Eoin Carolan remarks, ‘To put it bluntly, it is not immediately obvious why the Coeliac Society of Ireland or Irish Association of Youth Orchestras (who were among the groups advocating the inclusion of their

nominees) should have greater access to the constitutional change process than other citizens.⁴¹

- For those groups that are included, it may be unclear who should represent them. Some groups have clear authority structures, but others do not. The TUC, for example, represents most trade unions, but not all. Some religious groups have systems of election for choosing representatives of their communities, but others do not. Some spokespeople may therefore have views that are unrepresentative of those they purport to speak for.
- Some parts of society are not well represented by organised civil society at all. These are often marginalised groups, such as the unemployed or women from some communities.

These arguments about who should be represented by whom appear very difficult to resolve. There is simply no way of representing all parts of society equally through the inclusion of representatives of organised civil society. The strong trend in democracies in recent years has been away from representation of people as members of certain groups towards their representation as individual citizens.

Furthermore, civil society representatives within a constitutional convention may, like politicians, be bound to an organisational position and therefore unable to participate in open deliberation.

We therefore recommend strongly against the inclusion of civil society representatives as members of any constitutional convention. That is not to say, of course, that they should be excluded from the process entirely: their voices, arguments, ideas, and concerns are very important. But they should serve as witnesses and advisors, not as members. The only reason for giving them member status would, as in the case of politicians, be to secure their support for the process as a whole.

4.5. Experts

We will deal with the final category of potential convention members very quickly. Some have suggested that experts in constitutional matters should serve as members.⁴² Most experts themselves, however, disagree. In a citizens' convention, the role of experts is to offer advice, not to participate in decision-making. That is how the normal parliamentary process works, and it is also how any representative process should work.

4.6. The Number of Members

We turn now to a somewhat different issue: that of how many members a constitutional convention should have. It is useful to think both about existing models and about the particular requisites of a constitutional convention in the UK.

⁴¹ Eoin Carolan, 'Ireland's Constitutional Convention: Behind the Hype about Citizen-Led Constitutional Change', *International Journal of Constitutional Law* 13, no. 3 (2015), 733–48, at p. 740.

⁴² E.g. Liberal Democrats, *Liberal Democrat Manifesto 2010*, p. 88.

Existing models come in two basic types:

- Some bodies are small. Expert commissions typically have fewer than a dozen members. Among participatory institutions, citizens' juries generally have between twelve and twenty members.⁴³
- Other institutions are much larger. As noted in Table 1.1, the Irish Constitutional Convention had 99 members (excluding the Chair), while the citizens' assemblies in Ontario, the Netherlands, and British Columbia had, respectively, 104, 140, and 160 members.

There are no firm rules on size. For many relatively simple questions, a body the size of a citizens' jury may be entirely appropriate. The more complex the question, however, and therefore the longer the process of deliberation, the more important it is to have more members. Otherwise, there is a danger of 'groupthink': members get to know each other's thinking too well, and may go down one path without sufficiently considering alternatives. In a larger body, by contrast, it is more likely there will be dissenting voices who can check any consensus that emerges too early, there can be multiple discussion groups within the assembly that might move in different directions, and the memberships of these groups can be varied over time.

Regarding specifically a UK convention, an important consideration is the need for adequate representation of all parts of the country and all significant sections of society. Taking simply the example of the representation of the four nations, Table 4.1 shows the distributions that different membership sizes imply, assuming distribution in proportion to the number of registered voters.

Table 4.1. Members per nation for different convention sizes

	Alternative sizes					
England	16	43	83	167	251	418
Scotland	2	4	9	17	26	44
Wales	1	2	5	10	15	24
N. Ireland	1	1	3	6	8	14
Total	20	50	100	200	300	500

Note: We have employed the December 2015 parliamentary electoral registers, which are currently being used to redraw Westminster constituency boundaries (Office for National Statistics, [Electoral Statistics for UK: 2015](#), 25 February 2016; accessed 28 May 2016). We have allocated members to nations using the Sainte Laguë formula.

As is apparent, a substantial body is required before Northern Ireland is entitled to more than one or two members. If some representation of the diversity of perspectives within each nation is desired, larger numbers are clearly needed. Of course, it would be possible to over-represent the smaller nations, but that raises further questions about the nature of the assembly. We explore these further questions in chapter 6.

⁴³ Tom Wakeford, '[Citizens Juries: A Radical Alternative for Social Research](#)', *Social Research Update* 37 (summer 2002), p. 2.

4.7. Recommendations on Membership

We recommend the following:

- A citizens' constitutional convention should ideally consist of ordinary members of the public only, who should be chosen through stratified random sampling from the population as a whole. While it is not easy to secure a genuinely representative sample, we discuss ways of achieving this in chapter 5.
- The only reason to include politicians or representatives of organised civil society would be to encourage them to take the convention seriously. While this may be necessary, we also discuss, in chapter 10, other ways through which these groups might be included.
- If politicians or representatives of organised civil society are included as members of the convention, they should constitute no more than a third of the total membership. Any larger proportion would risk sidelining the ordinary citizen members.
- If the constitutional convention is a single, unitary body, a membership of around 100–150 is likely to be appropriate, in line with previous citizens' assemblies. If it is federal, however, or if substantial presence from all parts of the UK is essential, a larger body may be needed. We examine these structural issues further in chapter 6.

5. Selecting Citizens

We concluded in chapter 4 that at least the substantial majority of the members of any citizens' constitutional convention should be ordinary members of the public who are invited at random to participate. We also indicated, however, that securing a representative sample is far from straightforward. Most of those who are invited to take part will turn down the opportunity. Those who accept the offer will not be wholly representative of those who do not. It is therefore important to use a variety of methods – including, but not limited to, sample stratification – in order to maximise representativeness.

We begin by briefly considering what representativeness should actually mean in this context: in what ways is it important for the membership of the convention to be representative of the population as a whole. Then we apply that understanding to assess how the sample should be stratified. Finally, we consider alternative practical methods of selection.

5.1. Representativeness

Theoretical questions about representativeness are deep and numerous, and we do not propose to examine them in detail. Four points do, however, deserve attention:

First, *who are the 'people' who should be represented?* We have so far assumed the people are citizens and, specifically, those adult citizens who are entitled to vote and are on the electoral register. This is the most obvious definition, and the one that (broadly) we use for other decision-making processes such as parliamentary elections and referendums. The political philosopher David Owen has questioned this, however, arguing that the 'people' in this context should comprise also resident non-citizens and children.⁴⁴ These are important ideas. Given that we suspect they would have little political traction in the UK, however, we do not pursue them further here.

Second, *should the population be treated as one 'people' or several?* The UK is one country but also four countries. One view of a citizens' convention is that it should be one body representing all parts of the UK in proportion to population. Another view is that it should represent the various nations

⁴⁴ David Owen, '[Who Are 'the People' in a People's Constitutional Convention?](#)' *Politics Upside Down* (University of Southampton Politics blog), 30 September 2014; accessed 14 May 2016.

– or the nations and the English regions – separately, perhaps with over-representation of the smaller parts of the Union. This is a fundamental question of structure, which we explore in the following chapter.

Third, *how far should the goal of creating a microcosm of society be taken?* One view – perhaps the obvious one – is that this goal is paramount. But the official citizens’ assemblies that have existed to date have not always reflected that view. Most notably, in the Netherlands, those invited to take part were required to assess themselves against three criteria:

- *ability*: whether they would have time and whether they would be ‘physically and mentally able to carry out their duties’;
- *willingness*: ‘They would need to be interested in the duties they were to fulfil (not necessarily in politics or electoral systems as such, but rather in the duties they were to carry out) and would need to be willing to invest the necessary time and effort’;
- *suitability*: ‘They would need to exhibit a given ability to express their ideas and insights, be able to read texts, listen, collaborate, express themselves verbally, etc.’⁴⁵

The criteria were put to potential participants in a non-intimidating way: they were asked whether they could agree to eight statements, including ‘I look forward to collaborating with a large group of people’ and ‘Once I have received a little help I will know enough to take full part in the Forum.’⁴⁶ Nevertheless, such criteria clearly skew the sample away from those who do not meet them – or who do not feel they meet them or are not confident of stating that they meet them. The question is whether such skewing is appropriate. One view is that it is not, because it makes the assembly unrepresentative. The other is that it is, because members must be willing and able to participate for the assembly to function effectively.

Our view is that willingness and ability to take part are indeed crucial, but that these criteria must be handled with great care. They do not require any prior manifest interest in politics or any particular level of education. The work of the convention must be designed to help those whose time may be stretched (such as parents of young children) or whose learning may be slower or require different modes of communication. We examine possible means of achieving these goals in chapters 7–9.

Fourth, *should anyone be excluded?* Following previous practice, it would not be appropriate to exclude members of political parties in general from selection as ordinary members of the public, but it would be desirable to exclude those who hold or have recently held elected public office. The same may apply to leading members of advocacy organisations closely related to the topic or topics that the convention is considering. Some civil servants would need to be barred from membership as well.

5.2. Stratifying the Sample

One way of guaranteeing a degree of representativeness is to ‘stratify’ the sample: either to stipulate the proportions in which various groups will be represented in the convention or to specify

⁴⁵ Dutch Civic Forum, Process Report of the Electoral System Civic Forum (2006) p. 11.

⁴⁶ Ibid.

minimum levels of representation for certain groups. The following criteria for stratification have been used in the past:

- *gender*: all of the official citizens' assemblies and the Irish Constitutional Convention have required equal numbers of men and women (in the Irish Constitutional Convention, this applied only to the citizen members);
- *geography*: all previous cases have required an equitable geographical spread, based either on regions or on electoral constituencies;
- *ethnic background*: the two Canadian citizens' assemblies required at least a minimal level of representation of the First Nations;
- *age*: the Ontario Citizens' Assembly and both Irish bodies required representativeness across four age bands, the lowest of which (18–24) was designed to reach the part of the electorate that is hardest to engage in traditional politics; the British Columbia Citizens' Assembly stratified by age in the initial stages of the selection process;
- *class*: the Irish Constitutional Convention and Citizens' Assembly stratified according to three class categories (ABC1, C2DE, and F);
- *employment status*: the Irish Convention also used three categories for whether people were working full-time or part-time or had another employment status.

These would all be appropriate stratification criteria in the UK. Some might be applied differently: for example, the requirement for representativeness in terms of ethnic background might be treated more strictly.

Additional criteria might be added to engage other hard-to-reach groups. We have already mentioned parents of young children. Others include disability status, education, and interest in politics. Clearly, the last of these may be particularly difficult given the need for willingness to participate. Nevertheless, as recent politics in the UK and elsewhere shows very clearly, it is important to reach out to those who are disengaged from conventional politics.

It should finally be noted, however, that, the more stratification criteria are added, the harder (and more expensive) the task of building a sample becomes: the base sample that is needed to ensure all cells in the stratification grid are filled grows larger and larger.

5.3. Methods of Selection

Stratification can greatly aid representativeness, but it cannot do all the work on its own. Those who accept the invitation to participate are, by definition, different from those who do not accept the invitation – and they may differ in ways that are relevant to how they respond to constitutional issues. It is therefore important to try to maximise the range of people who are willing to accept the invitation. That can be pursued partly through various elements in the design of the convention – which we will discuss in chapters 7–9. But it can also be promoted through the design of the selection process itself.

Two additional factors also need to be taken into account when designing the selection process. One is cost: a high-quality process can be very expensive. The other is the impact of the process upon the subsequent engagement of those who accept the invitation.

Three methods of selection have been tried to date:

Method 1: Selection from an online panel

The first method is that an existing online panel is used to facilitate selection. The pilot citizens' assemblies run by the *Democracy Matters* project (see Box 4.1 on p. 24) used the online market research company YouGov. Potential participants were selected at random from YouGov's panels in the areas of the two assemblies. They were invited to participate, and invitations continued until an agreed stratification grid had been filled.

This is the cheapest selection method: potential panel members are easy to contact, and much is already known about them, allowing invitations to be targeted to fill the stratification grid more readily. Problems were experienced in the *Democracy Matters* project arising from shortage of time and resources. As the report from that project discusses, however, various adjustments to the methodology – particularly to extend the time allowed for recruitment and increase the contact between prospective members and assembly staff before the first assembly meeting – could be expected to limit these difficulties.⁴⁷

It should be clear that this method of recruitment would be inappropriate for an official constitutional convention, as citizens who have not signed up to the survey company's panel would be excluded from selection. For an unofficial body with more limited resources, however, it could be the best means of proceeding.

Method 2: Recruitment by traditional sampling methods

The second method employs the techniques traditionally used by market research and polling companies to construct representative samples. The Irish Constitutional Convention, for example, employed a survey company to conduct door-to-door randomised selection: 'interviewers began their surveying at a randomly generated starting address ... and proceeded within that DED [District Electoral Division] to approach households until their quotas were achieved'.⁴⁸ The current Irish Citizens' Assembly used a very similar approach.⁴⁹

This methodology of sample recruitment has a long and successful history. Further, the face-to-face nature of the process as it was designed in Ireland gave space for interviewers to explain what participation in the convention would involve and for interviewees to ask questions.

As is now well known, however, it has become increasingly difficult to obtain genuinely representative samples as the proportion of people willing to respond to surveys has declined. In addition, contracting out to a survey company entails a loss of detailed control that can lead to problems: as Eoin Carolan observes, the members of the Irish Constitutional Convention included a married couple and two next-door neighbours – outcomes that can have arisen only through severe violations of normal sampling protocols.⁵⁰ The Canadian and Dutch citizens' assemblies therefore employed a third approach.

⁴⁷ Matthew Flinders et al., *Democracy Matters: Lessons from the 2015 Citizens' Assemblies on English Devolution*, April 2016, p. 17; accessed 17 May 2016.

⁴⁸ Behaviour and Attitudes, '[Constitutional Convention – Members of the Public Recruitment Process](#)'; last accessed 28 May 2016.

⁴⁹ Red C, '[Recruitment of the 99 Citizen Members and Substitutes of the Citizens' Assembly: Note on Methodology](#)'; last accessed 8 April 2017.

⁵⁰ Eoin Carolan, 'Ireland's Constitutional Convention: Behind the Hype about Citizen-Led Constitutional Change', *International Journal of Constitutional Law* 13, no. 3 (2015), 733–48, at p. 742.

Method 3: Recruitment through letters and meetings

The three official citizens' assemblies that have concluded to date all selected potential members at random from the electoral register and invited them by letter to indicate whether they would be interested in taking part. A further selection then took place from among those who responded positively, in order to provide a representative pool of citizens, who were invited to attend a local meeting where they could find out more about what participating in the assembly would involve. Those who remained interested at the end of the meeting put their names in a hat, and from these people the final selection was made. The details of this process for the case of Ontario are set out in Box 5.1.

Box 5.1. Recruitment to the Ontario Citizens' Assembly of 2006

Members of the Ontario Citizens' Assembly of 2006–7 were recruited in a three-step process:

- First, individuals were selected at random from the electoral register and sent a letter that set out what the assembly would involve and invited them to indicate whether they were interested in taking part. The number of invitations was very large – 123,489 – in order to make a representative sample more likely at the end of the process. 7,033 people responded positively.
- Second, from those who replied, a representative pool of around a dozen people was selected in each of the province's 103 electoral constituencies. The constituencies had already been designated to have either a female or a male representative, so the only further stratification was by age. Those selected – 1,253 people – were invited to a selection meeting.
- Third, those invited attended a selection meeting – there were 29 meetings across the province – where they heard more about what membership of the assembly would involve. At the end of the meeting, they could choose whether to put their names in a ballot box, and then the names of one member and two alternates were drawn.

Source: Ontario Citizens' Assembly Secretariat, *Democracy at Work: The Ontario Citizens' Assembly on Electoral Reform: A Record of Ontario's First Citizens' Assembly Process* (Toronto: Ontario Citizens' Assembly, 2007), pp. 43–4.

This third approach is expensive: the meetings must be spread across the country and need to be carefully planned and well run to give a good first impression. But it is the best approach:

- First, the longer any convention is expected to operate for, the more information potential members should receive before making a final decision. An event at which they can meet some of the organisers, hear detailed information, and ask questions is therefore desirable.
- Second, it is much easier for people to commit to attending a short meeting than to giving up multiple weekends across many months. Including this first step should therefore increase the range of people willing to respond positively to the initial invitation.
- Third, the selection meetings can be used to model the kinds of discussion that participation in the convention would itself involve. There is strong evidence that, once people have experienced this, they are keen to return for more.
- Fourth, the fact that such large numbers of people are initially invited creates the opportunity for a media campaign to raise awareness of the recruitment process and to

encourage people to think about participating. This campaign can be targeted towards particularly hard-to-reach groups.

5.4. Between Selection and Starting Work

Recruitment for a convention spanning multiple weekends should take place several months in advance: many members will need this time to adjust their plans. It is essential that staff members engage with them actively during this period. In Ontario, for example, the assembly's secretariat engaged with members in multiple ways:

- At the end of each selection meeting, each new assembly member sat down with a staff member for an initial orientation discussion.
- Each member was assigned a 'buddy': a staff member who was their contact person should they have questions or concerns. Wherever possible, their buddy was present at their selection meeting, and members received their buddy's contact details. Shortly after the meeting, buddies called their designated members and went through a questionnaire about their needs and expectations.
- The assembly's Chair called each new member within a week of their selection to welcome them and answer any questions. He called again sometime later to touch base.
- Members received an appointment letter and contract from the responsible government minister. They also received, at various times, a 'getting ready' guide, a guide to summer reading if they wished, an outline of the assembly's proposed rules of procedure, and a survey to provide feedback on their perceptions of the process up to that point.

Such contacts help to maintain a sense of momentum and connection. They also allow members' questions to be answered and they help in the planning of the convention's work.

5.5. Recommendations on Selecting Citizens

We recommend the following:

- At least for any official convention, selection should take place from adult citizens on the electoral register. For an unofficial convention, cheaper methods, including sampling from an existing online panel can be considered.
- Members should be selected through a process of stratified random sampling.
- For an official convention, the selection process should include local meetings to which randomly selected citizens are invited. These meetings should allow potential members to learn more about the work of the convention and should end with the final selection of members.
- Selection meetings should make clear the demands that participation will place on members, but should also emphasise the various ways in which people of diverse experience and background will be helped to take part equally.

6. Structure

All citizens' assemblies to date have been simple, unitary bodies. In the UK, however, there might be reasons, at least on some issues, to adopt more complex, federal structures. In this chapter, we examine the implications that such structures might have.

6.1. Options for the Convention's Structure

Citizens' assemblies and conventions have mainly been held in relatively small polities, ranging from Iceland (population 330,000) to Ireland (4.7 million) to the Netherlands (17 million), and in Canada British Columbia (4.4 million) and Ontario (6.1 million). The UK dwarfs them all in terms of population size, with 65 million people. It has the added complication of being a multi-national state, whose four nations of England, Scotland, Wales and Northern Ireland might, depending on the topic, expect separate citizens' conventions of their own. So might the different regions of England, especially if devolution within England is an important part of the agenda.

There are two broad options for the convention's structure:

- unitary, with a single convention comprising representatives from all parts of the UK;
- federal, with separate conventions in the different parts of the UK, feeding into an all-UK convention; this could sit simultaneously, or sequentially, in a two-stage process.

For many of the issues discussed in chapter 3 – protection of human rights, changes to the franchise, the Commons electoral system, or the funding of political parties – a single nationwide convention, meeting in an accessible place, may be perfectly adequate. Having separate conventions in different parts of the country would add greatly to the cost, and probably to the timetable, so should be avoided unless it is clearly preferable.

But a federal structure is preferable for any of the issues connected with devolution and the future of the Union, not least because there would otherwise not be enough representatives from Scotland, Wales and Northern Ireland to make their voices heard or to reflect sufficiently the diversity of their own populations. Table 4.1 showed that in a UK-wide convention of 100 people, with the nations represented in proportion to population, Scotland would have nine members, Wales five and Northern Ireland just three.

To illustrate the range of options available, and for the moment leaving cost considerations aside, we can posit the following different approaches to different policy topics:

Case Study 1: A convention on the franchise and the electoral system at Westminster

This is an all-UK matter. Although different electoral systems have been adopted for elections to the devolved assemblies, the European Parliament and directly elected mayors, and a lower voting age introduced for the Scottish Parliament and local government elections in Scotland, those voices do not need to be separately heard or privileged. The convention, if it wishes, can hear evidence about the effects of those different electoral systems, and the lower voting age in Scotland. It can be constituted as a single, all-UK convention, with representatives from all parts of the UK, and meet for as many weekends as are necessary to do justice to the topic.

Case Study 2: A convention on the governance of England

This could be a single all-England convention, with members drawn from all over England. Alternatively, it could start with smaller regional conventions in the nine regions of England (London, South East, South West, East Midlands, West Midlands, East Anglia, North West, North East, Yorkshire and Humberside). The average population size of each region is 7 million, with a range from 8.6 million in the South East to 2.6 million in the North East (2011 census figures). Members could meet initially in their region for a few sessions, and then come together in an all-England convention.

Case Study 3: A convention on devolution and the future of the Union

This could start with smaller conventions in Scotland, Wales and Northern Ireland, and a larger one in England; or, if devolution within England is on the agenda, the discussion in England may need to begin with smaller conventions in the English regions. The Electoral Reform Society have suggested:

An England-only convention could feed into or connect with processes taking place in the other nations of the UK as well as with a UK-wide process. There is a clear need for Scottish, Northern Irish and Welsh citizens to have their own constitutional conversations, ideally in a form that allows joint deliberations where appropriate. These can then inform the UK-wide conversation.⁵¹

The difficulty is the numbers which could be involved in such an exercise, if we are to retain proportionality. To have meaningful numbers in Scotland, Wales and Northern Ireland, the UK-wide convention would need to be at least 500 people (the largest size illustrated in Table 4.1): that would deliver 44 members from Scotland, 24 from Wales and 14 from Northern Ireland. That assumes that all the members from the smaller conventions would attend the UK-wide convention. The alternative, if the UK-wide convention is itself to be kept small (say 100), would be for the nations and regions to send a subset of their number: but that has implications for the nature of the deliberation in the UK-wide convention, discussed below.

⁵¹ Electoral Reform Society, *How to do a Constitutional Convention in the UK*, March 2015 p. 2.

6.2. Different Structures for Different Topics

To take a little further the thinking about how the nature of the topic will help to determine the structure of the convention, we have set out in Table 6.1 below the different topics which a convention might be asked to consider, and suitable structures for those topics.

Table 6.1. Different structures for different topics

Topic	Structure	Possible Size	Comments
Changes to the franchise: voting age, voting rights of expatriates, and of Commonwealth and Irish citizens	Single UK-wide convention	100	
British Bill of Rights: repeal of Human Rights Act, possible withdrawal from Council of Europe	Single UK-wide convention	100	Scotland, Wales and N. Ireland have specific concerns, and may need stronger representation
Reform of party funding	Single UK-wide convention	100	
Further reform of the House of Lords	Single UK-wide convention	100	If one solution is a Senate of the nations and regions, should this start with smaller conventions in the nations and regions?
The English Question: an English Parliament, English votes for English laws, or devolution within England	Single England-wide convention; or all-UK convention?	100	Scotland, Wales and N. Ireland would be strongly affected: their voices may need to be heard
Devolution and future of the Union: purpose of the Union, reserved and devolved powers, UK-wide entitlements, devolution finance, resolution of disputes	Start with smaller conventions in the nations and English regions; they would feed into UK-wide convention	500	UK-wide convention needs to be large to contain sufficient numbers from Scotland, Wales and Northern Ireland.
The UK and Europe: negotiating a new relationship, on access to markets, free movement, etc.	Single UK-wide convention; or start with smaller conventions in Scotland, Wales, NI	100	Scotland and Northern Ireland voted to remain in the EU; England and Wales to leave

6.3. Consequences of Different Structures

As Table 6.1 makes clear, there is no single right answer to the structure of a convention. However a convention is structured, some parts of the country or groups or sectors of society will claim to have a special interest, and demand special representation. It is then a matter of judgement whether that claim is justified; and whether it can be afforded, in terms of the additional costs which might be imposed.

Cost considerations will always point towards smaller conventions wherever possible. Very large conventions also risk losing something in terms of the quality of debate: the proportion of members who feel uncomfortable speaking up in plenary sessions may rise; the personal touch and sense of community may be harmed; members may feel their individual contribution is less important, leading to lower rates of attendance. So there are good reasons, even if an all-UK convention starts with smaller gatherings in the nations and regions, for those smaller conventions to send only a subset of their members to the all-UK body.

But the difficulty is how to define the role of those regional representatives: are they delegates of their regional convention, mandated to represent its views; or can they adjust their views in response to what they hear from other parts of the UK? For the discussion and deliberation to be meaningful, they must be capable of adjusting their views – but how far? If they have complete latitude, then the earlier discussion in the regional convention risks losing its meaning, if it can simply be overridden subsequently.

A final consideration is timetabling, and location. It would be most efficient, in terms of timetabling, for regional bodies to meet simultaneously. It is counter-intuitive, but it might also be more efficient for the dynamics of deliberation for them to meet in the same location, even though that means additional travel. That would give all the members from the start a sense of being part of a wider whole; they could alternate discussions in their regional groupings with discussions in plenary, so that the one informed the other. It might also help to prevent hard-line attitudes being adopted which subsequently might be hard to shift, if all the national and regional groups were co-located from the outset.

On the other hand, simultaneous timetabling would also stretch resources: while a staggered schedule would allow some staff members to work at multiple conventions, holding all simultaneously would require recruitment of whole separate teams. Co-location would somewhat reduce these constraints and would allow some sharing of expert speakers, but it would not eliminate them.

The challenges of running a constitutional convention on the future of the Union in a context where significant groups in parts of the country do not want to remain part of the Union should not be underestimated. Careful consideration would need to be given to how best to include and accommodate this diversity of perspectives.

6.4. Recommendations on Structure

We recommend the following:

- A structure should be chosen that fits the convention's agenda. Unless there is good reason, a federal structure should be avoided. But a federal structure is likely to be necessary if the agenda relates to aspects of devolution.
- If a federal structure is chosen, careful consideration should be given to its implications for the size of the convention, the character of its deliberations, and the timetabling of its work.

7. Operating Methods

We have suggested that the goal of a citizens' constitutional convention should be to elicit informed and considered public views. Whether that goal is reached or not depends in considerable part upon how the convention conducts its business. One key issue is the amount of time available to the convention to consider the questions before it: given how important this is, we treat it in detail in the following chapter. Another key issue is how the convention uses that time, which we discuss here.

There is now a well tested model for citizens' assemblies and other similar bodies that has been shown on multiple occasions to work effectively. This divides the assembly's work into three phases – learning; consultation; and deliberation and decision – and offers a variety of modes of work during these phases. We begin by outlining the phases and working modes, before discussing each mode in turn. Then we consider how the assembly communicates its decisions. Most of the chapter assumes a pure citizens' assembly containing only ordinary members of the public. The final section considers the implications of including elite members such as politicians, civil society representatives, or experts.

7.1. Phases of Work: An Overview

A convention following the classic citizens' assembly model works through three phases:

- **Learning.** The purpose of such an assembly is not to rehearse uninformed views, but to elicit considered, grounded judgements. During the learning phase, the members learn both about the assembly itself and about the issues on the assembly's agenda. They get to know each other and agree their working methods. They learn about the issues that they are to make recommendations on and the options that are available. As outlined in section 7.3, they have multiple opportunities to hear from and question experts with a wide variety of perspectives.
- **Consultation.** Members should hear the widest possible variety of perspectives and have the opportunity to quiz those who espouse different views in detail. In addition, anyone who wants to express a view to the convention should be able to do so: members of the public

who wish to express their views to the convention should be able to do so. Consultation can take place through a variety of face-to-face and online modes, as discussed in section 7.4.

- **Deliberation and decision-making.** A deliberative approach should characterise all parts of the convention's work: from the start, members not only hear from experts or others, but also think about what they hear and can challenge it as much as they wish. In addition, a concentrated process of deliberation occurs after the consultation phase, when members sift through all the ideas that they have heard, considering the criteria they want to use to evaluate options and measuring the options up against those criteria. This process leads gradually towards final recommendations.

7.2. Modes of Work

As we indicated in chapter 5, one goal in the design of a citizens' convention is to maximise the range of people who can participate effectively in its deliberations. That requires receptiveness to people's varied preparedness and learning styles. Some will be used to speaking before large audiences, while others will be shy even in relatively small groups. Some may know (or think they know) much about the issues in hand, while others will know (or think they know) very little. Some will learn best by reading or listening, others by talking things through or engaging in role-play or other activities. It is essential to accommodate all such diversity.

We cannot explore the full variety of modes of work here. Rather, we set out five key principles:

- First, development of **group rapport** is essential. Members must feel comfortable with the people around them – both their fellow members and the support staff. Effective deliberation requires that they respect each other's viewpoints, even when they sharply disagree, so they have to understand and value the process as a whole. They are being asked to devote considerable time to that process, so everything should be done to ensure they find it rewarding. These points require, for example, plenty of opportunity to hear about and ask questions about the convention's work before it begins and ample time when the convention first meets for members to get to know each other and bond together. There should be ongoing social activities throughout the convention's work to maintain and deepen those ties.
- Second, **varied activities** should be built into all the meetings. There should be a mix of plenary and small-group sessions. In plenaries, key information is conveyed or the results of deliberations are presented and discussed. In small-group sessions, groups of around six or seven assembly members discuss defined issues with the help of a facilitator. Plenaries can include a range of presentation styles, Q&As, and other interactive sessions. Small-group periods can involve many activities beyond simple discussions.
- Third, **time outside meetings** should also be used effectively. Members should not be expected to do hard work outside meetings – though some may want to. But they should be helped to use the time for gradual mulling over the discussions in the meetings themselves. Briefing materials should be available so that members can read up in advance of meetings if they wish or go back over key points afterwards. An online forum should be provided where members can exchange ideas among themselves or ask questions – either of each other or of the support team. Assistance should be provided for those who are not used to using the internet. Members should always be able to contact the support team if they have

questions or concerns. Members should be encouraged to be creative in suggesting issues the convention might explore or activities it might engage in.

- Fourth, the members of the convention themselves should be able to **control their work** so far as possible. While the terms of reference given to the convention should prescribe the issues that the convention is to discuss, members should have substantial influence over such matters as the speakers they hear from, the options they consider, and the structure of any votes that they take. It is possible also, particularly in a convention of extended duration, to establish advisory committees of convention members to help design consultation processes, to help write the final report, and to promote dialogue between staff and members on other matters.
- Finally, underpinning the first four principles, the convention must have **clarity of purpose**: members should have a clear idea of what they are expected to produce, for whom, by when, and it should be clear what will be the measure of their success. As we discuss in chapter 13, it is important for whoever established the convention to give clarity as to what will happen to the convention's recommendations once they have been published.

The sections below flesh out in a little more detail what these principles imply during each of the three phases. Before getting there, we note that they have implications also for the nature of the space in which the convention meets. That space should foster equal participation for all members. Members should be able to see and hear presenters during plenary sessions. But they should also be able to see and hear each other. If the format is to alternate repeatedly between plenary and small-group sessions, it is important to have a space that allows that. Several past assemblies have achieved this by holding all sessions in one meeting room, with members sitting in 'cabaret' style around round tables. Break-out rooms might be preferred if the pace is slower, but these should still be close to the plenary venue.

7.3. Learning Programme

Given the goal of informed discussion, the learning materials available to assembly members are of considerable importance. They should meet several criteria:

- **Accuracy.** First and most obviously, they should provide accurate information on the issues that the convention is to consider.
- **Breadth.** They should canvass the widest possible range of options and views.
- **Impartiality.** They should not show partiality towards any particular position, though they should analyse fully and frankly the strengths and weaknesses of different arguments.
- **Clarity and accessibility.** They should be clear and accessible to the widest possible range of audiences.

As indicated already, written materials should be available from before the convention's first meeting, and members should be able to review presentations and associated materials after they have been given. Such materials should be prepared by a team of experts: the normal model is that this is headed by an Academic Director, who should have relevant expertise but not have a strong commitment to any specific options. Draft materials should be trialled for both impartiality and accessibility. Representatives of diverse viewpoints should be consulted. Where possible, written texts, presentation slides, and other pre-prepared materials should be discussed in focus groups of

ordinary citizens. Experts on accessibility to a variety of groups should be consulted. Sometimes, of course, materials will be needed quickly in the course of the convention's work, making such extensive checks impossible. The quality and impartiality of the core team therefore matters.

Two important issues arise:

- First, all of this takes time. Based on past experience, we suggest that, wherever possible, preparation of learning materials should begin at least six months before a convention is due to begin. At the same time, the approach taken will often have to remain flexible to ongoing developments.
- Second, there may be concerns that the Academic Director and her or his team may exert undue influence over the convention's deliberations and, therefore, its decisions. To counter this danger, the team around the Academic Director should be diverse, the convention should hear from the widest possible range of voices, and convention members themselves should be able to request additional information on particular options, viewpoints, or other matters. So far as possible, the Academic Director should become the instrument of the convention, not vice versa.

7.4. Consultation, Public Engagement, Transparency

Consultation processes should be designed with three goals in mind. First, convention members should be able to hear from the widest possible range of voices and engage in open dialogue with them. Second, all who want to express a view should be able to do so. The members of a convention take on an important responsibility; they must listen to and take account of the views of their fellow citizens. Third, the consultation period should provide opportunities to connect politicians and representatives of civil society to the work of the convention to help ensure that they feel part of the process.

Methods of consultation are in many respects common to other consultations:

- Representatives of a wide range of organisations and viewpoints should be invited to speak or submit evidence.
- Public submissions should be encouraged, both online and through public hearings. Options for the former include an online questionnaire with closed and open questions and online discussion forums held around live-streamed events. Past citizens' assemblies have encouraged members to attend local events, such as 'town hall meetings', to gauge feeling in their communities.
- Opinion surveys and/or focus groups can be commissioned.

One important issue concerns public engagement and transparency. In order to maximise public engagement with the convention and therefore increase the likelihood that all sections of society feel they have been heard, the convention should present an open public face. In past citizens' assemblies, the members' names and, often, photographs and short biographies have been published, along with the areas they come from,⁵² and members have been encouraged, to the

⁵² Mini-biographies of the Ontario Citizens' Assembly members are still available on the [assembly's website](#). The Irish Constitutional Convention provided a more cursory [list of members](#).

extent that they have felt able, to engage in discussions with their local communities. But this may raise questions about privacy. The main examples of pure citizens' assemblies are around a decade old and thus predate the rise of social media. Concerns in today's world about the trolling of members – and also about how the particularly vituperative British press might treat members – are sometimes raised and need to be taken seriously. We consider these in chapter 9.

7.5. Deliberation and Decision

As we noted above, deliberation should characterise all phases of the convention's work: see Box 7.1 for a definition. Careful, considered, and open deliberation rarely arises spontaneously: guidance is required to ensure that all group members feel able to speak and to encourage members to listen to each other's points and remain open to changing their views in response to new information or arguments. Such guidance should be provided by trained facilitators.

Box 7.1. Defining deliberation

Leading democratic theorist James Fishkin offers the following definition of deliberation:

'By *deliberation* we mean the process by which individuals sincerely weigh the merits of competing arguments in discussions together. We can talk about the *quality* of a deliberative process in terms of five conditions:

- a. *Information*: The extent to which participants are given access to reasonably accurate information that they believe to be relevant to the issue
- b. *Substantive balance*: The extent to which arguments offered by one side or from one perspective are answered by considerations offered by those who hold other perspectives
- c. *Diversity*: The extent to which the major positions in the public are represented by participants in the discussion
- d. *Conscientiousness*: The extent to which participants sincerely weigh the merits of the arguments
- e. *Equal consideration*: The extent to which arguments offered by all participants are considered on the merits regardless of which participants offer them

Source: James S. Fishkin, *When the People Speak: Deliberative Democracy and Public Consultation* (Oxford: Oxford University Press, 2009), pp. 33–4.

In the normal model, much of the work of a citizens' assembly is conducted in groups of seven or eight members sitting at a circular table with a facilitator. Facilitators should be trained in methods of encouraging effective deliberation. They should not be experts such that their group members might look to them as sources of knowledge: this could harm their impartiality. They should, however, have sufficient knowledge of the topics under discussion to understand what the purposes of a particular discussion are and what needs to be addressed to fulfil those purposes. If resources are tight, facilitators can be graduate students who have experience of teaching. At the least, however, a professional facilitator should be employed to train the facilitator team and to identify and seek solutions to any problems that arise in the course of the discussions.

Deliberation and decision-making also constitute the third phase of the convention's work: having learnt about options and consulted with the widest possible range of voices, members should have time to reflect in detail on what they have heard and gradually work towards decisions. Early in its proceedings, the convention should consider the criteria it will use to evaluate the options, and it should repeatedly revisit and, if desired, revise these criteria as members become more informed. A preliminary sifting of options against the criteria can then be used to develop a shortlist of options for detailed consideration. As members come to a view on particular issues, there should always be opportunities for them to reflect on that view and make sure they have not ignored important counterarguments or better alternatives. Final decisions should be reached only after multiple rounds of reflection.

Some theorists of deliberative democracy suggest that the ideal mode of decision-making is discussion that continues until consensus is reached. In practice, however, complete consensus is generally impossible, and it has never been the goal of actual citizens' assemblies. Where disagreements exist, it is important to explore those disagreements and why they arise. If they arise because particular solutions favour the interests of some members but not others, it may be possible to find an alternative that achieves better balance. Ultimately, however, some disagreements relate to fundamental values and some choices cannot be nuanced. In those circumstances, voting is an appropriate way to make decisions.

As noted above, convention members should have substantial control over what they vote on, what order votes are taken in, and how ballot papers are worded. In past citizens' assemblies, such matters have often taken up considerable discussion time, but this is important to ensure that the decisions genuinely belong to the convention itself.

Decision-making procedures might be more complex if the convention has a federal structure. As we suggested in chapter 6, the greatest challenge in that scenario is to ensure both that the views of each regional/national assembly are brought to bear in the federal assembly, but also that members of the federal assembly remain free to deliberate in an open-ended way.

7.6. Reporting and Ongoing Communication

Once the convention has reached its conclusions, the content of those conclusions and the reasoning underlying them must be written up in a report. At this point, the experience of past assemblies diverges markedly. In Ireland, report writing was left to the head of the Constitutional Convention's secretariat. Members were consulted on a draft, but their contributions at this stage were limited: for the most part, it appears that they trusted the secretariat to reflect their views fairly. In British Columbia, by contrast, an initial draft prepared by assembly staff received strong push-back from members; subsequently, an unusually inclusive writing process was agreed and followed. In Ontario, the process was collegial without being confrontational, assisted by an advisory committee of assembly members who worked closely with the assembly's secretariat in drafting the report.

What we can draw from these experiences is that the organisers of any convention must be responsive to convention members and be willing to assist the process of report writing that members conclude is most appropriate.

In addition, as we discuss further in chapter 13, if the convention's report is to have real impact, it is important to consider the processes through which it will be disseminated and progress on its recommendations assessed. Previous assemblies and conventions have all disbanded immediately upon reporting. There is a strong case for saying, however, that their work should continue for a period in two ways. First, members might be assisted in taking part in dissemination work: by presenting their conclusions in parliament, for example, or by speaking in their local communities or in the media. Second, the convention as a whole might reconvene one or two more times after agreeing its report to hear responses from government and other politicians to its recommendations and to assess those responses. If a referendum is held on some or all of the recommendations, the convention might be given means to explain its thinking.

7.7. Implications of Including Elite Members

This chapter has so far assumed that the constitutional convention takes the form of a pure citizens' assembly. If elite members – whether politicians, representatives, or experts – are to be included, the question arises of whether standard deliberative procedures remain feasible. Those procedures seek to create conditions for equality among all participants: the goal is that all members should be equally able to engage with the arguments and have their voices heard. Where elite members are included alongside ordinary members of the public, however, there is inequality: elite members are included on the premise that they can make a special contribution.

The approach taken in the mixed Irish Constitutional Convention and in the mixed pilot citizens' assembly in Southampton was nevertheless that all members should be treated equally. During small-group discussions, the politician members were distributed among ordinary members of the public, such that they would have to interact with each other. Experience was that, while politician members could initially dominate discussions, this tended to diminish as time went by.

Alternative operating methods could be considered where different categories of members are not treated equally. But this would significantly violate the principles underlying deliberation and might well also antagonise the citizen members. This further illustrates the difficulty of including elite members within a citizens' constitutional convention and highlights the desirability of seeking other means of integrating politicians and campaigners into the convention process, as we explore further in chapter 10.

7.8. Recommendations on Operating Methods

We recommend that a citizens' constitutional convention should operate according to the following principles:

- The work of the convention should be divided into three phases: learning, consultation, and deliberation and decision.
- The learning phase should be supported by a learning programme that is carefully worked out to maximise accuracy, breadth, impartiality, clarity, and accessibility.
- Consultations should be as wide and open as possible. They should include representatives of any organisations and any members of the public who wish to express their views.

- Deliberation should characterise all of the convention's work. This should be carefully structured and supported by trained facilitators.
- The design of the convention's work and the writing of its final report should be flexible and responsive to members' wishes. Consideration should be given to continuing the convention's work after it has reported, so that it can advocate and monitor implementation of its recommendations.
- If elite members are included, they should be treated on equal terms with and work alongside the ordinary citizens.

8. Duration and Schedule

Issues of scheduling may appear technical. But the amount of time available to a constitutional convention has a profound impact on the depth to which it can pursue its tasks and the degree to which its members can truly get to grips with the items on their agenda. This chapter outlines the key issues.

8.1. How Much Time Is Needed?

Citizens' juries typically last for three to five days. Larger citizens' assemblies, however, have varied across three formats:

- The Irish Constitutional Convention resembled citizens' juries most closely in terms of duration. Although the Convention's meetings spanned more than a year, its agenda comprised a series of discrete topics, to most of which it devoted a single weekend. The Convention therefore operated, in effect, as a series of distinct weekend-long events.
- The three official pure citizens' assemblies that have completed their work, by contrast, each operated over a period of seven to fifteen months to address just one issue. Each met for between ten and twelve weekends over that period, in addition to which those in Canada held various local consultation meetings. The British Columbia and Ontario Citizens' Assemblies each devoted six weekends to the learning phase and six to the deliberation phase, between which they held a series of public hearings. The Dutch Civic Form was slightly shorter, with three weekends for the learning phase, three for consultation, and four for deliberation and decision. The ongoing Irish Citizens' Assembly plans to devote five weekends to its main topic (abortion) and three weekends in total to its remaining four topics (see Box 3.5, on p. 17).
- Between these two models, the pilot citizens' assemblies in Sheffield and Southampton trialled a two-weekend approach. This clearly allowed more meeting time than the Irish approach. Importantly, it also allowed time for reflection between the weekends: members were able to mull over what they had heard, reread the briefing materials, and request further information for the second weekend.

The advantages and disadvantages of these approaches are clear:

- The extended timetable used in British Columbia, Ontario, and the Netherlands clearly increases scope for thoughtful and informed decision-making. It minimises the danger that conclusions will be reached whose implications have not been carefully considered.
- On the other hand, the longer the convention works for, the more it costs to run (see chapter 12) and the heavier its demands upon members. While all the evidence suggests that citizens who sign up to a citizens' assembly are willing to devote considerable time to it, that is much harder if elite members are also included. In addition, there may be a danger of increasing 'groupthink' if the convention's deliberations are extended for too long.

For an unofficial constitutional convention, two weekends per topic should be regarded as the minimum reasonable duration: the period of reflection and additional evidence gathering between weekends is essential.

For any official constitutional convention, however, or for anything but a simple question, more than two weekends should be allowed. A three-weekend schedule allows one weekend to be devoted to each of the learning, consultation, and deliberation/decision phases. But the experiences of the three pure citizens' assemblies show that a considerably extended schedule is better: more time is then available for easing members gradually into complex subject matter, for hearing and interrogating the widest possible variety of perspectives, and for thinking through proposals and reflecting on preliminary conclusions before finalising them. While this is expensive, we submit that the costs of making constitutional choices that have not been carefully considered or do not command broad legitimacy could be substantially higher. At the same time, a citizens' convention should not extend beyond a year in total duration: it is important for members to see their task as finite and to have their end goal in mind.

By way of illustration, Table 8.1 sets out the schedule of the Ontario Citizens' Assembly. This assembly looked at a topic – electoral systems – where there are clearly defined options and where much scholarly research has generated relatively uncontroversial findings. For some other topics, where options and arguments have not previously been so well rehearsed, a somewhat different structure might be needed.

8.2. How Should Meetings Be Spread?

As we have indicated, citizens' conventions normally meet for weekends rather than continuously. This allows members to continue with the rest of their lives while they serve on the convention. Crucially, as just noted, it also allows time for members to reflect between meetings and for organisers to respond to members' requests to receive additional information or hear additional viewpoints.

The typical pattern has been for meetings to take place at intervals of between two and four weeks. Anything less than a fortnight's gap between meetings would be undesirable: members need to have some weekends to themselves. On the other hand, if gaps between meetings extend too long, members may forget too much of what they have heard, and momentum may be lost.

Table 8.1. Schedule of the Ontario Citizens' Assembly on Electoral Reform

Learning Phase	
Weekend 1 (9–10 September 2006)	Introductions; discussion and agreement of rules of procedure and principles of working together; introduction to electoral systems; discussion of what elections should accomplish
Weekend 2 (30 Sept–1 Oct 2006)	Introduction to legislatures, parties, and the relationship between parties and electoral systems
Weekend 3 (14–15 October 2006)	Introduction to plurality and majority electoral systems and to Ontario's electoral system
Weekend 4 (28–29 October 2006)	Introduction to proportional electoral systems, STV, and mixed systems
Weekend 5 (11–12 November 2006)	Talks from and Q&As with experts on electoral systems; preliminary weighing of principles for choosing among electoral systems
Weekend 6 (25–26 November 2006)	Simulations of elections under different systems; reports from working groups exploring various issues
Consultation Phase	
41 public meetings were held throughout Ontario, attended by almost 2000 people and addressed by 501. In addition, over 1000 written submissions were received.	
Deliberation/Decision Phase	
Weekend 1 (17–18 February 2007)	Review of Consultation Phase; identifying objectives in designing electoral systems; selection of the first system to design (MMP)
Weekend 2 (3–4 March 2007)	Design of a working model for the first system (MMP); selection of a second system to design (STV)
Weekend 3 (17–18 March 2007)	Design of a working model for the second system (STV); design of outstanding aspects of the first system (MMP)
Weekend 4 (31 March–1 April 2007)	Further discussion of outstanding aspects of the design of MMP and STV systems; decision between these systems (in favour of MMP)
Weekend 5 (14–15 April 2007)	Weighing FPTP and MMP against each other; decision on recommendation (in favour of MMP); discussion of final report
Weekend 6 (28–29 April 2007)	Discussion of and agreement on the final report; discussion of next steps; presentation ceremony

Source: Ontario Citizens' Assembly Secretariat, *Democracy at Work: The Ontario Citizens' Assembly on Electoral Reform: A Record of Ontario's First Citizens' Assembly Process* (Toronto: Ontario Citizens' Assembly, 2007).

8.3. The Schedule of Each Meeting

Meetings should start on Friday evenings to allow time for a social gathering of members before formal work begins: as we have emphasised, a strong group rapport is essential for the convention's effective operation. They should continue until Sunday lunchtimes, leaving time for members to travel home before the end of the weekend.

The meeting time on Saturdays and Sunday mornings should be planned carefully – though organisers should also be flexible where tasks take more or less time than expected or where members have alternative ideas as to how the time should best be structured. Different activities

– including plenaries and small groups – should be alternated, and there should be regular breaks. On Saturdays, there should be downtime before dinner and social time during and after dinner.

How these principles are fleshed out clearly depends greatly on the duration of the convention and the stage it is at in its work. By way of illustration, Table 8.2 shows a schedule from a typical weekend in each of two recent assemblies. The weekend in Ontario came towards the end of the deliberation phase: some final issues were discussed, building on the work at previous weekends, before votes were taken. In Ireland, by contrast, the selected weekend encompassed the whole of the Convention’s work in relation to same-sex marriage, from initial presentations, through deliberation, to final voting.

Table 8.2. Summary of one weekend’s timetable at the Ontario Citizens’ Assembly and the Irish Constitutional Convention

Ontario Citizens’ Assembly Deliberation Phase, Weekend 1		Irish Constitutional Convention Plenary Weekend 3, on Same-Sex Marriage	
Saturday		Saturday	
09.15	Plenary: Deliberation Plan	09.00	Registration
10.30	Plenary: Changing Face of Ontario: guest speaker from Statistics Canada	09.30	Chair’s welcome
11.15	Break	09.40	Advisory Panel presentations, Q&A
11.30	Plenary: Feedback from consultations	11.05	Break
12.30	Plenary: Presentation from Students’ Assembly	11.20	Small-group discussions
13.00	Lunch	12.20	Lunch
14.00	Plenary: Key objectives: preparing for the tasks ahead	13.15	Advocacy panel presentations
14.30	Small-group discussions: Objectives and reflections on current system	14.15	Expert summary
15.45	Break	14.30	Small-group discussions
16.00	Plenary: Objectives for system design	15.30	Break
17.00	Conclusion of the day’s business	15.45	Feedback from groups to plenary
Sunday		Sunday	
09.15	Plenary: Selecting a system to design – preparing for the task	16.45	Panel discussion
09.30	Small-group discussions: Selecting a system to design	17.30	Conclusion of the day’s business
10.30	Break	19.30	Dinner
10.45	Plenary: Selecting a system to design		
11.45	Plenary: Design decisions for selected system – preparing for the task		
12.15	Plenary: Wrap-up; survey completion		
12.30	Conclusion of the day’s business		

Source: Ontario Citizens’ Assembly, [Assembly Meeting Schedule](#) (Deliberation Phase); [Agenda of the plenary meeting of the Irish Constitutional Convention on 13–14 April 2013](#), accessed 29 July 2016.

8.4. Recommendations on Duration and Schedule

We recommend the following:

- The convention should have a minimum of two weekends to consider each of the topics on its agenda. But we strongly recommend that more time than that is better – and essential for any convention with official status.
- Convention weekends should generally be spaced two to four weeks apart.
- Weekends should run from Friday evening to Sunday lunchtime. The time should be carefully structured, though organisers should also be flexible to developments in the course of the convention's proceedings.

9. Support for Members

The success of a citizens' convention on the constitution will depend on its members. High rates of participation at all meetings are essential for effective deliberation to occur, so members need to want to return for successive weekends. Members need to maintain that commitment during the weekends themselves, and they need to be comfortable working with each other. Less instrumentally, but just as importantly, members give a great deal to the convention, and they therefore deserve to be treated well.

Past conventions have shown that high levels of engagement and satisfaction are attainable: in Ontario, for example, average attendance across the twelve plenary meetings was an astonishing 102 out of a possible 104 (with no substitutes).⁵³ But such success is not achieved without considerable effort. In part, it requires that members feel their work and recommendations will be taken seriously – a point we pick up in chapter 13. In part, it simply requires also that members enjoy the meetings, that they feel well treated, and that any special needs that they may have be taken into account so far as possible. In this chapter, we discuss several aspects of the support that can be provided.

9.1. Accommodation, Food, and Refreshments

The lesson that the organisers of past citizens' assemblies emphasise to us in private communications more than almost any other is the importance of providing good accommodation, food, and refreshments. While it may be tempting, when dealing with a tight budget, to trade down on the quality of the hotel that members stay in or of the meals they receive, this is unwise. If members can look forward to a pleasant stay in congenial surroundings, they will look more fondly on their participation as a whole. At the same time, accommodation should not be *too* luxurious: otherwise, there is a danger that hostile sections of the media will portray assembly members as pampered dupes of the organisers.

⁵³ Ontario Citizens' Assembly Secretariat, *Democracy at Work: Ontario Citizens' Assembly on Electoral Reform: A Record of Ontario's First Citizens' Assembly Process* (Toronto: Ontario Citizens' Assembly, 2007), p. 137.

Beyond good accommodation and meals, the refreshments available while the convention is in session and during its breaks are also important. To maintain energy levels, members should have ready access to tea, coffee, biscuits, fruit, and other refreshments. It is also desirable to surprise members with occasional treats, which can be timed for moments of particularly intense work. Members of the Irish Constitutional Convention, for example, were treated to ice cream on one particularly hot afternoon, while a member of the organising team at the pilot citizens' assembly in Sheffield arrived one morning with home-baked cookies. Such moments serve to raise the spirits and add to the sense of community.

9.2. Expenses and Honoraria

Beyond their accommodation and food, members' travel expenses should clearly also be fully reimbursed. This should happen as quickly as possible, so systems should be put in place ahead of time to ensure rapid turnaround.

The question of whether members should be given an honorarium for their attendance is somewhat controversial. Concern is sometimes expressed that paying participants will skew the membership towards those who are only interested in financial gain. Conversely, however, there is ample evidence that *not* paying an honorarium would skew membership too far towards those who are particularly interested in politics. A daily honorarium is a standard feature of the design of citizens' juries: a review of citizens' juries in the healthcare sector, for example, finds that honoraria were provided in 80 per cent of cases where relevant information was available.⁵⁴

Members of the British Columbia and Ontario Citizens' Assemblies were each paid \$150 (Canadian dollars – currently around £80) per day for their participation.⁵⁵ Members of the Dutch Civic Forum received €400 per weekend (currently £315). Only in Ireland (in both the Constitutional Convention and the Citizens' Assembly) have there been no honoraria.

Given this body of established practice, a daily members' honorarium in the region of £150 would be appropriate. As in the case of the quality of hotel accommodation, there are dangers in offering a sum that is too high as well as too low, if it facilitates accusations that the assembly members are out of touch.

9.3. Help for Those with Special Needs

Given the importance of inclusivity, attention should be given in designing any convention to the support provided for members with special needs. This should include:

- Support for those with mobility, sight, or hearing impairments, or other disabilities. Care must be taken in relation to the venue, learning materials, and other resources. The current Irish Citizens' Assembly has a deaf member, so sign language interpretation is provided throughout.

⁵⁴ NHS Citizen, '[Designing a Citizen Jury: A Short Literature Review](#)', p. 10; no longer available online.

⁵⁵ Ontario Citizens' Assembly on Electoral Reform, '[Frequently Asked Questions](#)', assembly website; Archon Fung, '[British Columbia Citizens' Assembly on Electoral Reform](#)', *Participedia*, updated 21 May 2016, accessed 10 June 2016.

- Support for those with caring responsibilities. A crèche might be considered. If this is deemed unfeasible, financial support for childcare and other forms of care assistance can be provided.
- Support for those whose first language is not English. As we discussed in chapter 5, it is important that members should be able to engage fully in the convention's deliberations, which requires that they be able to express themselves in spoken English and understand contributions from others. If some members can engage in this way, but require (limited) support to do so, this can be considered.

9.4. Protecting Members from Harassment

As we noted in chapter 7, the concern has sometimes been expressed to us that, in the UK and in current times, the members of a citizens' constitutional convention might be exposed to harassment from outsiders in a way that has not been seen elsewhere. We are aware of no instances where such harassment has affected members of citizens' assemblies or of Ireland's Constitutional Convention. But a UK constitutional convention might be different for two reasons. First, the tabloid newspapers in the UK can be particularly vicious towards those who question their agenda. They might choose to dig up stories about members' past lives in order to discredit the convention. Second, the rise of social media both makes it easier to find such stories and provides a new outlet for trolling by individuals with an axe to grind.

While we cannot know how serious such issues would be for a UK constitutional convention, that they might prove problematic is certainly plausible. Consideration therefore needs to be given to how they could be addressed. There are essentially three options:

- The visibility of convention members could be limited. It would be possible, for example, to follow the Irish approach of publishing only names and broad locations, rather than the approach used in Ontario, where short biographies of members were published alongside their photographs. For an unofficial convention, indeed, it might be appropriate not to mention members' names at all. On the other hand, this does violate the principle that the convention should be transparent in order to encourage the widest possible engagement with its deliberations.
- Steps could be taken to limit any harassment of members. Members could be given specific legal protection from intrusion into their private lives. On the other hand, if they have expressed views of a controversial nature, it may be thought that it would harm transparency to prevent reporting of these. An alternative (or supplementary) approach could be to foster good relations with media outlets in order to minimise adverse coverage. As we discuss in the next chapter, this may include positive encouragement of good-news stories about convention members. In Ireland, organisations that might wish to present their arguments to the Constitutional Convention and the Citizens' Assembly have been told that they will be excluded if they interfere with individual members in any way.
- Members could be offered advice and training on how best to respond to media reporting about them or to adverse comments in social media. In Ontario, for example, members of the Citizens' Assembly began to receive advice on dealing with the media as soon as they had been selected to take part, as part of initial orientation they received at the end of their

selection meeting.⁵⁶ Such support may limit any harm done by harassment, but it is clearly no more than a partial solution.

9.5. Giving Members a Voice

Members should feel that the convention is *their* convention – and they should be justified in feeling this. As we discussed in chapter 8, they should have considerable ability to influence how the convention discusses the items within its terms of reference. In addition, members should be able to express whatever is on their minds to convention organisers. There can be multiple channels for this. For example:

- Past citizens' assemblies have found it useful to form one or more advisory groups that meet each weekend when the assembly is in session to talk through aspects of the assembly's work and operation. They can also be consulted between weekends. Topics may include, for example, the assembly's agenda, the design of consultation processes, the writing of the final report, and practicalities such as whether food or facilities could be improved. Advisory group members can be chosen simply by self-nomination, or they can be elected by the assembly as a whole in the course of the first weekend.
- The Ontario Citizens' Assembly hired an external organisation to evaluate all aspects of the Assembly's design and organisation – from the quality of the food to the pace of the meetings and the neutrality of the presentations. This provided an extra route for members to voice any concerns and was also a source of external accountability.
- The convention's Chair and organisers should be visibly present and interact with members as much as possible. The head of the Irish Constitutional Convention's Secretariat, Art O'Leary, for example, told us how important he found it to be first to breakfast in the morning and last to leave the bar in the evening in order to hear what Convention members were thinking.

9.6. Recommendations on Support for Members

We recommend the following:

- It should be a basic principle of the operation of the convention that its members are treated well. They should be given good accommodation, food, and refreshments throughout meeting weekends and should enjoy occasional treats. Their expenses associated with travelling to meetings should be paid fully and quickly.
- Members should be paid a small honorarium. A figure in the region of £150 per meeting day is likely to be appropriate.
- Individual members' special needs should be catered for so far as possible, notably through provision for a range of disabilities and through support for those with caring responsibilities.

⁵⁶ Ontario Citizens' Assembly Secretariat, *Democracy at Work: The Ontario Citizens' Assembly on Electoral Reform: A Record of Ontario's First Citizens' Assembly Process* (Toronto: Ontario Citizens' Assembly, 2007), p. 49.

- Ways should be found to minimise any harassment that members might be subjected to, notably by the traditional media or by individuals on social media.
- Multiple avenues should be provided through which members can express their thoughts and concerns about any aspect of the convention to the organisers.

10. External Engagement

External engagement is an integral part of the consultation phase of any convention's work, as dealt with in chapter 7. In addition, however, a convention's legitimacy and impact are likely to depend on the degree to which its existence is known and its work is seen to be fair and rigorous. Politicians and other influential voices are likely to accord the assembly and its conclusions respect only if they have a sense of connection to it, and good understanding of its mission and ways of working.

In Ireland sections of the press were quick to dismiss the Irish Constitutional Convention as 'all form and little substance',⁵⁷ and 'unelected and powerless'.⁵⁸ In Ontario, one columnist dismissed the Citizens' Assembly as 'comprised mostly of retirees, part-time workers, students, homemakers and computer nerds looking for some excitement in their humdrum lives'.⁵⁹ The British press may be even more caustic, and the convention will have to work hard right from the start to engage with the media, politicians, civil society and the general public, to earn its place under the sun. It will not be easy: the public have little interest in constitutional matters, and a convention charged with devising a new electoral system, or a Senate of the nations and regions, risks attracting bafflement or, at worst derision. It will need to work hard to exploit its potential advantages, not least that its members are a cross-section of the public, who have volunteered for an important public duty.

10.1. Engaging Opinion-Formers

Right from the start the convention will need to engage strongly with opinion-formers: with politicians, civil society organisations and the media. It might want to organise early briefings in parliament about its work (and in the devolved assemblies, where appropriate), and to provide follow-up briefings and interim reports so that politicians can stay in touch with its thinking. It

⁵⁷ '[The way politics is done](#)', *Irish Times* (editorial), 12 July 2012.

⁵⁸ '[Fine words don't do Collins justice](#)', *Irish Independent* (editorial), 20 August 2012.

⁵⁹ Ian Urquhart, 'Beware Citizens' Assemblies on Electoral Reform', *Toronto Star*, 9 September 2006; quoted in Lawrence LeDuc, 'The Failure of Electoral Reform Proposals in Canada', *Political Science* 61, no. 2 (December 2009), 21–40, at p. 36.

will need to reach out to civil society organisations to invite them to make submissions, to spread the word round their networks, and generally tap into their energy and expertise. And it will need to be very media friendly, with press releases, background briefs, photographs and films of the convention at work, good news stories and human interest stories about the convention members and their backgrounds. These materials should be brought together on a well designed website.

The convention may want to establish reference groups or forums to maximise their engagement with different groups of opinion-formers. These could include a civic forum to reach out to civil society organisations and NGOs; an all-party parliamentary group (if one does not already exist) to reach out to parliamentarians; and an academic advisory group to reach out to academe and ensure that the convention draws on the widest possible range of academic expertise. All these different groups must be encouraged to submit evidence, and to solicit evidence from others, so that the assembly receives plenty of written submissions during its consultation phase. The submissions can all be published on the convention's website, and the convention can also invite experts and others to come and give oral evidence.

The convention will want to invite politicians, journalists, and other opinion formers to observe its meetings: such people are generally surprised by the quality of discussion that takes place and come to view the process very differently when they can see with their own eyes how different it is from a conventional 'town hall' meeting.

The convention will need to adjust its communications for each stage of its work, following the example of the Ontario Citizens' Assembly, which had a distinct communications strategy for each phase of its operation. During the recruitment phase, the emphasis was on people, with lots of human interest stories about the citizens who were selected, publicised through local media. In the learning phase, the focus shifted to the subject matter, ensuring that the public could learn about electoral systems along with Assembly members, using the same educational resources and learning materials. In the consultation phase, the focus moved on to public participation, encouraging attendance at public meetings, and online and written submissions. In the deliberation phase, the plenary parts of all the Assembly meetings were open and published, so that the public could follow the Assembly's reasoning even before the Assembly published its final report.

Such openness is clearly desirable, both for the practical reason that it encourages engagement and for the principled reason that transparency is a desirable feature of democratic processes. Nevertheless, a UK convention might need to conduct some of its deliberation phase in private, to enable the members to discuss and negotiate with each other, and to reach compromises. That could be necessary if politicians are involved as members of the convention, or if the convention consists of representatives from England, Scotland, Wales and Northern Ireland who need to reach accommodations with each other.

10.2. Engaging Government and Parliament

In terms of external engagement, the most important group which the convention needs to engage with is politicians. One of the main reasons conventions elsewhere (Ontario, British Columbia, Iceland) did not lead to any actual constitutional changes was that they became too detached from the institutions of representative government. Parliamentarians lost sight of these bodies and their

thinking, and were not prepared for their findings and recommendations when they reported. The Constitutional Convention in Ireland offered an alternative approach, by including parliamentarians in its membership. When it reported, some of those politician members became ambassadors for the report and pressed for implementation of its recommendations.

The pros and cons of including politicians in the convention are discussed in chapter 4. If it is decided to have a convention consisting simply of citizens, then it needs to find other ways of engaging with the (UK and/or devolved) government(s) and parliament(s). It could give regular briefings to the responsible minister, to keep government abreast of its thinking; and it could publish an interim report and seek a parliamentary debate to keep parliamentarians interested and informed. It could also invite politicians to come and give evidence, to chair introductory sessions, public meetings, or advisory forums, and to attend its deliberations as guests and observers. We return in chapter 13 to the vital importance of engaging with politicians if the convention's recommendations are subsequently to be implemented.

10.3. Transparency and Engagement with the Media and the Public

The convention will need a Director of Communications who should develop separate communications strategies for all the different groups with which the convention needs to engage. Central to all these will be the convention's website, and also its presence on social media.

The Ontario Citizens' Assembly had a very impressive website: details are in Box 10.1. Many different resources were made available to the members and also shared with the media and the public through the website: the newsletter, learning materials, fact sheets, submissions, annotated bibliographies, and so on, as well as videos of the Assembly meetings themselves.

In addition, the Ontario Citizens' Assembly made very effective use of its members as ambassadors for their work. It produced the following 'communications products' to support its members and publicise its activities:

- background briefs for the media;
- Q&A pages for the members;
- internal and external newsletters;
- press releases before every meeting;
- presentations to support speaking engagements of members and staff;
- newspaper advertisements for consultation meetings;
- a consultation guide and brochure;
- videos and animations;
- business cards for Assembly members, with Citizens' Assembly email addresses.⁶⁰

⁶⁰ Ontario Citizens' Assembly Secretariat, *Democracy at Work: The Ontario Citizens' Assembly on Electoral Reform: A Record of Ontario's First Citizens' Assembly Process* (Toronto: Ontario Citizens' Assembly, 2007), p. 170.

Box 10.1. The Ontario Citizens' Assembly website

The website was much more than a way to provide general information about the Assembly. It was a robust and interactive way to connect Assembly members with one another and with their fellow Ontarians – and a major component in the communications and citizen engagement strategies. Through the website, members of the public had an opportunity to comment informally or to make formal submissions, learn about electoral systems along with the Assembly members, and follow the Assembly's progress in a number of ways. [...]

The site was divided into major sections – each supporting a specific area of interest to visitors.

About the Assembly described the Citizens' Assembly, its mandate, and the general plan for the process. The 'Meet the Members' page featured photos and biographies of each Assembly member. The Secretariat team was also introduced [...] the brief profiles for both Assembly members and staff stressed a personal approach.

What's New displayed the three latest developments relevant to the Assembly [...].

Get Involved was the section where members of the public were encouraged to participate in the work of the Assembly. It included details about the ways citizens could get involved: register to receive *The Ballot*, access learning materials, attend public meetings, make a submission, and read summaries of submissions and public meetings.

The Classroom was the section where members of the public could follow along with Assembly members throughout their learning program. They could access annotated bibliographies, an electronic library of reference materials, profiles of the learning team, and weekend-by-weekend education materials.

The Media Room was designed to give the media quick and convenient access to information. This section included all the Secretariat's media contacts, all news releases [...] and downloadable pictures of the Chair and Assembly in action. For journalists looking for deeper background information, contact information for members of the Academic Reference Group was included.

The Deliberation Room was added at the start of the deliberation phase and made available to the public materials used by Assembly members, weekend by weekend, as they worked through the decision-making process.

The Members' Room was accessible only to Assembly members. Here, members had access to documents from the Secretariat, and shared documents and photos posted by members.

The Members' Forum was another 'members only' portion of the website. It provided a forum for Assembly members to share news, thoughts, and questions with one another. Members could also post questions to the Academic Director here. A very active and valuable tool for the members, there were almost 3000 posts to the forum when it closed.

Source: Text from Ontario Citizens' Assembly Secretariat, *Democracy at Work: The Ontario Citizens' Assembly on Electoral Reform: A Record of Ontario's First Citizens' Assembly Process* (Toronto: Ontario Citizens' Assembly, 2007), pp. 171–2.

The Citizens' Assembly in British Columbia also used its members to the full in promoting and publicising its work, as set out in Box 10.2.

Box 10.2. British Columbia Citizens' Assembly: external engagement by the members

Staff actively sought speaking engagements for members through distribution of the Assembly newsletter, via the website and news releases, and through direct contact with community groups and service clubs throughout the province.

Over the course of 2004, members spoke to thousands of British Columbians, from seniors' groups to secondary school classes, from chambers of commerce to union meetings. In addition, many members wrote to their local papers promoting upcoming public hearings in their community. Others, with staff support, prepared feature articles for their local papers.

By the time the public hearings had finished, in addition to all of the members having attended at least one public hearing as a panel member:

- 60% had done newspaper interviews
- 49% had given public talks about the work of the Assembly
- 38% had written letters to a newspaper about the Assembly
- 21% had participated in a radio program about the Assembly; and
- 19% had participated in a TV program about the Assembly.

Source: Text taken from British Columbia Citizens' Assembly *Technical Report*, 2004 pp 100–101.

How much outreach work can be done by convention members will depend on their commitment to the exercise, and their self-confidence. Similar considerations apply to how much is disclosed about the members on the website. As noted in chapter 9, the Ontario Citizens' Assembly disclosed full details, with addresses and photographs of each member. But if members fear being the victims of harassment or of trolling, they may wish to disclose more limited personal details, as happened in Ireland. Wherever possible, we encourage convention designers to find ways to allow transparency, rather than close it down.

10.4. Recommendations on External Engagement

We recommend the following:

- A citizens' convention needs to reach out from the start to engage with politicians, the media and the public, to explain its role and to interest people in its work and recommendations.
- The most important single group to engage with is politicians, through regular briefings, interim reports, and parliamentary questions and debates.
- The convention will need a full-time Communications Director to devise strategies to engage with different social groups, and for different phases of the convention's work.
- To maximise public engagement the convention will need an interactive website, with lots of learning materials, and lively presence on social media.
- The convention can also draw on its members as ambassadors for its work.

11. Staffing

We have over the preceding chapters mentioned various staff members who would be needed to ensure the smooth running of a constitutional convention. Here we draw these points together and summarise the roles that different staff members would perform.

11.1. Chair

A constitutional convention requires a Chair, who fulfils multiple functions:

- First, she or he *provides overall direction to the work of the convention*, steering the design of the process and the work of the secretariat.
- Second, she or he *sets the tone* for the convention's work as a whole, contacting members after they are recruited, welcoming them as they arrive and exemplifying the spirit in which the convention will conduct its business. In Ireland, for example, the Chair began the Convention's first meeting by setting out the values that he proposed the Convention should seek to live by in its own work: equality, openness, efficiency, and collegiality. These proposed values were then discussed by Convention members before being agreed.
- Third, she or he *chairs the convention's plenary sessions*, guiding proceedings, keeping time, and ensuring all members feel able to take part.
- Fourth, she or he *engages with members* throughout the convention's operation, listening to them during breaks and over meals. Such interactions should help less confident members to feel that their views are as important as anyone else's. The Chair may also sometimes need to speak with individual members if their actions violate the convention's agreed values: if, for example, they talk over others or are unthinkingly dismissive of their positions.
- Fifth, she or he serves as the *public face of the convention*, appearing in the media to foster public understanding of and engagement with the convention's work. She or he also leads the convention's engagement with ministers and other policy-makers.

These various roles require a diverse set of skills that may be difficult to combine in one person. It may be attractive to seek as Chair a public figure who can attract media interest and who is known to be a good media performer. But the Chair should not be someone who simply parachutes in on the first day the convention meets and leaves promptly at the end of each

weekend: she or he must understand the convention's purposes and work to nurture it through its business. She or he must also be at ease in engaging closely with a diverse group of citizens.

Past citizens' assembly Chairs have had a variety of backgrounds. The British Columbia Citizens' Assembly was chaired by Jack Blaney, formerly President of Vancouver's Simon Fraser University. In Ontario, the chair was the senior lawyer and judge George Thomson. The Chair of the Dutch Civic Forum was the television presenter and theologian Jacobine Geel. The Irish Constitutional Convention was chaired by Tom Arnold, who had previously been a civil service economist and Chief Executive of Ireland's largest humanitarian aid agency. The chairs of the two pilot citizens' assemblies in Sheffield and Southampton were the BBC Political Editors in the respective regions, Len Tingle and Peter Henley. The current Irish Citizens' Assembly is chaired by Mary Laffoy, a Justice of the Irish Supreme Court.

Given the complexity of the Chair's role, an alternative approach may be to split it, assigning much of the task of convening the convention's sessions to a professional facilitator with experience of guiding deliberative discussions, while giving the Chair a wider role in engaging and enthusing convention members and in acting as a public face for the convention and its work.

11.2. Academic Director and Support Team

The Academic Director leads the convention's learning programme and has a crucial role in supporting members as they deliberate upon what they have heard. As we outlined in chapter 7, this requires coordination of a diverse team of experts who can offer varied perspectives, as well as engagement with plain language experts and others who can offer guidance. She or he, with other members of the Academic Support Team, may also help to deliver recruitment meetings.

The Academic Director should have expertise relevant to the convention's business, but should not have a strong prior position on the matters that the convention is asked to consider. She or he has an important role not only in devising, but also in delivering the learning programme: in providing introductory material, in tying together the contributions of invited speakers, and in helping members engage with those speakers. This requires that she or he be good both at public speaking and at one-to-one interaction with members of the public.

11.3. Facilitators

As we set out in chapter 7, high-quality deliberation requires careful facilitation: it is unlikely to happen on its own if members are simply asked to discuss issues in groups without support. As suggested above, plenary sessions require sensitive chairing to ensure that all members are included and respected. Furthermore, small-group discussions should normally be conducted in groups of seven or eight convention members, each of which should have one facilitator. The lead facilitator should be a professional. She or he may chair plenary sessions and also has a key role in shaping the overall work programme and coordinating the team of small-group facilitators. Other members of the facilitator team may, depending on budget, be professionals or people such as graduate students with teaching experience. They should be trained before the convention's first meeting by the lead facilitator, who should also hold preparatory and debriefing meetings with the facilitators at the start and end of each day when the convention is in session.

For small-group sessions, it may be desirable to have note-takers as well, assisting the facilitator and taking the notes through which each group will feed back to the plenary.

11.4. Secretariat and Support Staff

A constitutional convention requires much practical organisation. The secretariat is in charge of:

- event management: booking venues/hotels, arranging refreshments, room preparation, etc.;
- supporting the practical needs of members, speakers, and witnesses giving evidence;
- the convention’s website: ensuring that all materials are posted in a timely fashion and that members of the public can make submissions;
- media relations and, as we discussed in chapter 10, other forms of public engagement.

Besides the full-time, professional secretariat, it is essential to have a team of helpers available during the meetings themselves, who can assist in performing the large number of small tasks that arise over the course of each day.

11.5. Recommendations on Staffing

Staffing levels have varied between different citizens’ assemblies: while the Canadian and Dutch assemblies were well resourced (see chapter 12) and had full-time staffs in excess of a dozen people, the Irish Constitutional Convention operated on a much tighter budget, with a secretariat of just four people. The recommended staffing arrangements for an official constitutional convention are set out in Table 11.1; an unofficial convention could get by with more limited support. Other roles, relating, for example, to recruitment and the testing of learning materials in focus groups, can be contracted out to external providers.

Table 11.1. Recommended staffing arrangements for an official constitutional convention

Role	Number required	Time commitment
Chair	1	2 days per week + meeting weekends
Academic Director	1	2 days per week + meeting weekends
Academic Support Team	at least 5	Regular consultation + some weekends
Chief Facilitator	1	2 days per week + meeting weekends
Facilitators	1 per 7–8 members	Meeting weekends + training
Head of Secretariat	1	Full-time
Member Liaison Officer	1	Full-time
Director of Communications	1	Full-time
Web Manager	1	Full-time
Event Planner	1	Full-time
Administrative Support	4–6	Full-time
Researchers	2	Full-time
Weekend Helpers	1 per 10 members	Meeting weekends

12. Budget

It should be clear by now that holding a citizens' convention is not cheap. In this chapter, we set out the budget lines and offer comparisons with previous citizens' assemblies. In the final section, we put the case for saying that, despite the cost, holding a citizens' convention may nevertheless be a valuable and cost effective way of addressing fundamental constitutional questions.

12.1. The Convention's Budget Lines

Pulling together the elements that we have discussed in the preceding chapters, Table 12.1 on the following page sets out the major items that would need to be budgeted for if any citizens' convention on the constitution were to be established. We do not attempt to fill in actual numbers: these would depend upon a raft of factors, such as the size of the convention, the duration of its work, and the exact level of its staffing. Instead, we offer comments in relation to two possible models: an official convention that is given substantial resources to do a thorough job; and an unofficial convention that operates on much more limited funds and draws heavily on voluntary support. Thus, we intend that Table 12.1 should give a framework through which budgeting estimates can be made.

Most of the items in Table 12.1 have already been mentioned. We should note that we have included a line at the end for research into the work of the convention itself. This is valuable for at least three reasons:

- As noted in section 9.5, an external researcher can provide feedback and accountability while the convention operates, delivering insights that organisers may act on.
- To add to the public legitimacy of the convention's work, it is important to be transparent about the quality of its workings. Research would make it possible to offer evidence on perceptions of the process from the convention members, politicians and the public, the quality of discussions, and other matters.
- While there have been a few citizens' assemblies, they remain rare, so we lack detailed knowledge of many aspects of their operation. Research would augment our understanding, leading to fresh insights as to how such bodies can best be designed and operated.

Table 12.1. Budget lines for a constitutional convention

Item	Fully resourced official convention	Partially resourced unofficial convention
Pre-convention		
Recruitment of members	Mailings; recruitment meetings; media campaign	Hire of online survey company
Pre-convention contact with members	Telephone calls; mailing of information	Telephone calls; mailing of information
Convention meetings		
Hotel accommodation and venue hire	Around 12 weekends	Perhaps 3–6 weekends, depending on the agenda
Food and refreshments	Quality is important	Skimping would be undesirable
Facilitators	Paid professionals or graduate students	Professional lead, plus graduate students or volunteers
Facilitator training	By professional facilitator	By professional facilitator
Weekend support staff	Paid	Could be volunteers
Member honoraria	Around £150 per day	Likely to be necessary
Member and staff travel expenses	Need to be paid quickly	Need to be paid quickly
Recording	Online streaming of plenary meetings	Online streaming of plenary meetings if possible
Learning programme		
Academic Director	Paid	Likely to require payment
Advisory group and expert speakers	Paid honoraria and expenses – some from abroad	Paid expenses and perhaps honoraria
Assessment of learning materials	Focus groups; experts on language accessibility	At least some testing is necessary
Public consultation and external relations		
Public meetings	Publicity; venue hire; expenses for staff and members attending	Some meetings may be appropriate
Written submissions	Publicity; website; analysis of submissions	Desirable to do this if possible
Media relations	Rolling media strategy	Rolling media strategy
Relations with politicians and NGOs	Support to attend convention meetings; other contacts	Support to attend convention meetings; other contacts
Core staff costs		
Chair	Paid	Could be unpaid
Secretariat	Around 12–15 staff	Around 4–6 staff
Post-convention follow-up		
Support for members	Expenses to attend events and meetings to explain conclusions	Desirable to do this so far as possible
Media relations	Ongoing media engagement	Ongoing media engagement
Follow-up convention meeting	Further weekend to consider responses to recommendations	Desirable to do this if possible
Process research		
Member surveys	Analysis of responses	Analysis of responses
Content of deliberation	Transcription and analysis of convention discussions	
Communication of findings	Media and scholarly articles; blogposts; possible book	

12.2. Budgets of Recent Citizens' Assemblies

In order to gain a sense of how much it might cost to cover the budget lines set out in Table 12.1, Table 12.2 summarises the budgets of the various citizens' assemblies that have been held to date. As is apparent, those assemblies fall into three categories. The Canadian and Dutch assemblies received substantial public funding, which allowed them to employ a large group of staff, provide members with considerable resources, maintain high-quality websites, and generally complete all aspects of their work to a high standard. By contrast, the Irish Constitutional Convention had a much more limited budget. The academic team who provided the learning resources were entirely unpaid for the many hours' work they provided, and other aspects of the convention – such as its website – were threadbare. Finally, the unofficial Democracy Matters project worked with still tighter resources. This was possible partly because it was shorter and smaller. In addition, however, much work was done without payment, and the Electoral Reform Society provided considerable benefits in kind that are not included within the figure shown.

Table 12.2. Budgets for recent citizens' assemblies

	BC CA, 2003–4	Ontario CA, 2006–7	Dutch Civic Forum, 2006	Irish CC, 2012–14	Democracy Matters, 2015
Budget	US\$4.2 million	US\$4.6 million	€5.1 million	€1.4 million	£200,000
Membership	160	104	140	100	30
Duration	12 weekends + public meetings	12 weekends + public meetings	10 weekends	8 weekends + 8 regional meetings	4 weekends
Paid staff	12	15	14	4	2
Status	official	official	official	official	unofficial

Sources: Participedia [case study on the British Columbia Citizens' Assembly](#); British Columbia Citizens' Assembly *Technical Report*, 2004 p. viii; Institute on Governance, *Evaluation of the Ontario Citizens' Assembly on Electoral Reform*, May 2007, p. 22; Dutch Civic Forum, *Process Report of the Electoral System Civic Forum* (2006) p. 8; Irish Comptroller and Auditor General, *Appropriation Accounts 2013*, p. 39, and *Appropriation Accounts 2014*, p. 42.

Notes: We have converted the Ontario CA budget of CAD 6 million to US dollars using the exchange rate on 1 April 2007. The budget for the Democracy Matters project covered both the Sheffield and Southampton citizens' assemblies.

For any official constitutional convention in the UK, it would be preferable to follow the Canadian and Dutch rather than the Irish model. As we have emphasised, a convention that goes badly creates its own dangers, and a convention that lacks the resources to do its job properly or communicate its work to wider audiences would be likely to fail. A ballpark estimate of the cost of an official, unitary constitutional convention might therefore be around £5 million. A federal convention would likely cost more.

Even an unofficial convention could not expect to operate with a budget as small as that of the Democracy Matters project. First, a UK-wide convention would need to be larger. Second, recruitment of a more representative sample would require some extra resources. Third, while the

Democracy Matters assemblies worked satisfactorily given that they were only pilots, if an unofficial convention were established with the intention of pushing debates about constitutional reform in the UK forward, it would need to be more rigorous in a variety of ways. Fourth, benefits in kind would need to be included in the budget, and it probably would not be possible to rely so extensively on volunteer labour. On this basis, we suggest that a budget in the region of at least £1 million would be needed for any unofficial UK-wide (unitary) convention.

12.3. Is a Citizens' Convention Worth the Cost?

It is clear, therefore, that holding a citizens' convention on the constitution would be expensive. The question might reasonably be asked whether this cost can be justified. To offer some comparisons, the total annual cost of the Westminster parliament – including running costs and salaries, allowances, and expenses for MPs, peers, and their staff – is in the region of £400–500 million.⁶¹ A well resourced official citizens' convention would cost only around 1 per cent of that. The Electoral Commission reported that the referendum on the Westminster electoral system held in May 2011 cost taxpayers £75.3 million.⁶² The Commission's early estimates suggest that the referendum on EU membership in June 2016 cost significantly more.⁶³ A well resourced convention would cost something like one fifteenth of the cost of the AV referendum. If a citizens' convention helped to push forward the public debate on key constitutional issues – providing a forum for public understanding of options to be raised, offering carefully reasoned judgements as to the merits of those options, and giving considerable grounds for public confidence in its conclusions – that would be money well spent. Constitutional arrangements have profound implications for how well the country is governed and how legitimate the actions of the public authorities are perceived as being. If expenditure in the low millions could help strengthen those arrangements, that would, we submit, surely be worthwhile.

There are widespread and legitimate concerns over the state of our democracy. Citizens' assemblies and other forms of deliberative process offer mechanisms for fostering greater public understanding of complex political choices and strengthened public engagement in decision-making. If a successful citizens' convention paved the way towards greater use of such mechanisms, it could have profound long-term effects on the health of the democratic system.

As we have suggested, an unofficial citizens' convention could be delivered on a smaller budget. Even a figure in the region of £1 million would clearly be substantial for any political party or third-sector organisation. Again, however, we suggest that this would be money well spent if the convention helped to spur forward debates about the constitution and the character of democracy in the UK.

⁶¹ Precise estimates vary, depending on what they include. See, for example, Robert Rogers and Rhodri Walters, *How Parliament Works*, 7th edition (London: Routledge, 15), p. 73; Lord Norton, 'The Cost of the House', *Lords of the Blog*, 16 November 2013.

⁶² Electoral Commission, *Costs of the May 2011 Referendum on the UK Parliamentary Voting System*, December 2012.

⁶³ Electoral Commission, [The 2016 EU Referendum: Report on the 23 June 2016 Referendum on the UK's Membership of the European Union](#), September 2016, pp. 125–9.

12.4. Recommendations on Budget

We recommend the following:

- The budgeting for any citizens' convention would need to take into account the budget lines set out in Table 12.1 above.
- An official, UK-wide, unitary convention would likely cost somewhere in the region of £5 million. A federal body would be more expensive. An unofficial convention could be run on a tighter budget – but it would be unlikely to work well with a budget less than around £1 million.
- While these sums may seem high, they would represent money well spent. Compared to annual costs of running parliament, or even the cost of holding a referendum, these figures are very low. If, as is likely, they helped to strengthen our constitutional and broader democratic system, they could yield very substantial benefits.

13. Role in Decision-Making

This chapter picks up the issue of purposes that was discussed in chapter 2. We identified four criteria by which the success or otherwise of a citizens' constitutional convention can be judged: how representative it is of the population as a whole; how well it deliberates within itself; how far it influences public discourse positively; and whether its recommendations are implemented. Past citizens' assemblies have generally performed broadly well in terms of the first criterion and very well in terms of the second. Their success has typically been more limited on the third criterion, while the fourth is the toughest of all. The widely-admired citizens' assemblies in British Columbia and Ontario did not lead to any changes to their voting systems. The Dutch Citizens' Forum proposed only minor tweaks to the status quo, but these were not implemented either. Iceland is also (so far) a story of failure on this score: the new constitution proposed by the Constitutional Assembly and drafted by the Constitutional Council has not been adopted by the Icelandic government and parliament, even though it was approved in a referendum – though several parties have continued to advocate strongly for it. Only the Irish Constitutional Convention has seen limited success by this measure, with the most notable change being same-sex marriage, approved in a referendum in 2015.

Linkages to the institutions of representative government are crucial in determining a convention's prospects of success on this final criterion. If the goal is to influence processes of public policy-making, what is the role of the convention within those processes: what happens to the convention's report and recommendations once they have been published? This chapter sets out and evaluates the options.

13.1. Possible Roles

There is a range of things which the government can do when the convention reports. It can:

- do nothing (which is what happened in the Netherlands and in Iceland, because in the interim there was an election and change of government);
- do a little something, for example by referring the proposals on to other bodies (which is what happened to several of the recommendations of the Irish constitutional convention);
- arrange for a debate in parliament, but no more;

- put the proposals to a referendum;
- legislate to implement the proposals.

The last four options are not mutually exclusive: to implement proposals, the government may need to pursue a combination of all of them. In Ireland, the government gave a commitment ‘to giving a public response, through the Oireachtas [the parliament], to each recommendation from the Convention within four months. It will arrange for a debate in the Oireachtas on that response in each case. In the event the Government accepts a recommendation that the Constitution be amended, the Government's public response will include a timeframe for the holding of a referendum.’⁶⁴

This clarification in Ireland was given in response to concerns expressed by the opposition parties and a technical group in the Dáil about the status of the convention’s recommendations. If the government gives no indication in advance about what will happen to the convention’s report, then its status will be purely advisory. The government may feel quite comfortable with that; indeed, it may not wish to tie its hands any further. But it may be preferable for the government to spell out in advance what the process will be once the convention reports. That provides clarity for the convention members, for politicians, and for the public. It is what happened in British Columbia, where, after establishing the Citizens’ Assembly, but before it reported, the Legislative Assembly passed the Electoral Reform Referendum Act 2004.⁶⁵

The legislation provided that if the Citizens’ Assembly recommended a change to the voting system, that proposal should be put to referendum at the same time as the provincial elections, in May 2005; and if the referendum was carried, the new voting system would come into force in May 2009. The legislation also inserted a higher threshold than the normal 50 per cent required in referendums in British Columbia: at least 60 per cent was required, with a simple majority in favour in at least 60 per cent of all electoral districts (48 out of 79). In the event, although 77 out of 79 electoral districts voted in favour, the overall majority in favour was only 57.7 per cent, so the referendum was not carried.

13.2. The Reasons for Non-Implementation in British Columbia and Ontario

In a system of representative democracy, most constitutional conventions will be advisory only. They are deliberative forums whose recommendations can only be implemented by the institutions of representative government. To maximise their chances of enactment, they need support from government, parliament, and (if a referendum is required) the people. British Columbia illustrates how support from all three is required: although the Premier Gordon Campbell was in favour of electoral reform, most of his Liberal party caucus in the parliament were not, which is why they passed legislation requiring a 60 per cent threshold for the referendum to be carried.

⁶⁴ ‘[Government Response to Opposition Views on the Proposal to Establish a Constitutional Convention](#)’, 7 June 2012, p. 3; accessed 30 July 2016.

⁶⁵ British Columbia [Electoral Reform Referendum Act 2004](#), article 1. See also the almost identical provision made by Ontario’s [Electoral System Referendum Act 2007](#), article 2.

British Columbia also shows that a constitutional convention's report cannot be left simply to speak for itself: once the convention has reported, it requires people actively to campaign for its proposals to be adopted. If the proposals are put to a referendum, it also requires public education and information. That will not necessarily come from the government, or public bodies such as the Electoral Commission. In British Columbia, Elections BC did not provide information on the Citizens' Assembly proposal: to preserve its neutrality, its role was limited to ensuring that voters had information on voter registration and the conduct of the referendum. None of the major parties came out formally in favour of the proposed reform, and their energies were devoted primarily to fighting in the election held at the same time, not campaigning in the referendum. Voters seeking guidance from the parties on how to vote in the referendum were thus left without much direction.⁶⁶

There was a similar experience in Ontario, where the referendum in 2007 also required a 60 per cent majority across the province, but achieved only 37 per cent. Reasons for the low level of support included the short amount of time devoted to public education, the lack of information available to voters, limited understanding of the MMP system proposed by the Citizens' Assembly, and no guidance from the parties, who (as in BC) were fighting a provincial election and remained neutral in the referendum.⁶⁷

13.3. Maximising the Chances of Implementation

Looking at the reasons why the recommendations of constitutional conventions in other countries have not been implemented (including in Iceland, Ireland and the Netherlands, not just in British Columbia and Ontario), we can venture some general propositions on what might need to be done to maximise the prospects of success:

- The government needs to establish the convention early during its term of office, so that when the convention reports back the government is still in office, and has time to implement the convention's proposals before the next election (unlike what happened in the Netherlands).
- The government commits in advance to a series of actions which it will take once the convention reports (as happened in British Columbia, Ontario, and Ireland).
- The government can make the change by legislation or other action, without the need for a referendum (as happened with some of the recommendations of the Irish Convention).
- If a referendum is required – as would be the case in the UK for some significant constitutional changes – it is not held at the same time as an election, so that the referendum issues are not obscured by the election battle (unlike what happened in British Columbia and Ontario).
- Politicians are engaged throughout the exercise, and so feel both able and willing to explain the work of the convention and act as ambassadors for its recommendations (as happened in Ireland). If politicians are not members of the convention, they need to be engaged with

⁶⁶ Dennis Pilon, 'The 2005 and 2009 Referenda on Voting System Change in British Columbia', *Canadian Political Science Review* 4, no. 2–3, June–September 2010.

⁶⁷ Lawrence LeDuc et al, '[The Quiet Referendum: Why Electoral Reform Failed in Ontario](#)', paper prepared for presentation at the annual meeting of the Canadian Political Science Association, 4–6 June 2008.

its work in other ways so that they will want to campaign for the convention's recommendations.

- Members of the convention will also need to act as ambassadors for its report. In British Columbia, when no one else came out to explain and campaign for the Citizens' Assembly's recommendations, individual members took it upon themselves to be advocates for their proposals. But their impact was limited: they had no professional communications support, because by then the Assembly had disbanded. So, as we suggested in section 7.6, it might be worth considering adding a further phase to the work of a convention, after it has reported, allowing it to remain in being to monitor the implementation of its recommendations and to campaign for them in the parliament and (if there is a referendum) with the public. If a government genuinely wants a convention to lead to constitutional change, it needs to think ahead to how it is going to overcome public ignorance about or indifference to constitutional matters.

13.4. Recommendations on the Convention's Role

Some advocates of deliberative democracy tend naïvely to suppose that, just because deliberative forums offer a superior process, their recommendations will be seen as a superior product which will naturally attract support from politicians and the public. The harsh experience of the other countries described in this chapter suggests otherwise. The contribution of deliberative democracy needs to be carefully planned alongside the roles of representative democracy and direct democracy.

A government setting up a constitutional convention needs to think ahead to what it will do when the convention reports:

- It may want to declare in advance the follow-up actions and timetable, so that everyone is clear about the status of the convention and its report. Is the convention's report advisory only, or will the government be obliged to respond and act upon the report?
- The government may commit to giving a public response to each recommendation from the convention within a certain time, saying how that particular recommendation will be pursued.
- In parliament, the government may commit to holding a parliamentary debate, or referring certain recommendations to a parliamentary committee.
- If the proposals need to be put to referendum, the government needs to think ahead to when the referendum will be held, under what rules and thresholds, and to plan how the government will seek to maximise public information and education and support for the proposals.
- The government could allow the convention to remain in being after it has reported so that its members can be advocates for its proposals.

14. Recommendations and Conclusions

This final chapter draws together the recommendations we have made in preceding chapters. Our conclusions are simple:

- First, a citizens’ constitutional convention could make a great and positive contribution to democratic governance in the UK, both by aiding in the development of reform proposals that could advance the effective and stable operation of government and by modelling a new way of engaging members of the public in quality deliberation over key policy issues.
- Second, however, the benefits of such a convention should not be exaggerated. On its own, it would not transform democratic performance. Only a tiny fraction of the public could participate in it directly. It would yield long-term gains only if politicians and policy-making institutions engaged with it constructively.
- Third, to succeed, a citizens’ constitutional convention must be designed well. Great care must be given to thinking through the purpose of the convention, working out its terms of reference, selecting its members, devising its basic structure, developing and delivering its work programme, deciding its duration, supporting its members, engaging non-members in its deliberations, and connecting its work to wider political processes. All of this requires significant staffing and budgetary resources.

14.1. Introduction

- Proposals to hold a UK constitutional convention (or something similar) are high on the political agenda. Their supporters tend to advocate some form of *citizens’* or *people’s* convention. Accordingly, this report sets out what such a convention could look like and what would be needed for it to succeed. We draw on evidence from past conventions and assemblies of this kind around the world – notably in Canada, the Netherlands, Ireland, and Iceland, as well as the UK.

14.2. The Purposes of a Convention

- Constitutional conventions have been proposed for multiple purposes. The most common are to promote particular reforms, to develop reform proposals through deep public engagement, and to build a grassroots democratic movement.
- But there are risks in over-selling constitutional conventions. They are not panaceas, which are going directly to re-engage people with politics and restore trust on a large scale. Nor can it be presumed that they will produce well grounded and representative conclusions unless they are well designed. They might produce recommendations that their creators are very uncomfortable with. And there is no guarantee that their recommendations will be implemented even if they are impeccably developed.
- So advocates of a constitutional convention must be careful not to over-state what might be achieved. They should be cautious in suggesting that a convention holds the key to promoting wider public engagement or restoring trust in politics. Deliberative democracy does hold great potential; but if it is over-sold, and exaggerated expectations are not fulfilled, the effect will simply be disappointment and disillusionment, which will serve further to diminish trust.
- A convention will work best if its purpose is understood as being simply to develop proposals that are well grounded, being based in serious, thoughtful, and knowledgeable engagement of a broadly representative sample of the population with the issues in hand.
- The success or otherwise of such a convention can be gauged in terms of four criteria: how far it represents the wider population; how far it deliberates effectively – in a manner that is reasoned and reflects the interests and values of all parts of society; how far it influences wider public discourse positively; and whether its proposals are implemented.

14.3. Scope and Terms of Reference

- The terms of reference for any constitutional convention should indicate the issues that the convention is to consider.
- Those issues should be limited to one aspect of the constitution: an overarching constitutional review would be too complex and controversial.
- The breadth of this aspect of the constitution should be determined in light of the time and resources that are available to the convention: the tighter the resources, the narrower should be the convention's focus in order to permit meaningful learning and deliberation.

14.4. Membership

- A citizens' constitutional convention should ideally consist of ordinary members of the public only, who should be chosen through stratified random sampling from the population as a whole. While it is not easy to secure a genuinely representative sample, we discuss ways of achieving this in chapter 5.
- The only reason to include politicians or representatives of organised civil society would be to encourage them to take the convention process seriously. While this may be

necessary, we also discuss, in chapter 10, other ways through which these groups might be included.

- If politicians or representatives of organised civil society are included as members of the convention, they should constitute no more than a third of the total membership. Any larger proportion would risk sidelining the ordinary citizen members.
- If the constitutional convention is a single, unitary body, a membership of around 100–150 is likely to be appropriate, in line with previous citizens’ assemblies. If it is federal, however, or if substantial presence from all parts of the UK is essential, a larger body may be needed. We examine these structural issues further in chapter 6.

14.5. Selecting Citizens

- At least for any official convention, selection should take place from adult citizens on the electoral register. For an unofficial convention, cheaper methods, including sampling from an existing online panel can be considered.
- Members should be selected through a process of stratified random sampling.
- For an official convention, the selection process should include local meetings to which randomly selected citizens are invited. These meetings should allow potential members to learn more about the work of the convention and should end with the final selection of members.
- Selection meetings should make clear the demands that participation will place on members, but should also emphasise the various ways in which people of diverse experience and background will be helped to take part equally.

14.6. Structure

- A structure should be chosen that fits the convention’s agenda. Unless there is good reason, a federal structure should be avoided. But a federal structure is likely to be necessary if the agenda relates to aspects of devolution.
- If a federal structure is chosen, careful consideration should be given to its implications for the size of the convention, the character of its deliberations, and the timetabling of its work.

14.7. Operating Methods

- The work of the convention should be divided into three phases: learning, consultation, and deliberation and decision.
- The learning phase should be supported by a learning programme that is carefully worked out to maximise accuracy, breadth, impartiality, clarity, and accessibility.
- Consultations should be as wide and open as possible. They should include representatives of any organisations and any members of the public who wish to express their views.

- Deliberation should characterise all of the convention’s work. This should be carefully structured and supported by trained facilitators.
- The design of the convention’s work and the writing of its final report should be flexible and responsive to members’ wishes. Consideration should be given to continuing the convention’s work after it has reported, so that it can advocate and monitor implementation of its recommendations.
- If elite members are included, they should be treated on equal terms with and work alongside the ordinary citizens.

14.8. Duration and Schedule

- The convention should have a minimum of two weekends to consider each of the topics on its agenda. But we strongly recommend that more time than that is better – and essential for any convention with official status.
- Convention weekends should generally be spaced two to four weeks apart.
- Weekends should run from Friday evening to Sunday lunchtime. The time should be carefully structured, though organisers should also be flexible to developments in the course of the convention’s proceedings.

14.9. Support for Members

- It should be a basic principle of the operation of the convention that its members are treated well. They should be given good accommodation, food, and refreshments throughout meeting weekends and should enjoy occasional treats. Their expenses associated with travelling to meetings should be paid fully and quickly.
- Members should be paid a small honorarium. A figure in the region of £150 per meeting day is likely to be appropriate.
- Individual members’ special needs should be catered for so far as possible, notably through provision for a range of disabilities and through support for those with caring responsibilities.
- Ways should be found to minimise any harassment that members might be subjected to, notably by the traditional media or by individuals on social media.
- Multiple avenues should be provided through which members can express their thoughts and concerns about any aspect of the convention to the organisers.

14.10. External Engagement

- A citizens’ convention needs to reach out from the start to engage with politicians, the media and the public, to explain its role and to interest people in its work and recommendations.
- The most important single group to engage with is politicians, through regular briefings, interim reports, and parliamentary questions and debates.

- The convention will need a full-time Communications Director to devise strategies to engage with different social groups, and for different phases of the convention’s work.
- To maximise public engagement the convention will need an interactive website, with lots of learning materials, and lively presence on social media.
- The convention can also draw on its members as ambassadors for its work.

14.11. Staffing

- Staffing levels have varied between different citizens’ assemblies: while the Canadian and Dutch assemblies were well resourced (see chapter 12) and had full-time staffs in excess of a dozen people, the Irish Constitutional Convention operated on a much tighter budget, with a secretariat of just four people. The recommended staffing arrangements for an official constitutional convention are set out in Table 11.1 on p. 65; an unofficial convention could get by with more limited support. Other roles, relating, for example, to recruitment and the testing of learning materials in focus groups, can be contracted out to external providers.

14.12. Budget

- The budgeting for any citizens’ convention would need to take into account the budget lines set out in Table 12.1 on p. 67.
- An official, UK-wide, unitary convention would likely cost somewhere in the region of £5 million. A federal body would be more expensive. An unofficial convention could be run on a tighter budget – but it would be unlikely to work well with a budget less than around £1 million.
- While these sums may seem high, they would represent money well spent. Compared to annual costs of running parliament, or even the cost of holding a referendum, these figures are very low. If, as is likely, they helped to strengthen our constitutional and broader democratic system, they could yield very substantial benefits.

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 - It may want to declare in advance the follow-up actions and timetable, so that everyone is clear about the status of the convention and its report. Is the

convention's report advisory only, or will the government be obliged to respond and act upon the report?

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- The government could allow the convention to remain in being after it has reported so that its members can be advocates for its proposals.

Proposals for a UK constitutional convention are made by several parties in their 2017 election manifestos and have been prominent on the political agenda for several years. Such proposals are offered both as a response to widespread disillusionment with the state of democracy and as a means of addressing the deep constitutional challenges posed by Brexit and uncertainty over the future of the Union. But there has as yet been little detailed thinking about the form that a constitutional convention should take. This report fills that gap. It examines the issues, explores the lessons to be learned from constitutional conventions elsewhere, and identifies the pitfalls to be avoided.

We set out a blueprint for a constitutional convention that reaches beyond politicians to include ordinary members of the public. We find that a constitutional convention of this kind could make a great and positive contribution to democratic governance in the UK. But the potential benefits should not be exaggerated. Furthermore, to succeed, a citizens' constitutional convention must be designed well and resourced adequately.

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About the Constitution Unit

The Constitution Unit conducts timely, rigorous, independent research into constitutional change and the reform of political institutions. Our research has significant real-world impact, informing policy-makers engaged in constitutional and political reform processes both in the United Kingdom and around the world. Since our foundation in 1995, that impact has extended across areas such as parliamentary reform, the creation of rules for the conduct of referendums and the development of the Cabinet Manual. Our publications include reports, books, and articles in both academic journals and mainstream media.

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