# Independent Reporting Mechanism (IRM): Scotland Final Report 2017

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The Open Government Partnership (OGP) is a voluntary international initiative that aims to secure commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. In 2016, OGP opened to subnational participants in their own right as part of a pilot program. The OGP Subnational Pilot Program consists of 15 subnational governments who submitted Action Plans and signed onto the Subnational Declaration at the Paris Global OGP Summit. This report summarizes the results of the implementation of Scotland's pilot subnational action plan from 1 January 2017 to 31 December 2017.

The IRM reports for OGP pioneers will be published online primarily. As a result, this template is outlined in terms of the final site layout of the report.

**Site map**

- Overview page
- Context and scope of action plan
- Development process and monitoring of the action plan
- Commitments
- OGP method and sources

# *Overview*

## Period under Review

| Action Plan under Review | 2017 |
|---|---|
| Dates of Actions under Review | 01/2017 – 12/2017 |

## Summary of IRM Findings

Scotland showed strong institutional participation during co creation and implementation of the OGP action plan. The commitments focused on improving citizens' ability to monitor the government's performance in key policy areas and participate in government policy and spending decisions. Moving forward, the Scottish Government could establish an inclusive OGP governance forum to improve CSO engagement, deepen its commitment to financial transparency and build a stronger focus on accountability.

## Participation in OGP

| Action Plan Date | January – December 2017 |
|---|---|
| Lead Agency (Office, Department, etc.) | Ingage, Local Government and Communities Directorate |

## At a Glance

| Table 1: At a Glance | |
|---|---|
| Number of Commitments | 5 |
| *Level of Completion* | |
| Completed | 0 |
| Substantial | 2 |
| Limited | 3 |
| Not Started | 0 |
| *Number of Commitments with...* | |
| Clear Relevance to OGP Values | 5 |

| | | |
|---|---|---|
| Transformative Potential Impact | | 0 |
| Substantial or Complete Implementation | | 2 |
| **All Three (✪)** | | 0 |
| **Did It Open Government?** | *Major* | 1 |
| | *Outstanding* | 0 |

# Action Plan Priorities

| |
|---|
| **1.** Improved citizen understanding of how public finances work in Scotland |
| **2.** Improved benchmarking of government performance in key policy areas (National Performance Framework, Fairer Scotland Action Plan) |
| **3.** Improved citizen participation in government policy and spending decisions |

# Institutional Context

*This section summarizes the Institutional and Subnational Context section. It emphasizes the description of the lead institutions responsible for the action plan, their powers of coordination and how the institutional set-up boosts or affects the OGP process.*

**OGP leadership in Scotland**

The mandate for OGP participation in Scotland comes from the highest level of government, although it is not set out in legislation. Shortly after coming to power in 2014, Scotland´s First Minister Nicola Sturgeon, publicly stated her ambition for Scotland to become "an outward-looking government, which is open and accessible to members of the public"[1]. She later publicly lent her support to Scotland´s OGP action plan at the civil society Annual Gathering Conference in 2016[2]. Nevertheless, the First Minister is not directly involved in the implementation of the OGP process in Scotland. Instead, political leadership comes from Joe Fitzpatrick, Member of the Scottish Parliament (MSP) and Minister for Parliamentary Business. The Scottish Government´s commitment to OGP is also one element of its 2017/18 Programme for Government[3].

Ingage, which sits within the Local Government and Communities Directorate, is the lead government body responsible for overall coordination of the OGP process within the Scottish Government. It is a collaborative team established to work across Scotland, with public services and communities, to enable, support and grow the government´s capability and capacity to transform[4].

## Table 2. Summary of OGP leadership in Scotland

| 1. Structure | Yes | No |
|---|---|---|
| Is there a clearly designated government lead for OGP? | ✔ | |
| | **Shared** | **Single** |
| Is there a single lead agency or shared leadership on OGP efforts? | ✔ | |
| | **Yes** | **No** |
| Is the head of government leading the OGP initiative? | | ✘ |
| **2. Legal Mandate** | **Yes** | **No** |
| Is the government's commitment to OGP established through an official, publicly released mandate? | ✔ | |
| Is the government's commitment to OGP established through a legally binding mandate? | | ✘ |
| **3. Continuity and Instability** | **Yes** | **No** |
| Was there a change in the organization(s) leading or involved with the OGP initiatives during the action plan implementation cycle? | | ✘ |
| Was there a change in the executive leader during the duration of the OGP action plan cycle? | | ✘ |

## Participation in OGP by Government Institutions
This sub-section describes which government institutions were involved at various stages in OGP.

Responsibility for leading on the implementation of the five commitments is spread across the civil service among different directorates. The following directorates participated in the development and implementation of the commitments in their respective policy areas: the Children and Families Directorate (commitment 2); Digital Directorate (commitment 5); External Affairs Directorate (commitment 2); Financial Management Directorate (commitment 1), Financial Strategy Directorate (commitment 1), Housing and Social Justice Directorate (commitment 3); Local Government and Communities Directorate (commitments 2, 4 and 5); Scottish Procurement and Commercial Directorate (commitment 1) as well as the office of the Chief Statistician (commitment 2).

In order to coordinate the implementation of the commitments among the different directorates, the Ingage team conducted regular meetings with commitment leads (every one to two months during the year)[5]. These commitment leads formed an extended steering group, which, along with the Scotland OGP Civil Society Network, was responsible for guiding the implementation of the OGP action plan over the year. As discussed below, while the steering group meetings were useful in gauging progress on the implementation of commitments, they did not represent a genuinely shared space between government and civil society for steering the overall strategic direction of the action plan. In large part,

this was due to a lack of structure and clarity on roles and expectations on both the government and civil society side, which ultimately limited the extent of co-production and co-implementation of the action plan (see section on "Process of Monitoring Implementation of the Action Plan").

**Table 3. Participation in OGP by Government Institutions**

| How did institutions participate? | Ministries, Departments or agencies | Legislative (parliaments or councils) | Justice institutions (including quasi-judicial agencies) | Other (special districts, authorities, parastatal bodies, etc.) |
|---|---|---|---|---|
| **Consult:** These institutions observed or were invited to observe the action plan, but may not be responsible for commitments in the action plan | 0 | 0 | 0 | 0 |
| **Propose:** These institutions proposed commitments for inclusion in the action plan | 9 | 0 | 0 | 0 |
| **Implement:** These institutions are responsible for implementing commitments in the action plan whether or not they proposed the commitments | 9 | 0 | 0 | 0 |

# Commitment Overview

The implementation of Scotland´s OGP action plan during 2017 has resulted in a number of concrete results, but also points to some areas for improvement. The plan contains 5 commitments which, together, aim to ensure:

1. greater transparency of government financial and procurement data to enable citizens to clearly understand how their tax money is spent and to support more informed policy-making;
2. greater citizen involvement in measuring the Scottish Government´s performance in key areas of social policy including via the National Performance Framework (NPF), the Sustainable Development Goals (SDGs) and the Fairer Scotland Action Plan;
3. increased citizen participation in how local money is spent and local services are delivered so that they are more accessible and closer to citizens´ needs.

The main expected beneficiaries of the action plan are:

- local authorities and local service providers;
- service users who rely most heavily on local services such as healthcare, community education etc. and those who experience specific barriers to accessing services
- the most economically and socially marginalized citizens, as well as children, young people and senior citizens living in poverty.

## Commitment 1: Financial transparency

The aim of this commitment is to make financial information more comprehensible and usable, in conjunction with budget reforms, and ultimately to help citizens understand better the flow of public money, in light of the changing fiscal environment in Scotland. Throughout 2017, the government has disclosed more data and in some cases improved the accessibility of existing financial information, although not yet in a way that can also be used to answer specific questions. The publication of the Budget Process Review Group´s final report (including a proposed move towards a whole-cycle approach to scrutiny of public finances) and publication of the government´s first open contracting strategy are two further achievements of this commitment. Enabling more direct public engagement on the budget and greater citizen involvement in contracting processes from an early stage are two areas which the government is encouraged to consider in future.

## Commitment 2: Measuring Scotland´s progress

This commitment aims to enable Scotland's progress towards the Sustainable Development Goals (SDGs) and human rights obligations to be measured in an effective and transparent way through a revised National Performance Framework (NPF). Due largely to the government´s decision to conduct an additional round of engagement on the NPF indicators (rather than just the outcomes, as had been originally planned), the revised NPF was not delivered as planned.

## Commitment 3: Deliver a Fairer Scotland

The first milestone under this commitment commits the Scottish Government to engaging with people on progress on the Fairer Scotland Action Plan and producing an annual report on progress on each of the 50 actions. Those who participated in the consultation process were able to give their input into how some of the actions outlined in the Fairer Scotland Plan are being implemented. However, the small scale of the engagement exercise coupled with the limited resources invested limits the overall impact of the milestone. The potential impact of the second milestone is more substantial, with the focus on establishing 50 new actions via a citizens´ forum, although this falls beyond the current action plan timeframe.

## Commitment 4: Participatory budgeting (PB)

This commitment brings together different strands of the Scottish Government's, and others´, support to participatory budgeting (PB) in Scotland. Early signs suggest that this commitment is having a moderate impact on opening up government. Agreement on the target to have at least 1% of local authority budgets subject to PB is significant achievement of this commitment, although significant challenges remain, especially with regards to the broader goals of transforming relationships between communities, councils and services and of reducing inequalities.

**Commitment 5: Increasing participation**

The aim of this commitment is to address the widely held desire among Scottish citizens to play a more active role in decisions that affect them and their communities, including decisions on how public services are designed and run. Because not all of the envisaged activities were expected to be completed within the action plan timeframe, coupled with the decision to delay one of the 3 milestones (development of the proposed Local Government Bill), it is too early to ascertain the extent to which it has had an impact in opening government. The lack of clarity around roles, responsibilities and the overall purpose of the third milestone (creating an open government movement), also means early results are difficult to identify. Nevertheless, there are some early, if localised, signs of a change in engagement culture within government as a result of the second milestone (Improved tools and techniques for citizen participation), including some early work on creating a set of shared principles and a standardised approach to service design.

**Table 4. Overview: Assessment of Progress by Commitment**

Table 4 displays for each commitment the level of specificity, relevance to OGP values, potential impact level of completion.

| Commitment Overview | Specificity | | | | OGP Value Relevance (as written) | | | | Potential Impact | | | | Completion | | | | Did It Open Government? | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | None | Low | Medium | High | Access to Information | Civic Participation | Public Accountability | Tech. & Innovation for Transparency & Accountability | None | Minor | Moderate | Transformative | Not Started | Limited | Substantial | Completed | Worsens | No change | Marginal | Major | Outstanding |
| 1. Financial Transparency | | ✔ | | | ✔ | | | ✔ | | | ✔ | | | | ✔ | | | | ✔ | | |
| 2. Measuring Scotland´s Progress | | ✔ | | | ✔ | ✔ | | | | ✔ | | | | ✔ | | | | | ✔ | | |
| 3. Deliver a Fairer Scotland | | ✔ | | | | ✔ | | | | ✔ | | | | ✔ | | | | | ✔ | | |
| 4. Participatory Budgeting | | | ✔ | | ✔ | ✔ | | ✔ | | | ✔ | | | | ✔ | | | | | ✔ | |
| 5. Inzreasing Participation | | ✔ | | | | ✔ | | ✔ | | | ✔ | | | ✔ | | | | | ✔ | | |

# General Recommendations

**On process**

- **Strengthening OGP governance in Scotland**: The government and the Scotland OGP network should consider establishing a steering group with parity of members that meets regularly to oversee the development and implementation of any future OGP action plan. This could enable a genuine partnership based on clear roles, lines of responsibility for implementation and accountability for delivery. More specifically, the steering group could:
    - develop rules and procedures for documenting and publishing discussions and decisions made,
    - establish communication links with high and medium level officials to allow an easy flow of information regarding commitment implementation,
    - discuss the most appropriate dialogue mechanism for sensitive issues among network members and consider establishing decentralised streams of work with designated civil society and government leads around commitments.
- **Broadening participation in OGP**: The OGP community in Scotland should consider how it can reach a broader audience by addressing how OGP can contribute to concrete policy areas (such as health, education, social care, etc.) and how it relates to existing initiatives, potentially through the lens of the SDGs. The government meanwhile should consider how it can better link up the different strands of its civil society engagement work through the Scotland OGP network.
- **Building capacity to take OGP forward**: To enable the full realization of any future OGP action plan, the government should consider investing in building the capacity of civil servants to understand the relevance of OGP and successfully implement commitments and for citizens to take up the opportunities afforded by their implementation. This applies across a range of policy areas including financial transparency, public procurement, the NPF, participatory budgeting, and the Scottish Approach to Service Design.

**On content**

- **Continue putting participation at the heart of OGP in Scotland**: The government and the Scotland OGP network are encouraged to maintain a strong focus on citizen participation in any future action plan, especially via initiatives which aim to address the barriers to participation, by working more closely with groups with protected characteristics on user-centred service design and participatory budgeting. To bring more coherence to this strand of work, the government should consider taking stock of the breadth of good work taking place across the country in this field before developing a more focussed set of activities, with clear outputs and outcomes tied more explicitly to specific policy areas.
- **Putting a greater focus on accountability**: The government and the Scotland OGP network should consider building a stronger focus on accountability into any future action plan. This might include greater engagement with parliament, especially around financial transparency, budget setting and long-term outcomes, but it could also include the development of public-facing mechanisms whereby citizens can actively seek answers or justification from government regarding their performance (e.g. through ongoing citizen monitoring or shadow reporting).

- **Deepening the commitment to transparency**: In light of the recent focus on the handling of Freedom of Information requests in Scotland, the government is strongly encouraged to continue and deepen its work on financial transparency under any future action plan, with a particular emphasis on proactive publication of a much wider set of government-held information.
- **Ensuring greater specificity of commitments**: Any future action plan should aim to ensure greater specificity in terms of the expected outcomes and concrete activities for each commitment. As far as possible, the commitments should be limited to verifiable activities that can be completed within the next action plan cycle and that are clearly measurable in order to enable fair and accurate monitoring of progress.

1 BBC News, 7 November 2014: "Sturgeon vows to be 'most accessible' first minister ever" http://www.bbc.com/news/uk-scotland-scotland-politics-29942740
2 See: https://www.youtube.com/watch?v=pZZe-LbhwUQ
3 Scottish Government (2017) A Nation With Ambition: The Government's Programme for Scotland 2017-18 http://www.gov.scot/Resource/0052/00524214.pdf
4 See https://ingage-scotland.org/why-ingage/
5 Interview with Doreen Grove and Emma Harvey, Scottish Government, 9 November, Edinburgh

# Institutional and Subnational Context and Scope of Action Plan

This section places the action plan commitments in the broader context. The emphasis of the IRM report is on the development and implementation of the OGP action plan. However, to ensure the credibility of the report and of OGP more broadly and to inform future versions of the action plan, researchers are asked to briefly consider the institutional context within which the OGP action plan is framed. Consider significant actions not covered by the action plan that are relevant to OGP values and the entity's participation in the Partnership. The emphasis should be on the specific subnational context, although researchers may make some reference to the broader country context as it affects implementation at the subnational level (in county, referring to ward level or in the Municipality, referring to State and Federal context).

## Background

### Institutional context

Scotland is a devolved nation within the United Kingdom (UK) with substantial legislative, fiscal, and policy-making powers[6]. Under devolution, the Scottish Government has a range of responsibilities that include: the economy, education, health, justice, rural affairs, housing, environment, equal opportunities, consumer advocacy and advice, transport and taxation. The Scottish Government has also recently acquired the power to set a Scottish rate of income tax and it is expected that further powers will be devolved over the coming years. Powers reserved to the UK Government include immigration, the constitution, foreign policy and defence[7]. The First Minister, Nicola Sturgeon, is head of the Scottish Government and is ultimately responsible for all policy and decisions. The First Minister leads the Scottish Cabinet which is made up of the senior members (cabinet secretaries) of the Scottish Government and is supported by the work of ministers[8]. The Scottish Government is structured into 30 directorates, which along with their related public bodies, are responsible for putting government policy into practice[9]. The Scottish Parliament, meanwhile, is the law-making body for devolved matters and is made up of all elected members of the Scottish Parliament (MSPs). It considers any proposed legislation and scrutinises the activities and policies of the Scottish Government through debates, parliamentary questions and the work of committees[10.]

The mandate for OGP in Scotland participation comes from the highest level of government, although it is not legally mandated. Shortly after coming to power in 2014, Nicola Sturgeon publicly stated her ambition for Scotland to become "an outward-looking government, which is open and accessible to members of the public"[11]. However, the First Minister is not directly involved in OGP process in Scotland. Instead, political leadership comes from Joe Fitzpatrick, Member of the Scottish Parliament and Minister for Parliamentary Business. The Scottish Government's commitment to OGP is also one element of the 2017/18 Programme for Government[12].

Ingage, which sits within the Local Government and Communities Directorate, is the lead government body responsible for overall coordination of the OGP process within the Scottish Government. It is a collaborative team established to work across Scotland, with public services and communities, to enable, support and grow the government's capability and capacity to transform[13]. Responsibility for leading on

the implementation of the five commitments is spread among different directorates (see "Participation in OGP by Government Institutions" above). In order to coordinate the implementation of the commitments among the different directorates, the Ingage team conducted regular meetings with commitment leads (every one to two months during the year). These commitment leads formed an extended steering group which, along with the Scotland Open Government Network, was responsible for guiding the implementation of the OGP action plan over the year.

The Scotland Open Government Network began as a sub-group of the online UK Open Government Forum coordinated by Involve but later evolved into a more active stand-alone network, independent from the UK Forum, under the leadership of the Scottish Council for Voluntary Organisations (SCVO). Membership of the Scottish network is open to any individual or civil society organization, with the only criteria being an interest in advancing open government in Scotland. Unlike the UK-wide network, the Scottish network also includes around 10 representatives from government, with a view to building a sense of partnership between civil society and government in the OGP process (see commitment 5 for further details). Other members include representatives of more than 50 CSOs around Scotland working on a range of issues from local democracy to health and education, local council staff members, members of community associations, academics, students, members of the Church of Scotland as well as more than 80 individual members.

According to Doreen Grove, the Scottish Government's point of contact for OGP and member of the Ingage team, the resources dedicated to OGP within Government amount to approximately GBP 20,000 plus 1.5 Full Time Equivalent (FTE) of staff time[14]. On the civil society side, the SCVO provides funding for 1 FTE, whose time is split between managing and coordinating the Scotland Open Government Network and the separate but related Open Government Pioneers Project, which works across England, Scotland, Wales and Northern Ireland to enable citizens to use open government approaches to progress the Sustainable Development Goals[15].

## Policy context

Since devolution was introduced in Scotland 1999, the Scottish Government has adopted what it terms a distinctive "Scottish Approach to Government" which recognises the importance of giving a voice to stakeholders and citizens[16]. According to Sarah Davidson, the Director-General for Organisational Development and Operations, this is what underpins the government´s commitment to open government, through a broader agenda of public service reform including an emerging focus on co-production to deliver better policy, more meaningful performance measurement and greater financial transparency[17]. This reform agenda comes, in large part, as a response to a wide-ranging government-commissioned review of public services in Scotland carried out by the Christie Commission in 2011. The commission´s "Report on the Future Delivery of Public Services" placed particular emphasis on the need to involve individuals and communities in the design and delivery of the services they use, ensure closer partnership between public service providers, and prioritise expenditure on public services which prevent negative outcomes[18].

Of particular relevance to Scotland´s open government agenda is the focus on community empowerment and participation. While Scotland´s OGP Action Plan includes a strong focus on citizen participation, it does not capture the range of participatory approaches being adopted across the country. As noted by Andy Williamson, a global leader in democratic innovation and civic participation[19], "participation in Scotland happens in complex ways, with many historical and local variations"[20]. Examples include the use of charrettes (intensive planning session where citizens, designers and others

collaborate on a vision for development)[21] and the place standard (a simple framework to structure conversations about the physical and social aspects of place)[22]. At the heart of this agenda is the Community Empowerment (Scotland) Act 2015[23], which introduced a number of legal statutory requirements for government to ensure greater citizen participation, including through:

- publishing and reporting on a set of *National Outcomes* which have regard to reducing inequalities, following consultation with community representatives and the Scottish Parliament.
- the establishment of *Community Planning Partnerships* between public authorities and community bodies in each local authority area which must prepare and publish a local outcomes improvement plan (LOIP) and "locality plans" at a more local level for areas experiencing particular disadvantage.
- the use of *Participation Requests* in cases where a community body believes it could help to improve an outcome which is delivered by a public service, to which the public body must agree unless there are reasonable grounds for refusal.
- extending the *Community Right to Buy* to all of Scotland, urban and rural, introducing a range of measures to amend, and in some areas simplify, the crofting community right to buy, and introducing a new provision for community bodies to purchase land which is abandoned, neglected or causing harm to the environmental wellbeing of the community, where the owner is not willing to sell that land.
- The use of *Asset Transfer Requests,* giving community bodies a right to request to buy, lease, manage or use land and buildings belonging to local authorities, Scottish public bodies or Scottish Ministers.

In addition to the Community Empowerment Act, OGP in Scotland is supported by a range of other legal and policy instruments, including:

- The Freedom of Information (Scotland) Act 2002 (FOISA), which came into force on 1 January 2005. Under FOISA, citizens are entitled to request information from a Scottish public authority within set timeframes and subject to certain conditions and exemptions which are set out in the Act. It also requires public authorities to publish information proactively where there is a public interest. The Act is enforced and promoted by the Scottish Information Commissioner[24].
- The National Performance Framework (NPF) in 2007 which sets out a single Purpose and an agreed set of National Outcomes for everyone in public service in Scotland[25]. In July 2015, the First Minister announced that the Scottish Government would adopt the Sustainable Development Goals (SDGs) and implement them through the National Performance Framework and the Scottish National Action Plan for Human Rights (SNAP) Plan, introduced in 2013[26] (see commitment 2)
- The Open Data Strategy in 2015, which aims to ensure anonymised data generated by public bodies is made available through easily accessible channels. All open datasets behind Scottish Official Statistics will be published on www.statistics.gov.scot by the end of 2017[27].
- This Fairer Scotland Action Plan in 2016 which built on a wide-ranging public consultation process to develop a series of 50 actions to help tackle poverty, reduce inequality and build a fairer and more inclusive Scotland[28] (see commitment 3).
- The Lobbying (Scotland) Act 2016, which makes provisions for a Lobbying Register which will allow the public to access and view information submitted by organisations and individuals who carry out certain types of lobbying, overseen by the Scottish Parliament. The register is expected to commence formal operation on 12 March 2018[29]

- The Digital Strategy for Scotland in 2017 which includes a strong emphasis on designing key public services in areas such health and social care, justice and social security around user needs[30] (see commitment 5).

**Political context**

The development and implementation of Scotland´s OGP action plan has coincided with a dynamic and at times unpredictable political landscape in Scotland, beginning with the Scottish independence referendum in September 2014. The referendum, which resulted in a 55% share of the vote against independence, captured the imagination of the Scottish electorate with citizens actively engaged in the campaign on both sides. The referendum saw a record turnout of 85%, the highest for any UK electoral event since the introduction of universal suffrage[31]. According to the Political Science Association, the referendum "rebuilt citizen engagement with politics, built bridges between political parties and the public and breathed fresh life into the democratic process in Scotland"[32]. A key challenge in the aftermath of the referendum has been maintaining this momentum and ensuring a long-lasting impact on the relation between political actors, civil society and citizens.

An equally significant political landmark came in June 2016, when the UK voted to leave the European Union by 52% to 48%. In Scotland, the so-called "Brexit" result was very different however, with only 38% of voters opting to leave the EU, demonstrating an important divergence between Scotland and the rest of the UK with regards to support for the European Union, and in the view of some commentators, strengthening the case for a second independence referendum in the future[33]. This was followed, in 2017, by Scottish local council elections in May and a snap-UK parliamentary election in June, called at short notice by the ruling Conservative Party. Taken together this series of electoral events has provided an uncertain political context for OGP implementation[34].

Beyond these electoral events, the key development to have had an impact on the implementation of Scotland´s OGP Action plan in 2017 has been the widespread criticism of, and subsequent response to, the Scottish Government´s performance on freedom of information (FoI).

In April 2017, following a decline in the number of FoI requests and reviews responded to on time, the then Scottish Information Commissioner initiated an intervention process to develop targets to improve the government´s performance[35].  This was followed by an open letter from 23 journalists which made a series of allegations about the government´s handling of FoI requests, including screening by senior government advisers, requests being blocked or delayed for "tenuous reasons" and records of informal ministerial meetings not being kept[36]. The Scotland Open Government Network also sent a letter to the Scottish Parliament´s Public Audit and Post-legislative Scrutiny Committee[37] and subsequently to Labour MSP Neil Findlay[38] requesting a review of the effectiveness of FOISA. Prompted by these events, Neil Findlay initiated a parliamentary debate on 13th June 2017[39] and wrote to the OGP to request that it investigate the Scottish Government´s FoI performance[40]. Following a subsequent parliamentary debate on 21st June, it was decided that the Scottish Information Commissioner, Daren Fitzhenry, would conduct an independent inquiry of the Scottish Government´s compliance with the FOISA, while the Public Audit and Post-Legislative Scrutiny Committee would consider the need for post-legislative scrutiny of FOISA[41]. Meanwhile, the government began to implement an improvement programme, including increasing the human resources of the FoI team, securing senior buy-in, intervening early to hit response targets, focussing more on proactive publication, exploring alternative delivery models and introducing a new IT platform to improve case management[42].
While the government has improved its performance with regards to the timeliness of responses to

information requests as a result[43], it is too early to ascertain the extent to which the improvement programme will address the more qualitative issues raised by the group of journalists earlier in 2017. To this extent, the Information Commissioner´s inquiry, due to commence in early 2018, will prove important reading[44].

## Stakeholder Priorities

Discussions at a stakeholder meeting held on 8th November 2017 in Edinburgh revealed a range of views with regards to what civil society representatives regard as the key priorities from the action plan. There was some consensus that commitment 5 on increasing participation was the area with the greatest potential for transformation in the way government engages with citizens.[45] At the same time many also saw commitment 5 as the least specific and hence the most challenging in terms of measuring progress and identifying who is responsible and accountable for delivery.  Nevertheless, stakeholders generally agreed that this is one area of work which should be taken forward in any future OGP action plan, with a particular focus on addressing the barriers to participation.

Some felt that commitment 1 on financial transparency represented an important, albeit small, step change in the government´s openness with regards to financial information, an area in which the government has traditionally maintained tight control. To this extent, participants felt even small advances in openness in this area represented an important success and critical to shifting government culture around politically sensitive information[46].

In terms of concrete outcomes, there was also some agreement among participants that commitment 4 on participatory budgeting is the most well developed, with a clear objective (the 1% target) and a clear mechanism around implementation (via the PB Working Group) which has fostered strong working relationships between civil society and government.

A key question which emerged in discussions with both civil society and government stakeholders was the extent to which the action plan priorities represent a new direction for the Scottish Government. Whilst recognising that most of the activities in the action plan are either ongoing or pre-planned initiatives, stakeholders tended to agree that OGP has provided impetus and a unifying framework for what have often been considered isolated initiatives, and that the action plan represents a pragmatic approach given the pilot nature of the subnational programme and the time constraints imposed[47].

As far as developing a future action plan is concerned, stakeholders were keen to ensure a balance between building on the potential of the current action plan and developing new commitments.[48] A common aspiration was to have a more thematic approach to the plan, with a focus on specific policy areas which make a difference to peoples´ everyday lives, such as local health boards[49], health and social care integration[50], or education[51]. For a number of stakeholders the logical next step would be to frame the next plan more explicitly around the SDGs, and to be able to track how OGP work supports progress towards the SDGs[52]. Another idea was to capitalise on 2018 as the year of young people in Scotland to engage youth more directly in the OGP process, possibly by including a commitment developed by young people in the next action plan[53]. Others were keen to include mechanisms for ensuring greater government accountability for delivering outcomes including the SDGs and the NPF, through initiatives such as civil society shadow reporting or "poverty training" of senior civil servants and politicians[54].

# Scope of Action Plan in Relation to Subnational Context

*While it is not the job of the IRM to tell governments and civil society organizations what can or cannot be in action plans, the IRM Guiding Principles do require the IRM to identify, "The extent to which the action plan and its commitments reflect, in a certain subnational context, the OGP values of transparency, accountability, and civic participation, as articulated in the OGP Declaration of Principles and the Articles of Governance.*

Scotland´s first OGP action plan reflects the values of transparency, accountability and civic participation in a way that is highly relevant to the current political and policy context in the country. In particular, the strong focus on citizen participation in the action plan is indicative of a country with a long tradition of engaged citizenry and which has recently witnessed numerous opportunities for citizens to contribute directly to key decisions about Scotland´s future (including the 2014 independence and 2016 Brexit referendums). To ensure that this momentum is not lost, the IRM would encourage a continued focus on citizen participation in any future action plan, but with a much more focussed set of activities, with clear outputs and outcomes tied more explicitly to specific policy areas (such as for example social security or health care provision). It is also clear that there is already an impressive, yet often uncoordinated, range of activities underway in the field of civic participation which would benefit from greater integration.

In light of the recent criticism the government has received with regards to its handling of FoI requests and the ongoing inquiries by the Information Commissioner and parliament, the IRM welcomes the government´s efforts to develop and implement an improvement plan over the course of 2017 and 2018. To complement these efforts, the IRM would welcome a more ambitious commitment to financial transparency going forward with a focus on proactive publication of a much wider set of government-held information and data sets, which are easily accessible, regularly updated and can be used by citizens for specific purposes. Institutionalising this kind of transparency can be an important driver of culture change and can rebalance expectations about what kind of financial information citizens should have access to as a matter of course. While it is recognised that this requires longer term investment, a future action plan could consider what intermediate next steps might be adopted, drawing in particular on the key recommendations of the Budget Process Review Group´s final report.

Public accountability is the OGP value which comes across least strongly in Scotland´s OGP action plan. While a number of commitments make reference to accountability in broad terms, the action plan does not include specific public-facing mechanisms through which citizens can actively hold government accountable for its actions. Thus, while the IRM welcomes the action plan´s inclusion of performance measures for government (under commitments 2 and 3), for these to be used as meaningful accountability tools requires more emphasis on involving citizens and civil society not only in the development of the measures, but also in the active and ongoing monitoring of these frameworks in a way which requires the government to answer for any failures to meet its goals. This is particularly relevant given the much-cited desire among stakeholders to see more alignment of a future OGP action plan with the SDG framework.

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6 See: http://www.parliament.scot/visitandlearn/12506.aspx.

⁷ See: https://beta.gov.scot/about/

⁸ See: https://beta.gov.scot/about/

⁹ See: https://beta.gov.scot/about/how-government-is-run/

¹⁰ See: http://www.parliament.scot/visitandlearn/12506.aspx.

[11] BBC News, 7 November 2014: "Sturgeon vows to be 'most accessible' first minister ever" http://www.bbc.com/news/uk-scotland-scotland-politics-29942740

[12] Scottish Government (2017) A Nation With Ambition: The Government's Programme for Scotland 2017-18 http://www.gov.scot/Resource/0052/00524214.pdf

[13] See: https://ingage-scotland.org/why-ingage/

[14] Interview with Doreen Grove and Emma Harvey, Scottish Government, 9 November, Edinburgh

[15] https://opengovpioneers.miraheze.org/wiki/Main_Page

[16] Scottish Government (2017) Transparency in the Scottish Government https://forum.opengovernment.org.uk/dragonfly/2017/12/11/94vfhkrgdi_Transparency_in_the_Scottish_Government_November_2017.docx

[17] Interview with Sarah Davidson, Scottish Government, 6th November 2017, Edinburgh

[18] http://www.gov.scot/resource/doc/352649/0118638.pdf

[19] See: http://www.andywilliamson.com/

[20] Interview with Andy Williamson, open government expert, 7 November, Edinburgh

[21] See: http://www.scotlandstowns.org/town_centre_charrettes

[22] See: https://placestandard.scot/

[23] See: http://www.gov.scot/Topics/People/engage/CommEmpowerBill

[24] See: http://www.itspublicknowledge.info/Law/FOISA.aspx

[25] See: http://www.gov.scot/About/Performance/scotPerforms/pdfNPF

[26] Scotland OGP action plan (last accessed 23 June 2017) http://www.gov.scot/Publications/2016/12/2667

[27] Scotland OGP action plan (last accessed 23 June 2017) http://www.gov.scot/Publications/2016/12/2667

[28] See: http://www.gov.scot/Publications/2016/10/9964

[29] Scottish Government (2017) Transparency in the Scottish Government https://forum.opengovernment.org.uk/dragonfly/2017/12/11/94vfhkrgdi_Transparency_in_the_Scottish_Government_November_2017.docx

[30] Scottish Government (2017) Realising Scotland's full potential in a digital world: A Digital Strategy for Scotland http://www.gov.scot/Publications/2017/03/7843

[31]31 Stephen Tierney (2014) 'And the Winner is… the Referendum': Scottish Independence and the Deliberative Participation of Citizens´, Centre on Constitutional Change Blog, 29 September https://www.centreonconstitutionalchange.ac.uk/blog/%E2%80%98and-winner-is%E2%80%A6-referendum%E2%80%99-scottish-independence-and-deliberative-participation-citizens

[32] Political Science Association, 2015 conference: "Re-engaging the populace: citizen engagement in Scotland before and after the referendum"

[33] See for example: https://www.reuters.com/article/us-britain-eu-scotland/scottish-independence-case-helped-by-brexit-chaos-sturgeon-idUSKBN1CD0B2

[34] Interview with Doreen Grove and Emma Harvey, Scottish Government, 9 November, Edinburgh

[35] See: http://www.gov.scot/About/Information/FOI/Reporting

[36] Common Space (2017) Journalists' open letter on freedom of information policy in Scotland, 1st June https://www.commonspace.scot/articles/11072/journalists-open-letter-freedom-information-policy-scotland

[37] Letter to Scottish Parliament Public Audit and Post-legislative Scrutiny Committee from the Open Government Network for Scotland (July 2017), https://opengovpioneers.miraheze.org/wiki/Letter-SP-PAPLSC

[38] Letter to Neil Findlay MSP from the Open Government Network for Scotland, https://opengovpioneers.miraheze.org/wiki/Letter-SP-PAPLSC-FindlayMSP

[39] See: https://www.theyworkforyou.com/sp/?id=2017-06-13.10.0

[40] The Herald (2017) Call to kick Scottish Government out of global transparency group over FoI failings, 25th June http://www.heraldscotland.com/politics/15369456.Call_to_kick_Scottish_Government_out_of_global_transparency_group_over_FoI_failings/

[41] Scottish Information Commissioner (2017) Commissioner's letter to the Minister for Parliamentary Business, 16th November http://www.itspublicknowledge.info/home/News/20171116CommissionerlettertoMinisterforParliamentaryBusiness.aspx

[42] Interview with Ian Davidson and Gerry Hendricks; Scottish Government, 9 November 2017, Edinburgh

43 See: Source: Scottish Government (2017): Transparency in the Scottish Government https://forum.opengovernment.org.uk/dragonfly/2017/12/11/94vfhkrgdi_Transparency_in_the_Scottish_Government_November_2017.docx

[44] http://www.itspublicknowledge.info/nmsruntime/saveasdialog.aspx?lID=11350&sID=11081

[45] OGP Stakeholder Meeting, 8th November 2017, Hayweight House, Edinburgh https://www.opengovernment.org.uk/2017/12/12/scotland-open-government-network-meeting-notes-8-november-2017/

[46] OGP Stakeholder Meeting, 8th November 2017, Hayweight House, Edinburgh
https://www.opengovernment.org.uk/2017/12/12/scotland-open-government-network-meeting-notes-8-november-2017/
[47] Interview with Andy Williamson, open government expert, 7 November, Edinburgh; Interview with Jamie Livingston and Francis Stuart, Oxfam Scotland, 2 November, Edinburgh; Interview with Alasdair McKinlay and Kathleen Glazick, Scottish Government, and Simon Cameron, COSLA, 7 November, Edinburgh; Interview with Sarah Davidson, Scottish Government, 6th November, Edinburgh; Interview with Lucy McTernan and Ruchir Shah, SCVO, 1st November 2017, Edinburgh; Interview with Fiona Garven, SCDC, 3rd November 2017, Glasgow
[48] OGP Stakeholder Meeting, 8th November 2017, Hayweight House, Edinburgh
https://www.opengovernment.org.uk/2017/12/12/scotland-open-government-network-meeting-notes-8-november-2017/;
Interview with Sarah Davidson, Scottish Government, 6th November, Edinburgh; Interview with Kaela Scott, Involve, 6th November 2017, Edinburgh
[49] Lucy McTernan, SCVO, OGP Steering Group meeting, 23 June 2017 https://forum.opengovernment.org.uk/conversations/968
[50] Interview with Doreen Grove and Emma Harvey, Scottish Government, 9 November, Edinburgh
[51] Interview with Paul Bradley, SCVO, 3rd November 2017, Glasgow
[52] Interview with Paul Bradley, SCVO, 3rd November 2017, Glasgow; Interview with Lucy McTernan and Ruchir Shah, SCVO, 1st November 2017, Edinburgh; Interview with Doreen Grove and Emma Harvey, Scottish Government, 9 November, Edinburgh
[53] Interview with Paul Bradley, SCVO, 3rd November 2017, Glasgow; Interview with Doreen Grove and Emma Harvey, Scottish Government, 9 November, Edinburgh
[54] Interview with Jamie Livingston and Francis Stuart, Oxfam Scotland, 2 November, Edinburgh

# *Process of Development and Monitoring of the Action Plan*

## Process of Development of the Action Plan

Governments participating in the OGP follow a process for consultation during development of their OGP action plan and during implementation. This section summarizes the performance of Scotland during the development of their first action plan.

## OGP basic requirements

Subnational Governments received the following guidance on participation during action plan development and execution:

May – November 2016: Development of commitments: Participants set up ways to work with civil society organizations and other groups outside government and use these mechanisms to identify priority areas for commitments. Specific commitments should then be developed in partnership with civil society, allowing them the opportunity to support governments in drafting them and establishing milestones. Draft commitments should be shared with the OGP Support Unit as they are being developed and for comment and advice in October-November. Commitments should be finalized and agreed by the end of November, so they can be published and announced at the OGP Summit in December.

Overall, the Scottish Government met the basic requirements for consultation on the development of the OGP action plan. The Scottish Government consciously designed the engagement process to give civil society a central role in reaching out to stakeholders in order to build a sense of partnership. Civil society engagement through this process was successful in building momentum around the open government movement in Scotland and in suggesting how Scotland might push the boundaries of open government. However, structured engagement with civil society and the wider public in shaping specific commitments and actions as reflected in the final action plan was ultimately limited for a number of reasons, as outlined below.

The Scottish Council for Voluntary Organisations (SCVO), as the leading civil society organisation (CSO) in the OGP in Scotland, coordinated the consultation process together with the Government and other civil society organisations through the Scotland Open Government Network,[55] as well as through a series of public events. The SCVO is the membership organisation for Scotland's charities, voluntary organisations and social enterprises, with over 1800 members who range from individuals and grassroots groups, to Scotland-wide organisations and intermediary bodies[56].

Civil society´s involvement in the OGP process pre-dates the development of the Scottish Action Plan. In particular, Involve and the Democratic Society, two civil society organisations already active in the UK-wide OGP process, were instrumental in laying the foundations for the open government movement in Scotland. The Democratic Society, for example, had already worked with the Scottish Government prior to the 2014 independence referendum on the development of a potential set of Scottish commitments before the Subnational Pilot Program was in place[57]. Involve, meanwhile, the UK CSO

which coordinates the UK Open Government Forum, reached out to civil society in the devolved regions of the UK and specifically to SCVO as the leadership body for the non-profit sector in Scotland, for input into the UK National Action Plan process in 2015. The SCVO was the main Scottish CSO to contribute to the UK National Action Plan and the sole Scottish representative at the OGP summit in Mexico in 2015, where the Subnational Pilot Program was formally announced[58]. Thus, while the Scottish Government took the initiative in applying for Scotland´s inclusion in the Subnational Pilot Program, the SCVO and others played an active role in supporting the process.

It is important to note that the Scottish Action Plan was born out of Scotland's contributions to the broader UK National Action Plan. The timing of Scotland's inclusion in the Subnational Pilot Program coincided with the development of the second UK national action plan, meaning there was some overlap between the two processes. The timing also coincided with a number of important political events including elections and the fallout from the Brexit referendum. The former resulted in two periods of pre-election restrictions, whereby central and local government were prevented from making announcements about any new government initiatives, which limited the Government's ability to publicise the development of the action plan[59]. Coupled with pressure on civil servants and civil society to develop the plan in time for the OGP conference in Paris in December 2016, this meant that the time available to develop the plan was limited[60].

*The consultation process*

During the initial consultation phase (October 2015 to April 2016), the Scotland Open Government Network (more specifically Involve and the SCVO, in collaboration with the Scottish Government), organized two roundtable events to draw up potential commitments to the UK National Action Plan, based on the crowd-sourced, UK-wide Civil Society OGP Manifesto which had more than 250 contributions[61]. Both events were open to all interested parties and attendees were self-selecting. The first of these events took place on 21 October 2015 in Edinburgh[62], and was attended by 10 civil society representatives from a small group of democracy- and citizenship-focused NGOs, including Common Space, the Democratic Society, Involve, the Scottish Community Development Centre, the Scottish Independent Advocacy Alliance and the SCVO[63]. Based on discussions, the SCVO, in collaboration with the Scotland Open Government Network and the Scottish Government, developed the first iteration of 30 detailed commitments and posted them on the network for comment for a period of 44 days[64]. The SCVO then refined the commitments, which were then further discussed at the SCVO's annual Gathering in Glasgow on 17th February 2016[65].

On 20 April 2016, Involve and other members of the Scotland Open Government Network co-hosted a second roundtable in Edinburgh to review the proposed Scottish commitments for the UK plan. The workshop was attended by 21 individuals representing government (5) and civil society organisations (16), from a similar, if slightly expanded, group of CSOs involved in the first event, including the SCVO, Involve, the Democratic Society, Common Weal, HIV Scotland, the Local Government Information Unit and the Electoral Reform Society[66].

Ultimately, given that the initial set of proposed Scottish commitments for the UK plan were closely aligned to the existing UK-wide OGP manifesto, and based on the fact that the two iterations of the proposed commitments do not vary significantly in terms of content, the level of feedback incorporated throughout this initial phase was limited.

Following the announcement of Scotland's inclusion in the OGP subnational pilot programme, the emphasis shifted to developing a specific action plan for Scotland, independent of the UK National

Action Plan. In order to coordinate the development of the plan, the Scottish Government established an informal steering group comprising OGP champions within government and a selection of civil society representatives from the Scotland Open Government Network. Consultation on the Scottish action plan involved a roundtable event organized by Involve and the SCVO in collaboration with the Scottish Government and other network members in Edinburgh on 2 September 2016. The event was attended by 15 individuals from a broader range of interest groups than was the case for previous events, including the Scottish Government (3), Alzheimer Scotland, the Carnegie Trust, Children in Scotland, the Democratic Society, Inclusion Scotland, Motor Neurone Disease Scotland, the Scotland-Malawi Partnership, the Scottish Churches Parliamentary Office and the SVCO[67]. This was followed by an online consultation process, documented on the Scotland Open Government Network. During the event, the government provided an update on progress and timelines for the Scottish Action Plan, and sought contributions from civil society on their priorities for future open government initiatives (both specific, implementable ideas as well as thematic priorities). The meeting also provided an opportunity to continue discussions on strengthening the Scotland Open Government Network[68]. In addition, on 8 September 2016, the Minister for Parliamentary Business hosted a meeting in Parliament with civil society representatives to discuss the plan, the partnership and future implementation. The meeting was attended by representatives from the SCVO, the Scottish Community Development Centre, Oxfam Scotland and HIV Scotland[69].

Based on these discussions, the steering group met to draft the final action plan[70]. The SCVO represented civil society at this meeting. Although involved in the drafting and revising of commitments at this stage, the SCVO felt that this forum was more akin to an internal working group of civil servants to which SCVO was invited to participate, rather than a partnership in the true sense of the word, with the Government taking the final decisions on what was to be included in the plan[71]. For Doreen Grove, the importance of political leadership for OGP made it essential that the ultimate decision on the action plan was taken by Scottish Government Ministers[72].

According to the OGP Support Unit, the Scottish Government also sought advice and requested feedback from the OGP secretariat during the formulation of commitments through a series of phone conversations prior to their finalization. The complete action plan was published on 9 December 2016.

## Table 5. Basic requirements

| | |
|---|---|
| 1. **Participatory Mechanism:** Was there a way of working with CSOs and other groups? <br><br> Guideline: Participants set up ways to work with civil society organizations and other groups outside government and use these mechanisms to identify priority areas for commitments. | Yes |
| 2. **Priority identification:** Was civil society able to help identify priority areas for commitments? <br><br> Guideline: Specific commitments should then be developed in partnership with civil society, allowing them the opportunity to support governments in drafting them and establishing milestones. | Yes |

| 3. **Commitment development:** Did civil society participate in the [development/drafting] of commitments and milestones?<br><br>Guideline: Specific commitments should then be developed in partnership with civil society, allowing them the opportunity to support governments in drafting them and establishing milestones. | Yes |
|---|---|
| 4. **Review:** Were commitments submitted for review to the Open Government Partnership Support Unit prior to finalization?<br><br>Guideline: Draft commitments should be shared with the OGP Support Unit as they are being developed and for comment and advice in October-November. | Yes |
| 5. **Submission:** Were commitments submitted on time?<br><br>Guideline: Commitments should be finalized and agreed by the end of November, so they can be published and announced at the OGP Summit in December. | Yes |

# Openness of consultation

**Who was invited?**

Invitation to contribute to the consultation process online and to attend the various public events described above was announced on the Scotland Open Government Network, as well as through event planning platforms such as Eventbrite.co.uk and MeetUp.com. As noted above, the network is open to any individual with an interest in open government to join and had more than 250 members by the end of 2017, drawn from civil society, academia, the general public and the Scottish Government. Given the way the consultation process was conceived in Scotland, with civil society taking a central role in outreach efforts, it is important to note that civil society members of the network were successful in engaging an increasingly broad range of stakeholders, as demonstrated by the growth in network membership over time.

However, beyond the existing network, the government made few concerted attempts to target different actors from a range of sectors (e.g. private sector, media, etc.). In the view of Robin McAlpine, Director of Common Weal, an NGO campaigning for social and economic equality in Scotland[73], participation in the consultation process was thus very much self-selecting: those already aware of the process and interested in democratic reform engaged, others didn't, which meant that few of the 'unconverted' were involved[74].

**How was awareness raising carried out?**

There was no prior reference to the consultation on the Scottish Government's website pages dedicated to OGP and the government did not actively circulate any communication material[75]. Instead, awareness raising around the action plan development process was led by the SCVO and other civil society organistions through the Scotland Open Government Network. According to Doreen Grove, this was a conscious decision, supported by civil society, to help build a strong partnership between civil society and government[76] (see commitment 5 for further details).

As a result, awareness raising on the consultation process was ad hoc, without a formal set of clearly articulated rules and timelines for the process. The emphasis, in particular during the second phase

(development of the Scottish action plan), was more on engaging a broader group of stakeholders around the emerging open government movement more generally[77]. According to Kaela Scott from Involve, the network felt that such an approach was the best way to build momentum towards delivering the action plan as well as future open government initiatives beyond the first year[78].

In parallel to the consultation process, the SCVO in partnership with other CSOs including Involve, the Democratic Society, NIDOS, the Scotland Malawi Partnership and Represent.me, developed a Wiki page to develop civil society's thinking on a vision for Scotland based on previous conversations and open government papers. The Wiki was conceived as a 'core script' for negotiating with government on the commitments[79]. The Scotland Open Government Network also made efforts to engage stakeholders from other groups who may not immediately see open government as relevant to their work, through events such as the SCVO's 2016 annual Gathering and an event hosted by Common Weal in Glasgow in September 2016, attended by 30 members of the public, to discuss what they would like the Open Government movement in Scotland to look like[80]. However, these events were not directly tied to the development of specific commitments. Instead they attempted to raise awareness of the development of the current action plan and bring in new voices to the broader debate on the way open government should operate in Scotland, which the SCVO and Common Weal then fed into the more focused consultation process.

### Which parts of civil society participated?

While the Scotland Open Government Network represents an increasingly diverse range of interests, from those working on health and wellbeing, to women´s and children´s rights, through to open data and technology, the consultation events themselves were attended largely by a small core group of Glasgow- and Edinburgh-based CSOs most closely involved in the core open government issues of local democracy and participation and most heavily invested in the OGP process. Having said that, the range of interests represented at the meetings did become more diverse as the consultation process progressed (see above). However, the fact that consultation events were all held in Scotland´s two largest cities, Glasgow and Edinburgh, made it difficult for those from other parts of the country to attend.

Participants in the consultation process acknowledged the relatively small number of CSOs present at the discussions as a challenge, and significant time was set aside during consultation meetings to also discuss how to strengthen the Open Government Network in Scotland in order to ensure that a more diverse set of views informs the OGP process going forward[81].

# Level of public input

The IRM has adapted the International Association for Public Participation (IAP2) "Spectrum of Participation" to apply to OGP.[82] This spectrum shows the potential level of public influence on the contents of the action plan. In the spirit of OGP, most countries should aspire for "collaborative."

Given the time constraints of the Subnational Pilot Program, the Scotland Open Government Network and Government agreed that the network would be the most effective channel for gathering inputs to the development of the action plan as well as to begin building a partnership between government and civil society. Nevertheless, despite this ambition, the final Scottish action plan uses the term "input from civil society" as opposed to "co-produced with civil society" when referring to the consultation process, as there was limited structured engagement with civil society in the development of specific

commitments and milestones[83]. The SCVO posted the inputs to the consultation process on the Open Government Network. However, the government did not provide any formal feedback on whether, or how, these inputs were incorporated into the final action plan or explain the reasons for their decisions. Neither did the government make the draft plan public for comment before publication, although it shared the plan with a selection of CSO representatives closely involved in the process[84].

The Scottish Government has acknowledged the limited scope of public input, stating that:

> *We have developed this plan with input from Civil Society and some active citizens but it does not go as far as we wish nor does it meet the aspirations of all contributors[85].*

According to Doreen Grove, the process for moving from the initial 30 to the final five commitments involved "picking up on what people said was most important to them, both from government and from civil society", rather than a systematic process of co-creation[86]. In the view of Kaela Scott, from Involve, this was a pragmatic and efficient approach, in light of the short timescale to develop the plan and the requirement to limit the number of commitments to five[87].

However, this view is not shared by all participants. From Robin McAlpine´s perspective, civil society was only very loosely involved in the development and drafting of specific commitments and milestones as part of a large discussion group. In his view, participants "didn't try very hard to influence the outcome as the commitments were fairly unambitious in the first place so tweaking them was of only limited utility"[88].

To some extent, this is echoed by the SCVO and Involve who see civil society's role as being much broader than supporting the implementation of the five commitments in the action plan, and involving much longer-term engagement on a broader range of issues[89]. According to Ruchir Shah from the SCVO, civil society priorities in Scotland were pitched at a higher level than what many CSOs perceived as the "technical and specific" actions in the UK action plan. This resulted in the commitments in the final action plan being deliberately broad, with the initial set of 30 priorities being "pulled into baskets", at the expense of specificity. In Ruchir's view, these five baskets were to be understood as a framework for further discussions with civil society during the action plan implementation process, rather than a set of fixed targets. However, in the final rush to publish the plan, the Scottish Government fine-tuned a number of the milestones to include specific actions which had not previously been discussed with civil society (such as milestone 2 under commitment 5: "A prototype model of a Scottish Approach to Service Design will be co-produced and used by 20 organisations involved in the design of public services")[90]. A number of the final commitments clearly reflect pre-existing Scottish Government priorities. For example, the first commitment on financial transparency responds directly to the recommendations of the Government-commissioned Christie Report (see commitment 1 below) as well as the Auditor General´s comments on the Scottish Government´s 2015-2016 audited accounts that:

> *While recent developments show the Scottish Government is heading in the right direction, there's much still to do to ensure that the Scottish Parliament, and the public, have the information they need to fully understand and scrutinise the implementation of the new powers, especially the new tax and spending choices[91].*

Similarly, the third commitment on delivering a fairer Scotland reflects a long-standing commitment by the Scottish Government as outlined in the ruling Scottish National Party´s (SNP) 2015 manifesto[92].

Nevertheless, a number of the priorities that emerged in initial meetings on Scotland's contribution to the UK action plan did make it into the final Scotland action plan, such as the desire to see better benchmarking of Scotland's performance on key social progress measures and the commitment to scale up participatory budgeting[93].

Ultimately then, the level of public engagement in the development of the Scottish Action Plan can best be described as "consult", according to IAP2's Public Participation Spectrum. As Doreen Grove noted:

> We would have done more external consultation with time and the process was far from perfect, but we invested a lot of effort in getting buy-in to the OGP process both internally within government and among civil society. The first year of the pilot project is really about getting OGP on the agenda in Scotland."[94]

Robin McAlpine from Common Weal expressed a similar sentiment:

> It's really important to note that the fact that some people are perhaps a little underwhelmed by the initial set of commitments has not reduced in any way their commitment to the Open Government process or their belief that it can have a major beneficial impact. This is going to take time. That round one hasn't been transformational doesn't mean that round two or three couldn't or shouldn't be transformational and we won't get there if we don't persevere.

**Table 5. Level of public input**

| Level of public input | | During development of action plan |
|---|---|---|
| Empower | The government handed decision-making power to members of the public. | |
| Collaborate | There was iterative dialogue AND the public helped set the agenda. | |
| Involve | The government gave feedback on how public inputs were considered. | |
| Consult | The public could give inputs. | ✔ |
| Inform | The government provided the public with information on the action plan. | |
| No Consultation | No consultation | |

[55] As explained in the 'Background' section of this report, membership of the Scottish network is open to any individual or civil society organization with an interest in advancing open government in Scotland. It includes representatives of more than 50 CSOs, local council staff members, members of community associations, academics, students, members of the Church of Scotland as well as more than 80 individual members.

[56] SCVO: About Us http://www.scvo.org.uk/about-us/

[57] Interview with Alistair Stoddart, Democratic Society, 26 October 2017, via Skype

[58] Interview with Lucy McTernan and Ruchir Shah, SCVO, 11 July 2017, via Skype

[59] Interview with Doreen Grove, Scottish Government, 21 June 2017, via Skype

[60] Interview with Ruchir Shah, SCVO, 24 March 2017, via Skype

[61] Scotland OGP action plan (last accessed 23 June 2017) http://www.gov.scot/Publications/2016/12/2667

[62] Scotland Open Government Network (2015): Draft Scottish Commitments for inclusion in the UK National Action Plan, Discussion Paper, October 21st (last accessed 06 September 2017) https://forum.opengovernment.org.uk/dragonfly/2015/11/24/11/48/43/ebacb74c-4fa7-45ce-8cde-e40659f63ccc/OGP%20Scotland%20-%20Proposed_Actions_Commitments.docx

[63] Email communication with Ruchir Shah, 8 September 2017

[64] Ruchir Shah: Scottish Commitments to the UK Plan - Draft for review (last accessed 23 June 2017) https://forum.opengovernment.org.uk/conversations/450

[65] Ruchir Shah: Scottish Commitments to the UK Plan - Draft for review (last accessed 23 June 2017) https://forum.opengovernment.org.uk/conversations/450

[66] Kaela Scott: New event: Scottish OGP Network - Edinburgh workshop (last accessed 23 June 2017) https://forum.opengovernment.org.uk/conversations/549

[67] Email communication with Ruchir Shah, 8 September 2017

[68] Eventbrite: Scottish Open Govt Network - Edinburgh meeting (last accessed 23 June 2017) https://www.eventbrite.co.uk/e/scottish-open-govt-network-edinburgh-meeting-tickets-27254605258#

[69] Email communication with Doreen Grove, 18 October 2017

[70] Interview with Doreen Grove, Scottish Government, 21 June 2017, via Skype

[71] Interview with Lucy McTernan and Ruchir Shah, SCVO, 11 July 2017, via Skype

[72] Email communication with Doreen Grove, Scottish Government, 18 October 2017

[73] See: http://www.allofusfirst.org/

[74] Email communication with Robin McAlpine, Common Weal, 20 June 2017

[75] Email communication with Robin McAlpine, Common Weal, 20 June 2017

[76] Interview with Doreen Grove, Scottish Government, 21 June 2017, via Skype

[77] For example: MeetUp - Opening up Edinburgh because it's Our Democracy (last accessed 23 June 2017) https://www.meetup.com/Scotland-Open-Government-Meetup/; Involve: Opening the lid on Open Government in Scotland (last accessed 23 June 2017) http://www.involve.org.uk/2016/08/30/opening-the-lid-on-open-government-in-scotland/

[78] Email communication with Kaela Scott, Involve, 18 October 2017

[79] The Open Government Pioneers Project Wiki (last accessed 23 June 2017) https://opengovpioneers.miraheze.org/wiki/Scotland

[80] Common Weal: What do people want to see from Open Government? (last accessed 23 June 2017) http://files.meetup.com/20303875/A%20Scottish%20vision%20for%20an%20Open%20Government.pdf

[81] Kaela Scott: Notes from the Edinburgh OGP meeting - April 20th (last accessed 23 June 2017) https://forum.opengovernment.org.uk/conversations/583

[82] "IAP2's Public Participation Spectrum", International Association for Public Participation Federation, (2014) http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/foundations_course/IAP2_P2_Spectrum_FINAL.pdf

[83] Interview with Ruchir Shah, SCVO, 24 March 2017, via Skype

[84] Interview with Kaela Scott, Involve, 21 June 2017, via Skype

[85] Scotland OGP action plan (last accessed 23 June 2017) http://www.gov.scot/Publications/2016/12/2667

[86] Interview with Doreen Grove, Scottish Government, 21 June 2017, via Skype

[87] Interview with Kaela Scott, Involve, 21 June 2017, via Skype

[88] Email communication with Robin McAlpine, Common Weal, 20 June 2017

[89] Interview with Ruchir Shah, SCVO, 24 March 2017, via Skype; Email communication with Kaela Scott, Involve, 18 October 2017

[90] Interview with Lucy McTernan and Ruchir Shah, SCVO, 11 July 2017, via Skype

[91] Audit Scotland (2016) Auditor General reports on Scottish Government accounts. Press release (last accessed 06 September 2017) http://www.audit-scotland.gov.uk/uploads/docs/report/2016/s22_160930_scottish_gov_pr.pdf

[92] Stronger for Scotland: SNP Manifesto 2015 (last accessed 06 September 2017) http://votesnp.com/docs/manifesto.pdf

[93] Ruchir Shah: Open Government in Scotland workshop, Meeting notes (last accessed 23 June 2017) http://www.opengovernment.org.uk/2015/10/22/open-government-in-scotland-workshop-meeting-notes/

[94] Interview with Doreen Grove, Scottish Government, 21 June 2017, via Skype

# Process of Monitoring Implementation of the Action Plan

## OGP Basic Requirements

Subnational governments received the following guidance on participation during action plan development and execution:

**December 2016 – December 2017: Implementation of Commitments**

The guidance below provides more information about the best way to manage implementation of commitments, internal reporting and consultation with civil society throughout.

- Commitments should be developed in partnership with civil society and should seek to engage the widest possible input from citizens. This note provides guidance about how to conduct successful engagement with civil society and provides advice about ongoing consultation with civil society.
- Governments should conduct regular internal assessment, to make sure that commitments are on track and that there is an ongoing role for civil society. This assessment should be carried out along the lines of the OGP template for self-assessment, to make it easier for the IRM researcher to gather information.
- At regular intervals governments should publish a brief update on progress against commitments and use that as an opportunity to invite any comments. To complement any tracking system, governments are strongly encouraged to maintain a public, online repository of all documents giving evidence of consultation and implementation of commitments.

The Scottish Government met the basic requirements for managing implementation of commitments, internal reporting and consultation with civil society. The government conducted regular internal meetings with commitment leads (every one to two months during the year) to discuss implementation of the milestones[95] and produced two updates on progress in July and October 2017, which were published on the government webpages devoted to OGP[96]. Emma Harvey, from the Ingage team, noted that most of the meetings with commitment leads were not minuted, although the government started to adopt this practice towards the end of the year[97].

Other than the OGP webpage hosted on the Scottish Government website, which contains some explanatory information and the two updates, the government did not maintain a public online repository of documents. One reason for this is that when the pilot programme began, the Scottish Government website was under construction and there was limited scope for adding new information. But it is also a function of the way the OGP process was designed in Scotland with civil society taking the lead in much of the external engagement work[98]. Although this process is well documented on the Scotland Open Government Forum, it does not meet the OGP criteria for an online repository as it is not entirely "open" (as users need to register to access it).

As was the case during the development phase of the action plan, the government continued to engage with the Scotland Open Government Network during the implementation phase. However, as discussed below, this process suffered from a lack of structure and clarity on roles and expectations on both the

government and civil society side, which ultimately affected the extent of co-production and co-implementation of the action plan.

On the one hand, the government held regular internal meetings among commitment leads to monitor progress. SCVO attended all of these meetings on behalf of the Scotland Civil Society Network, but no other civil society members attended, and minutes of the meetings were not published, thus continuing the approach adopted during the development of the action plan[99]. Doreen Grove, the Scottish Government´s point of contact for OGP, recognised that while these meetings were useful in gauging progress on the implementation of commitments, they were less successful in steering the strategic direction of the action plan, despite the participation of quite senior civil servants[100.]

At the same time, over the year, the Scotland Open Government Network and the Scottish Government organised a series of seven events[101] to discuss progress on implementation of the action plan more broadly with civil society. While these events were broadly conceived of as "extended" steering group meetings for the Scotland OGP Action Plan, they varied significantly in terms of purpose, format and the level of government and civil society participation. Nevertheless, in each case the government provided an update on progress in delivering the commitments, with some opportunities for civil society feedback, and time was dedicated to discussing how to build a greater sense of partnership and wider engagement across society in the delivery of the plan.

Of the seven events, all but one took place in Edinburgh. Three were attended by (some or all) commitment leads from the Scottish Government, while the only Government representative at the other four events was Doreen Grove. Civil society participation was also mixed (see further discussion below). In most cases, the events were live-streamed[102]. Where they weren´t live-streamed, this was due to technical difficulties[103]

### Table 6. Basic Requirements

| | |
|---|---|
| **1. Internal Assessment & Participatory Mechanism:**<br><br>    a.  Did the government conduct regular internal assessments?<br>    b.  Did the government ensure an ongoing role for civil society in monitoring of the action plan? | 1.a Yes |
| Guideline: Governments should conduct regular internal assessment, to make sure that commitments are on track and that there is an ongoing role for civil society. | 1.b Yes |
| **2. Regular Updates & Opportunity to Comment:**<br><br>    a.  Did the government publish updates on progress at regular intervals? [at least once every four months]<br>    b.  Were civil society organizations provided the opportunity to comment on progress of commitment implementation? | 2.a Yes |
| Guideline: At regular intervals governments should publish a brief update on progress against commitments and use that as an opportunity to invite any comments. | 2.b Yes |
| **3. Online Repository:**<br><br>    a.  Did the government create a public online repository of documents? | 3.a No |

| Guideline: To complement any tracking system, governments are strongly encouraged to maintain a public, online repository of all documents giving evidence of consultation and implementation of commitments. | |
| --- | --- |

## Openness in Consultation

**Who was invited?**

The process for inviting stakeholders to participate in the various events described above followed a similar approach to that adopted during the action plan development phase (see above). Meetings were announced on the Scotland Open Government Network and all members were invited to attend. Encouragingly, membership of the network more than tripled over the year from 80 to 256 (with 27% having contributed to discussions on the forum during 2017) and continues to reflect a broad range of interests from civil society, academia, the general public and the Scottish Government.

**How was awareness raising carried out?**

Communication on progress with the commitments has proved challenging throughout the year. The government did not establish a clear process by which civil society more broadly could input into the implementation of the action plan and there was no mechanism for explaining how civil society feedback had been taken into account. According to Paul Bradley from the SCVO, the published updates from the government are useful to an extent, but do not provide much detail on the specific activities being undertaken. At the same time, he believes, civil society could have been much clearer at the outset about what their expectation were with regards to communication and awareness-raising[104].

A more fundamental, underlying barrier to successful awareness-raising identified by a number of those interviewed was the limited understanding of the overall purpose of OGP in Scotland. A number of stakeholders noted that the presentation of OGP as something new has caused confusion, given the pre-existing nature of many of the commitments in the action plan[105]. Additionally, according to Andy Williamson, building an understanding of OGP among civil society in Scotland has also suffered from the crossover between the formal OGP process and the related but distinct Open Government Pioneers Project, also led by the SCVO, which has a strong focus on the SDGs[106]. As a result, the OGP process in Scotland lacks a clear narrative which would enable the network to reach a broader audience.

Furthermore, Williamson considers the OGP network has not yet made sufficient attempts to reach out beyond Edinburgh and Glasgow, and to communicate messages down to the community level by linking up with existing community networks[107]. Nevertheless, while events were mainly based in Glasgow and Edinburgh, the OGP network also organized a number of meet-ups in Dundee and Fife and many of those who engaged in online discussions were from different parts of Scotland.

**Which parts of civil society participated?**

As noted above, the Scotland Open Government Network grew significantly over the course of the year. However, civil society participation in the various events described above continued to be dominated by the small number of organisations more closely involved in the OGP process, although participation did vary significantly from one event to the other. Moreover, according to Leah Lockhart from the Democratic Society, many of those already working in the area of democracy and participation and who were involved in initial discussions around the commitments for the UK plan, have not been

actively involved since, citing the example of the open data movement which pre-existed OGP and is relatively active in Scotland[108].

In an attempt to build a broader open government movement in Scotland, the Scotland Open Government Network adopted a loose governance framework for overseeing the implementation of the plan[109]. Under the "step-up-step-down" model, the network did not identify specific, formalised civil society leads for the commitments and the role of civil society on the extended steering group has never been clearly articulated[110]. As a result, the network has not been able to mature to the extent that there is a "network perspective" on critical issues. In addition, because civil society representation at joint government meetings is completely open, attendees vary from one meeting to the next and there is little continuity in dialogue, which can cause frustration among senior civil servants and can ultimately stifle the enthusiasm of those involved[111]. An additional element of the open approach to governance of the network which, while noble in its intentions, has proved challenging, is the decision to include civil servants working on OGP in the network. While members of the network have mixed views on this approach[112], discussions over the year around the government´s handling of FoI requests have brought up the question of the extent to which the network is the most appropriate forum for developing civil society positions on sensitive issues, a question which remains unresolved.

Beyond the formal Scotland Open Government Network, the government has engaged with other civil society organisations, community groups and citizens, through the implementation of a number of the commitments. This includes, for example, the government´s co-production work on the British Sign Language (BSL) action plan (see commitment 5) and the social security programme (see commitment 5)[113] as well as engagement with the Carnegie UK Trust Scotland and Oxfam Scotland on the NPF (see commitment 2).

# Level of Public Input

The IRM has adapted the International Association for Public Participation (IAP2) Scale of participation for use in OGP. The table below shows the level of public influence on the implementation of the action plan. From left to right, features of participation are cumulative. In the spirit of OGP, most countries should aspire for "collaborate."

While there were numerous opportunities for civil society to engage with the action plan implementation process throughout the year, the lack of clarity around the purpose of the different events meant that the ability of civil society members to oversee and influence activities was limited. With few exceptions, the level of engagement did not go beyond updates on progress and discussions of future collaboration at a general level. In the words of Ali Stoddart from the Democratic Society, the process of providing feedback to government through meetings with the commitment leads has at times felt like a mundane reporting exercise with little indication of any follow-up on the feedback provided[114]. Lucy McTernan and Ruchir Shah describe this as "the missing middle" between the group of civil servants leading on implementation of the commitments and the broader civil society network. In their view, the existing dialogue mechanism does not yet represent a forum which is genuinely a shared steering space which is jointly owned between government and civil society[115]. As a result, the level of public engagement in the ongoing monitoring of the Scottish Action Plan during the first year of implementation remained at "consult", according to IAP2's Public Participation Spectrum.

As discussed above, it is clear that civil society involvement in the monitoring of the action implementation has suffered from the absence of a clear and structured dialogue and governance

mechanism. In recognition of this, the OGP network established three temporary working groups to explore network governance, network communications, and Action Plan collaboration, respectively, in November 2017[116].

However, it is also clear that there is commitment on both the government and civil society side to deepen and broaden civil society engagement on OGP. Paul Bradley, from the SCVO, recognises that the government has been supportive of seeing broader civil society representation on the steering group, but also emphasises the need for clarity on what form the relationship would take. Likewise, for Doreen Grove, the need for a better understanding of the breadth of people involved in the different commitments and for more clarity on expectations has become clearer over the year. In her view, while the government´s intention has always been to develop a partnership with strong participation from the civil society network, the "extended" steering group did not achieve the level or depth of civil society representation that the government had hoped for[117]. For Emma Harvey, managing the tension between openness and structure will be critical going forward: "A lighter touch governance process is likely to lead to more creative thinking but that has thrown up its own challenges. In future it will be important to get that balance right"[118].

## Table 7. Level of Public Input

| Level of public input | | During implementation of the action plan |
|---|---|---|
| Empower | The government handed decision-making power to members of the public. | |
| Collaborate | There was iterative dialogue AND the public helped set the agenda. | |
| Involve | The government gave feedback on how public inputs were considered. | |
| Consult | The public could give inputs. | ✔ |
| Inform | The government provided the public with information on the action plan. | |
| No Consultation | No consultation | |

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[95] Interview with Doreen Grove and Emma Harvey, Scottish Government, 9 November, Edinburgh
[96] See: http://www.gov.scot/Topics/Government/OGP
[97] Interview with Doreen Grove and Emma Harvey, Scottish Government, 9 November, Edinburgh
[98] Interview with Doreen Grove and Emma Harvey, Scottish Government, 9 November, Edinburgh
[99] Interview with Doreen Grove and Emma Harvey, Scottish Government, 9 November, Edinburgh
[100] Interview with Doreen Grove and Emma Harvey, Scottish Government, 9 November, Edinburgh
[101] 6th April 2017, Edinburgh; 9th May 2017, Edinburgh; 23 June 2017, Glasgow; 31 August 2017, Edinburgh; 3rd October 2017, Edinburgh; 8th November, Edinburgh; 14th December, Edinburgh

[102] See:
https://play.streamingvideoprovider.com/popapp.php?l=&w=965&h=665&p=3b11ccce8df9a27347bb962533e75db0&title=Open
GovLive&bgcolor1=%23ffffff&bgcolor2=%23e0e0e0#clip=khhppk2970gw&time=

[103] Interview with Lucy McTernan and Ruchir Shah, SCVO, 1st November 2017, Edinburgh

[104] Interview with Paul Bradley, SCVO, 3rd November 2017, Glasgow

[105] Interview with Leah Lockhart, Democratic Society, 1 November, via telephone; Interview with Fiona Garven, SCDC, 3rd
November 2017, Glasgow

[106] Interview with Andy Williamson, open government expert, 7 November, Edinburgh

[107] Interview with Andy Williamson, open government expert, 7 November, Edinburgh

[108] Interview with Leah Lockhart, Democratic Society, 1 November, via telephone

[109] Interview with Lucy McTernan and Ruchir Shah, SCVO, 1st November 2017, Edinburgh

[110] Interview with Doreen Grove and Emma Harvey, Scottish Government, 9 November, Edinburgh

[111] Interview with Doreen Grove and Emma Harvey, Scottish Government, 9 November, Edinburgh; Interview with Kaela Scott,
Involve, 6 November, Edinburgh; Interview with Andy Williamson, open government expert, 7 November, Edinburgh

[112] Interview with Paul Bradley, SCVO, 3rd November 2017, Glasgow

[113] Interview with Sarah Davidson, Scottish Government, 6th November, Edinburgh

[114] Interview with Ali Stoddart, Democratic Society, 26 October 2017, via Skype

[115] Interview with Lucy McTernan and Ruchir Shah, SCVO, 1st November 2017, Edinburgh

[116] See: https://forum.opengovernment.org.uk/conversations/1186

[117] Interview with Doreen Grove and Emma Harvey, Scottish Government, 9 November, Edinburgh

[118] Interview with Doreen Grove and Emma Harvey, Scottish Government, 9 November, Edinburgh

# *Commitments*
## Commitment 1. Financial Transparency

**Commitment Text**

*The Scottish Government will seek to improve the presentation and clarity of the financial, procurement and commercial information it publishes so that members of the public can understand it better.*

***Milestones***

*1. The Scottish Government will undertake a review of the content and format of the information that it currently publishes on its websites, to allow us to then improve the clarity and coherence of the information that we publish (including providing data in more accessible formats).*

*2. A joint review group between the Scottish Government and Scottish Parliament (including 8 external public/private sector experts) will be established to carry out a fundamental review of the Scottish Parliament's budget process following the devolution of further powers in the Scotland Act 2012 and Scotland Act 2016. By June 2017, the group will then bring forward proposals for a revised budget process for consideration by the Finance Committee and the Cabinet Secretary for Finance and the Constitution (implementation of the new process is expected to be for the 2018-19 budget – starting in summer 2017).*

*3. The Scottish Government will consider what new financial reporting information it needs to develop and start publishing, both as a result of the devolution of new fiscal powers through the Scotland Act 2012 & 2016, but also to reflect a modern and open approach to public finances. The initial phase of this work (the review) will take place 2017-18 and then implementation of these changes will begin in financial year 2018-19.*

*4. The Scottish Government will develop an open contracting strategy to support the publication of procurement and commercial reporting information in a manner that is accessible to all, while taking advantage of developing data standards.*

**Commitment Overview**

| Status of Completion | Substantial |
|---|---|
| Start Date | September 2016 |
| Intended Completion Date | Spring 2019 |
| Responsible Office | Financial Strategy Directorate, Financial Management Directorate, Scottish Procurement and Commercial Directorate |
| Did It Open Government? | Marginal |

| Commitment Overview | Specificity | | | | OGP Value Relevance | | | | Potential Impact | | | | Completion | | | | Did It Open Government? | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | None | Low | Medium | High | Access to Information | Civic Participation | Public Accountability | Tech. and Innov. for Transparency and Accountability | None | Minor | Moderate | Transformative | Not Started | Limited | Substantial | Complete | Worsens | No change | Marginal | Major | Outstanding |
| Overall | | ✔ | | | ✔ | | | ✔ | | | ✔ | | | | ✔ | | | | ✔ | | |
| 1. *Review of information government publishes* | | ✔ | | | ✔ | | | | | ✔ | | | | ✔ | | | | | | | |
| 2. *Review of the Scottish Parliament's budget process* | | | ✔ | | | | | | | | ✔ | | | | | ✔ | | | | | |
| 3. *Consider new financial reporting information to develop* | | ✔ | | | ✔ | | | | | ✔ | | | | ✔ | | | | | | | |
| 4. *Open contracting strategy* | | | ✔ | | ✔ | | | ✔ | | | ✔ | | | | | ✔ | | | | | |

## Commitment Aim

Overall Objective & Relevance

To date, Scottish Government financial information has been presented as required for parliament, and thus requires a high degree of "financial literacy" to understand[119]. The aim of this commitment is therefore to make financial information more comprehensible and usable, in conjunction with budget reforms, and ultimately to help citizens understand better the flow of public money, including through the use of technology and involvement of end users in how they want information to be presented. Key targets include financial journalists and citizens involved in participatory budgeting[120].

At the same time, the Scottish budget and fiscal environment is changing significantly as a result of the new powers being devolved to Scotland through the 2012 and 2016 Scotland Acts. The new arrangements give the Scottish Government and Parliament more control over public finances and are much more complex than the existing process, which was designed primarily to manage a block grant from the UK Government. In particular, there is now a much greater degree of volatility and uncertainty in the budget process in Scotland[121].

According to the Government-commissioned Report on the Future Delivery of Public Services in 2010 (the so-called Christie Report), the changes in Scotland's fiscal environment are compounded by increased pressure on budgets, as well as new demographic and social pressures and the effects of the global economic downturn. As the Christie report notes:

> "Unless Scotland embraces a radical, new, collaborative culture throughout our public services, both budgets and provision will buckle under the strain […] Contentious issues such as the continuation of universal entitlements must be considered openly and transparently, rather than in the current polarised terms."[122]

As a result, the Scottish Parliament's Finance Committee recommended in March 2016 that

> "Scottish Parliament and Scottish Government officials work together to review the budget process in the first instance with a view to bringing forward proposals for any changes for consideration by our successor and Ministers."[123]

The aim of milestone 2 is therefore to develop proposals for a revised budget process which addresses this increased level of volatility and uncertainty as well as the need for robust parliamentary and wider public scrutiny.

With regards to open contracting (milestone 4), the focus to date on procurement reform in Scotland has been on "reducing the administrative burden and making it easier for businesses to engage with their local contracting authorities"[124], rather than on transparency per se. The government's Open Data Strategy, published in 2015, made no specific reference to contracting and procurement data. Milestone 4 therefore aims to complement the existing open data strategy by helping the public identify who is delivering government contracts and how well these contracts are performing[125].

Overall, this commitment is relevant primarily to the OGP value of Access to Information, in particular, milestones 1, 3 and 4 which seek to better explain how public finances work and provide accessible presentation of public financial flows into and out of the Scottish Government, including to local authorities, commercial and third sector organisations. Providing citizens with information that is coherent, consistent and in a format that is easy to use should enable citizens to clearly understand how their tax money is spent and to support more informed policy making, including through participatory

budgeting at the national and local levels (see commitment 4).

Moreover, milestone 4 is also relevant to the OGP value of Technology & Innovation for Transparency & Accountability, by seeking to make more information public in ways that enable people to both understand what their government does and to influence decisions. For example, the open contracting strategy will mean that the UK government's Open Government Licence will now apply to Scottish Government information published on Public Contracts Scotland (PCS) (including contract notices, contract award notices and the contract register), while contract and award notices will be available to download in an open data format (XML)[126].

However, the direct relevance of milestone 2 to OGP values is unclear. The interim report of the parliament's Budget Process Review Group identifies five key themes for further consideration, focussing on the effectiveness of the budget process and of outcome-based scrutiny (including the link between budgets and the National Performance Framework (NFP) (see commitment 2)). The focus of the review process is therefore on internal budgeting processes within government and between the government and parliament, with little reference to public-facing elements.

Specificity and Potential Impact

The overall level of specificity for this commitment is low. The commitment identifies the primary institution which is responsible for implementation, although no specific civil society partners are mentioned. The milestones also define start and end dates for activities, although in a number of cases, completion dates are beyond the timeframe of the action plan implementation period (December 2017).

The commitment and milestone language generally describes activities that are objectively verifiable, but some of the milestones are not clearly measurable or directly relevant to the overall commitment objective. This applies in particular to milestones 1 and 3. For example, milestone 1 does not identify a concrete output (it is not clear what the outcome of the review will look like) and does not identify precisely what types of information will be reviewed. Meanwhile, milestone 3 only commits to "*consider(ing) what new financial reporting information it needs to develop and start publishing*" without a set of defined activities. The fact that the process is due to be completed only by the spring of 2019 further limits the level of specificity.

Despite describing concrete outputs to be delivered by the end of 2017, milestones 2 and 4 also lack specificity. Milestone 2 describes the proposed budget review process only in general terms and, as discussed above, is only partially relevant to the overall objective of increasing financial transparency, given that the focus is largely internally-facing (reforming budgeting processes). The wording of milestone 4, meanwhile, is vague and leaves open to interpretation the specific mechanisms by which the government aims to ensure that useable, up-to-date and relevant contracting data is made available to the public. Although a recent update to the strategy development process[127] provides more detail, this is not clearly articulated in the action plan itself.

The potential impact of the commitment is moderate. As noted above, the commitment addresses a well-defined existing challenge (namely the changing fiscal environment in Scotland on the one hand, and the need to provide citizens with access to clear financial, procurement and commercial information in light of these changes, on the other). Milestone 4 meanwhile could fill an important gap not covered by Scotland's Open Data Strategy, although this will depend on the content of the proposed new strategy. Combined, the different activities presented would contribute significantly to the objective of enabling citizens to better understand how public finances work in Scotland and would serve to stretch existing

government practice in the area of financial transparency. Furthermore, the commitment has clear links to other commitments in the action plan, most notably commitment 2 (Measuring Scotland's Progress), commitment 4 (participatory budgeting) and commitment 5 (increasing participation), thus contributing to a coherent plan of action for open government.

However, potential impact suffers due to the lack of specificity of some of the milestones, as discussed above, making it difficult to judge how certain activities will ultimately benefit citizens. Furthermore, in order to be transformative and to contribute more directly to enhancing public accountability, the commitment would need to support the capacity of civil servants to produce information as intended, and the capacity of citizens to use the information in meaningful ways. While Doreen Grove, the OGP Focal Point for the Scottish Government, noted that both elements would form part of the planned reforms[128], these activities are not explicitly mentioned in the action plan.

### Completion: *Substantial*

Overall, there has been substantial progress on the implementation of this commitment, with the completion of two out of the four milestones. For the other two milestones, progress is limited. To some extent, this is due to the low specificity of these milestones, making it difficult to ascertain what was intended and hence how much progress has been made, as well as the fact that their expected completion dates fall after the action plan implementation period. But it is also a result of political events during the year including the snap UK national elections in June 2017 and the ongoing Brexit negotiations, which meant that time were diverted to other priorities.

### Milestone 1

*The Scottish Government will undertake a review of the content and format of the information that it currently publishes on its websites, to allow us to then improve the clarity and coherence of the information that we publish (including providing data in more accessible formats).*

Progress on this milestone is difficult to ascertain given the lack of detail on what exactly was envisaged. As acknowledged by the government, there was no measurable progress during the first half of 2017 other than internal discussions on the scope of work and resource requirements[129].

Progress since the middle of 2017 has picked up. Although the government did not conduct an in-depth review of the content and format of the information that it publishes, as stated in the milestone, it did begin to implement some changes to the way it publishes forward-looking financial planning information. Building on the government´s publication of "Scotland´s Finances: key facts and figures"[130] in December 2016 (a first attempt to better educate the public on Scotland´s financial system) the government has developed what it terms "Scotland´s first digital budget", through a finance portal on the Scottish Government website, launched on the 14th December 2017[131]. The portal, which was initially piloted as part of the launch of the Scottish Government´s 2017/18 Programme for Government, acts as the interim hub for all the government´s financial information in connection with the launch of the budget, including educational material and the government´s budget proposals. Prior to launching the finance portal, the government gathered feedback on the usefulness of the information from members of the Open Government Network, including the Democratic Society and the Open Knowledge Group, towards the end of November 2017[132]. In addition, the government published a discussion paper, entitled "The Role of Income Tax in Scotland's Budget" on 2nd November 2017, which provides background information to help inform the public debate on the future use of Scotland´s recently acquired income tax powers[133].

Other initiatives which the government is considering as part of this milestone include a mapping tool which shows the location of investment and infrastructure projects to allow citizens to understand locally how the government is impacting their lives, and a tool to help citizens understand how tax changes affect them (through, for example, a calculator) [134]. Another option under consideration for the longer term is purchasing a unique domain name, and linking this to the finance portal URL[135]. However, these actions have not yet been implemented.

Thus, while the government has implemented some changes and has additional plans to further improve the depth and accessibility of financial information it publishes in the long term, it did not conduct the initial review as stated in the milestone. Progress on this milestone in 2017 has therefore been limited.

**Milestone 2**

*A joint review group between the Scottish Government and Scottish Parliament (including 8 external public/private sector experts) will be established to carry out a fundamental review of the Scottish Parliament´s budget process following the devolution of further powers in the Scotland Act 2012 and Scotland Act 2016. By June 2017, the group will then bring forward proposals for a revised budget process for consideration by the Finance Committee and the Cabinet Secretary for Finance and the Constitution (implementation of the new process is expected to be for the 2018-19 budget – starting in summer 2017)*

This milestone was achieved within the stated timeframe. The Budget Process Review Group (BPRG), comprising Scottish parliament and government officials as well as 8 external members[136], was established in September 2016 and met 11 times between September 2016 and June 2017. The group´s interim report was published on 10 March 2017 in the form of a consultation document[137]. Doreen Grove, the Scottish Government OGP point of contact, and Lucy McTernan from the SCVO gave evidence to the review group on 30 March 2017 on open government and involvement of civil society in the budget process[138]. The group´s final report was published on 30 June 2017, with a focus on five core areas: (i) a full year approach to budget scrutiny giving committees more flexibility to incorporate budget scrutiny including public engagement into their work; (ii) a continuous cycle of budget scrutiny with an emphasis on the impact of budgetary decisions over a number of years; (iii) an output/outcome focus over the long term, including scrutiny of equalities outcomes; (iv) a long term outlook with more focus on prioritisation, addressing fiscal constraints and the impact of increasing demand for public services; and (v) more focus on the interdependent nature of policies which the budget is seeking to deliver[139].

The findings of the report were discussed by the parliament´s finance committee on 22 September 2017[140]. According to the parliament´s September/November 2017 External Experts Panel newsletter, the Cabinet Secretary stated his intention to implement the recommendations as quickly as possible including increasing the transparency of budget documentation in time for Draft Budget 2018-19. However, most of the recommendations will be implemented subject to parliamentary approval in time for scrutiny of the Budget for 2019-20.[141] In the meantime, the government announced in the 22 September 2017 that the budget date had been postponed to 14 December to allow additional time for parliament to scrutinise the budget[142].

The Government stated that, along with the measures discussed under milestone 1 above, they are now presenting all tables from the budget online in xml format (where these had previously been in pdf format). In addition, all information that was previously only given to parliament to support their scrutiny is now be made public. While this information was always in the public domain (via the parliament), presenting this via the new government portal, in their view, contributes to further improving the accessibility of information[143].

**Milestone 3**

*The Scottish Government will consider what new financial reporting information it needs to develop and start publishing, both as a result of the devolution of new fiscal powers through the Scotland Act 2012 & 2016, but also to reflect a modern and open approach to public finances. The initial phase of this work (the review) will take place 2017-18 and then implementation of these changes will begin in financial year 2018-19.*

Progress on this milestone has been limited. Internal discussions started in March 2017 on interactions with corporate reporting and accounting in 2017-18 and the finance team began gathering evidence of good practice in other departments/jurisdictions, including liaison with the UK Treasury[144].

In September 2017, the government produced a background note highlighting the range of financial reporting information it currently produces[145]. In addition, the government adapted the accounts it produces, including the provision of additional accounts on devolved taxes for the 2016/17 accounts. The accounts have been made accessible via the new finance portal for the budget, meaning that something citizens would have previously had difficulty in finding is more easily available. As noted by the Auditor General:

> *The Scottish Government has made some improvements to the presentation of this year's consolidated statements, which should help the reader's understanding of individual Scottish Government portfolios' financial performance. I welcome this but there is scope to go further to make the accounts more accessible to the public and Parliament[146]*

In terms of work to come beyond the timeframe of this action plan, the Auditor General also welcomed the government´s commitment to producing a consolidated account to cover the whole public sector in Scotland including local government borrowing and public sector pension liabilities in 2018 (for 2016/17 as a 'shadow-year')[147].

In sum, while the government has made some initial steps to provide more financial reporting information, progress to date has been limited. As acknowledged by the Government: "On digital reporting we are a little bit behind where we would like to be. There is a plan for a new website in the new digital strategy but at the moment we are still working on the old website which is limiting."[148]

**Milestone 4**

*The Scottish Government will develop an open contracting strategy to support the publication of procurement and commercial reporting information in a manner that is accessible to all, while taking advantage of developing data standards.*

This milestone was achieved within the stated timeframe. In the first half of 2017, the Scottish Government completed initial technical steps to meet the criteria for reaching level 3 of the 5 star schema specified in the Open Data Strategy, namely: adding the Open Government License to the material published on the Public Contracts Scotland (PCS) website, making published contract and award notices available in a downloadable, open data format, and making the invitation to tender documents published via the PCS mailbox permanently available, including after the closing date for expressions of interest has passed[149].

The Open Contracting Strategy was published in September 2017, ahead of schedule[150]. The strategy sets forth a plan for improving the type and format of procurement information which the Scottish

government publishes. This entails moving from publishing basic information in a 3 star format as it currently does (as measured by the Open Contracting Partnership´s Open Contracting Data Standard (OCDS[151]), to publishing an intermediate level of information in a 4 star format by the end of 2019. To achieve this, the strategy outlines a series of workstreams to allow for phased implementation, including making changes to existing policies and processes, reviewing Scottish Government eCommerce systems, and developing an open contracting portal in order to provide a central location for our procurement information.

**Early results: did it open government?**
*Access to Information: Marginal*

The aim of this commitment is to make financial information more comprehensible and usable, in conjunction with budget reforms, and ultimately to help citizens understand better the flow of public money in light of the changing fiscal environment in Scotland. While the commitment was rated as having moderate potential impact, the early results suggest that the activities as implemented have resulted in a marginal opening of government practice in this area within the timeframe of the action plan.

As a result of the actions implemented in 2017, the government has disclosed more information and in some cases improved the accessibility of existing financial information disclosed to the public. The government finance team pointed to the tax paper, published in November 2017, as a good example and a step change in the way the government engages with the public about taxation, before decisions have been made[152]. Nevertheless, there is still a long way to go in terms of making a broader range of financial information available in a way which is not only accessible to the public, but that can also be used to formulate and resolve specific questions. The slow start was recognised by Doreen Grove, who noted during the OGP steering Group meeting on 23 June that: "This is the commitment we have taken longest to get moving on because it is quite complicated"[153].

During most of 2017, discussions on the types of information to be published were conducted internally within government, with little or no involvement from civil society to discuss how the public may want to use such information. The open contracting strategy was developed with input from sector representatives but with little engagement with wider civil society. As acknowledged by both government and civil society representatives, attempts to engage in the latter case were challenging because of the technical nature of procurement and limited communication on both sides[154]. As a result, according to Lucy McTernan from the SCVO, there was little visible sign of activity during much of the year[155]. Nevertheless, the government later convened a meeting with civil society following publication of the open contracting strategy on 13 December 2017 to discuss the types and formats of procurement information stakeholders would like to see published[156].

Also later in the year, on 22 September 2017, the Scottish Government convened a meeting with representatives from civil society and academia to develop a programme of work to gain a better understanding of what financial information more broadly would be useful for different users, and what would be possible to achieve in the short, medium and longer term[157]. Among the actions agreed on were the consideration of a hackathon to explore how the existing data could be best exploited to provide a more transparent resource for different audiences, exploring the resource implications of the different international models, and consideration of how the Scottish Budget aligns with the National Performance Framework (NPF) and the Sustainable Development Goals (SDGs) (see Commitment 2)[158].

According to Leah Lockhart from the Democratic Society, who attended the meeting, the event was an important initial step in opening up the space for discussion of government finances. In her words:

> *Most of us in the room had been waiting for that conversation for years. […] Attendees were genuinely enthused and energised after the meeting and conversations started about what practically could be done next, with people making concrete appointments to meet and take things forward. […] It was the first time I have seen a willingness from senior civil servants to engage with open data experts and take their offer of support seriously[159].*

This view is echoed by Lucy McTernan form SCVO who felt that the meeting marked a long-awaited start to discussions on data transparency after a long period of inactivity:

> *I came away genuinely enthused because we were having a meaningful conversation about steps to open up the national budget in a way which we hadn't had before.*"[160]

At the same time, the Government recognises that the requirement for accounting information to be audited before it is made public, as well as the need to prioritise the information required by Parliament, can make public engagement a challenge. The government also noted the tension between managing the sensitivity of financial information used for setting budgeting priorities within government and wider stakeholder engagement[161]. While the Government is taking steps to address these challenges (including through the emerging work on understanding user perspectives described above), the extent to which this commitment leads to a more substantial opening up of government financial information in the longer term will depend on how these tensions are reconciled.

With regards to the Budget Process Review Group, the Auditor General welcomed the group's findings, highlighting the move towards a whole-cycle approach to scrutiny of public finances and longer-term planning in order to enable the Parliament to take a broader perspective in holding Government to account for its management of public finances[162]. However, the fact that most of the recommendations are to be implemented in 2018/19, means that significant policy changes are yet to take effect.

Moreover, as noted above, the group´s focus on opening up the budget process to parliament has taken priority over discussion on public involvement, which is addressed only in broad terms in their report. While noting the potential of OGP *"to act as a catalyst for transformative change in public engagement with budget setting in Scotland",* the report highlights the need for better provision of budgetary information to enable and enhance parliament and citizen understanding of the Scottish budget (see milestone 1 above) and a means via which stakeholders and the public more generally can influence the budget-setting process. The report also recognises that "tailoring information to different audiences will be key to effectively enhancing public and professional understanding of the budget", but gives little guidance on how this is to be achieved[163].

In the case of open contracting, the achievement of the milestone is an important first step in further opening up procurement information to the public. As noted above, the government has already begun to implement some initial technical changes to publish existing procurement information in a more accessible format. The ambition set out in the strategy to reach level 3 of the OCDS by the end of 2019 is, according to the Scottish government procurement team, realistic and manageable within this timeframe given that much of the data currently held by government is not currently publicly available[164].

It is important to note, however, that the strategy only covers Scottish government, although other public bodies are encouraged to adopt it. Furthermore, the information to be published only relates to the winning bidders rather than all those who bid for a contract. According to the government

procurement team, including such information is a more challenging prospect which requires broader conversations with the business community and citizens, given that it would require the publication of more commercially and personally sensitive information. They also note that the decision to focus only on Scottish Government at this stage was taken to avoid a protracted process which could ultimately prove counterproductive: Other public bodies were keen to see the Government implement the changes first in order to learn lessons from their experience[165].

Civil society representatives are largely positive on the early results of the open contracting work. Lucy McTernan and Ruchir Shah form the SCVO welcomed the fact that the strategy is based on recognised international best practice, and acknowledged the leadership shown by the procurement team in pushing the open government agenda within the Scottish government.  Nevertheless, they also noted that the strategy would have been stronger had it covered a broader set of procurement information (such as data on the all bidders in order to uncover potential cronyism).

In addition to the commitment measures implemented, the government has been pursuing other measures outside of the OGP Action Plan to engage citizens in procurement processes, for example, including the introduction of the sustainable procurement duty (against which public bodies will have to publicly report from March 2018) and steps to use procurement to improve the social, economic and environmental wellbeing of the public[166]. The government also pointed to efforts to open up public contracting at the local level as examples of good existing practice, such as the case of the Western Isles council, which engaged with the local community in both developing the tender and voting on bids for the local bus service contract[167].

**Recommendations**

- Recent efforts by the government to provide additional context to the 2018/19 Scottish Budget in order to boost public understanding of public finances are to be welcomed. The government should consider building on this approach by providing greater clarity on how government financial data is produced and what conclusions can be reasonably drawn from it through, for example, info-graphics and citizens guides.
- As noted by the Budget Process Review Group, "tailoring information to different audiences will be key to effectively enhancing public and professional understanding of the budget"[168]. To achieve this, the government should engage in more regular and structured public engagement to review the kinds of financial information different groups would like to see published and for what purposes, to inform the government´s financial transparency strategy. In the long run, proactively publishing more financial data should reduce the public´s reliance on Freedom of Information (FoI) requests and relieve some of the administrative burden on the civil service.
- In addition to the *types* of financial information to be published, the government should consider *how* information can be published in more open formats so that data is not only more accessible to the public, but can also be easily used to formulate and resolve specific questions. To this end, any future OGP action plan should aim to provide more detail on how information will be presented and what mechanisms will be put in place to enable to information to be put to use by citizens and interest groups, based on user consultations.
- The government should consider broadening the scope of the open contracting strategy to cover public bodies beyond the government, including Non-Departmental Public Bodies (NDPBs), while shifting the longer-term focus to engaging the public in early stage procurement

processes and decisions.

[119] Interview with Doreen Grove, Scottish Government, 21 June 2017, via Skype

[120] Interview with Doreen Grove, Scottish Government, 21 June 2017, via Skype

[121] Scottish Parliament (2017) Budget Process Review Group Interim Report, 10 March (last accessed 14 July 2017) http://www.parliament.scot/S5_Finance/Reports/2017.03.10_BPRG_Interim_Report_(1).pdf

[122] Commission on the Future Delivery of Public Services (2011) Report on the Future Delivery of Public Services chaired by Dr Campbell Christie (last accessed 14 July 2017) http://www.gov.scot/Publications/2011/06/27154527/0

[123] Scottish Parliament Finance Committee (2016) Legacy Paper, 6th Report, 2016 (Session 4) (Last accessed 14 July 2017) http://www.parliament.scot/S4_FinanceCommittee/Reports/FIS042016R06.pdf

[124] Public Contracts Scotland (2016) Progress Report for 2014 and 2015 (last accessed 14 July 2017) http://www.publiccontractsscotland.gov.uk/Guides/Guide_Download.aspx?id=2281

[125] Open Contracting in the Scottish Government: Update – May 2017 (last accessed 14 July 2017) http://www.gov.scot/Topics/Government/Procurement/OpenContracting

[126] Open Contracting in the Scottish Government: Update – May 2017 (last accessed 14 July 2017) http://www.gov.scot/Topics/Government/Procurement/OpenContracting

[127] Open Contracting in the Scottish Government: Update – May 2017 (last accessed 14 July 2017) http://www.gov.scot/Topics/Government/Procurement/OpenContracting

[128] Interview with Doreen Grove, Scottish Government, 21 June 2017, via skype

[129] OGP Scotland July 2017 update http://www.gov.scot/Topics/Government/OGP

[130] http://www.gov.scot/Resource/0051/00511587.pdf

[131] See: https://beta.gov.scot/budget/

[132] Interview with John Nicholson, Aileen Wright and Gavin Henderson, Scottish Government, 2 November, Edinburgh

[133] http://www.gov.scot/Resource/0052/00527052.pdf

[134] Interview with John Nicholson, Aileen Wright and Gavin Henderson, Scottish Government, 2 November, Edinburgh

[135] OGP Scotland October 2017 update http://www.gov.scot/Topics/Government/OGP

[136] The 8 external members are: Dame Sue Bruce, Non-Executive Director, SSE PLC; Professor Mike Danson, Professor of Enterprise Policy, Heriot-Watt University; Caroline Gardner, Auditor General for Scotland; Elaine Lorimer, Chief Executive, Revenue Scotland; Professor James Mitchell, Director of Academy of Government, University of Edinburgh; John Ireland, Chief Executive, Scottish Fiscal Commission; Dr Angela O'Hagan, Gender Budgeting Specialist, Glasgow Caledonian University; Don Peebles, Head of the Chartered Institute of Public Finance and Accountancy Scotland. See: http://www.parliament.scot/S5_Finance/Reports/BPRG_-_Final_Report_30.06.17.pdf

[137] http://www.parliament.scot/S5_Finance/Reports/2017.03.10_BPRG_Interim_Report_(1).pdf

[138] OGP Scotland July 2017 update http://www.gov.scot/Topics/Government/OGP

[139] http://www.parliament.scot/S5_Finance/Reports/BPRG_-_Final_Report_30.06.17.pdf

[140] https://www.youtube.com/watch?v=9vt2n5OgABw

[141] http://www.parliament.scot/S5_Finance/General%20Documents/Newsletter_Sept-Oct_2017.pdf

[142] https://www.wired-gov.net/wg/news.nsf/articles/Budget+date+announced+22092017150500?open

[143] Interview with John Nicholson, Aileen Wright and Gavin Henderson, Scottish Government, 2 November, Edinburgh

[144] OGP Scotland July 2017 update http://www.gov.scot/Topics/Government/OGP

[145] See second half of document: http://www.gov.scot/Resource/0052/00526352.docx

[146] http://www.gov.scot/Resource/0052/00525250.pdf

[147] http://www.gov.scot/Resource/0052/00525250.pdf

[148] Interview with Interview with John Nicholson, Aileen Wright and Gavin Henderson, 2 November, Edinburgh

[149] http://www.gov.scot/Resource/0052/00524238.pdf

[150] http://www.gov.scot/Resource/0052/00524238.pdf

[151] OCDS sets out three levels for disclosure (basic, intermediate and advanced), alongside a 5* framework for the technical approach to data publication for publishers to self-assess themselves. http://standard.open-contracting.org/latest/en/implementation/levels/#how-to-publish-5-approach

[152] Interview with John Nicholson, Aileen Wright and Gavin Henderson, Scottish Government, 2 November, Edinburgh

[153] Doreen Grove, OGP steering group meeting livestream, 23 June 2017 https://forum.opengovernment.org.uk/conversations/968

[154] Interview with John Nicholson, Aileen Wright and Gavin Henderson, Scottish Government, 2 November, Edinburgh; Interview with Paul Bradley, SCVO, 3 November, Glasgow

[155] Interview with Lucy McTernan and Ruchir Shah, SCVO, 1 November, Edinburgh
[156] https://forum.opengovernment.org.uk/conversations/1144
[157] OGP Scotland October 2017 update http://www.gov.scot/Topics/Government/OGP
[158] Meeting notes: http://www.gov.scot/Resource/0052/00526352.docx
[159] Interview with Leah Lockhart, Democratic Society, 1 November, via telephone
[160] Interview with Lucy McTernan and Ruchir Shah, SCVO, 1 November 2017, Edinburgh
[161] Interview with John Nicholson, Aileen Wright and Gavin Henderson, Scottish Government, 2 November, Edinburgh
[162] http://www.audit-scotland.gov.uk/report/the-201617-audit-of-the-scottish-government-consolidated-accounts
[163] http://www.parliament.scot/S5_Finance/Reports/BPRG_-_Final_Report_30.06.17.pdf
[164] Interview with Scott Bell and Laura Martin, Scottish Government, 3 November, Edinburgh
[165] Interview with Scott Bell and Laura Martin, Scottish Government, 3 November, Edinburgh
[166] http://www.gov.scot/Topics/Government/Procurement/policy/corporate-responsibility/Sustainability
[167] http://www.innovationexchange.scot/wi-uist-and-barra-public-bus-redesign-project.html
[168] http://www.parliament.scot/S5_Finance/Reports/BPRG_-_Final_Report_30.06.17.pdf

# Commitment 2. Measuring Scotland´s Progress

**Commitment Text**

*The development of a robust framework which enables Scotland's progress towards the Sustainable Development Goals (SDGs) to be measured.*

**Milestones**

1. *A programme of public, civil society and stakeholder engagement on the development of a measurement framework*
2. *Measurement framework in place (Autumn 2017)[169]*

**Commitment Overview**

| Status of Completion | Limited |
|---|---|
| Start Date | Winter 2016 |
| Intended Completion Date | Autumn 2017 |
| Responsible Office | Chief Statistician |
| Did It Open Government? | Marginal |

| Is it a STAR commitment? | No |
|---|---|
| Starred commitments are considered exemplary OGP commitments. To receive a star, a commitment must meet several criteria:<br>- It must be specific enough that a judgment can be made about its potential impact. Starred commitments will have "medium" or "high" specificity.<br>- The commitment's language should make clear its relevance to opening government. Specifically, it must relate to at least one of the OGP values of Access to Information, Civic Participation, or Public Accountability.<br>- The commitment would have a "transformative" potential impact if completely implemented.<br>- Finally, the commitment must see significant progress during the action plan implementation period, receiving an assessment of "substantial" or "complete" implementation. | |

| Commitment Overview | Specificity | | | | OGP Value Relevance | | | | Potential Impact | | | | Completion | | | | Did It Open Government? | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | None | Low | Medium | High | Access to Information | Civic Participation | Public Accountability | Tech. and Innov. for Transparency and Accountability | None | Minor | Moderate | Transformative | Not Started | Limited | Substantial | Complete | Worsens | No Change | Marginal | Major | Outstanding |
| Overall | | ✔ | | | ✔ | ✔ | | | | ✔ | | | | ✔ | | | | | ✔ | | |
| 2.1 *Programme of engagement* | | ✔ | | | ✔ | ✔ | | | | ✔ | | | | | | ✔ | | | | | |
| 2.2 *Measurement framework in place* | | ✔ | | | ✔ | | | | | ✔ | | | ✔ | | | | | | | | |

## Commitment Aim

Overall Objective & Relevance

The Scottish Government has recently committed to signing up to the United Nations Sustainable Development Goals (SDGs), an inter-governmentally agreed set of targets relating to international development. The targets set out under the SDG framework overlap, to some extent, with existing commitments which the Scottish Government has made under various domestic plans, including the National Performance Framework (NPF) and Scotland´s National Action Plan for Human Rights (SNAP).

The Scottish Government (then the Scottish Executive) introduced the National Performance Framework (NPF) in 2007 (revised in 2011 and 2016) as an agreed set of national outcomes to improve the quality of life for the people of Scotland. The 66 measures in the NPF provide a broad measure of national and societal wellbeing, incorporating a range of economic, social and environmental measures. The Scottish Government tracks and reports on progress on the NPF through Scotland Performs, as and when the data are available[170]. Scotland´s National Action Plan for Human Rights (SNAP), meanwhile, along with legislation such as Children and Young People (Scotland) Act 2014, set out the government´s commitments to upholding human rights.

This commitment aims to align these different frameworks, enabling Scotland's progress towards the SDGs and human rights obligations to be measured in an effective and transparent way in conjunction with the NPF. According to the action plan, using these frameworks helps ensure that the measure of Scotland´s progress towards the SDGs is open and robust.

More specifically, the commitment aims to engage the public, civil society and other stakeholders in the development of the framework. This is an important step forward. For example, in response to the

Scottish Parliament's Finance Committee consultation on the NPF in 2013, the Royal Society of Edinburgh (RSE), Scotland's National Academy, noted that:

> *"there has been limited opportunity for those outwith* [sic] *Government and the public sector to influence the development of the NPF and Scotland Performs. This not only applies to external technical input and analysis, but also to engagement with the public. (…) It is important that a process of deliberative dialogue is initiated to ensure that civic society is engaged in the development of the NPF"*[171].

Furthermore, a number of civil society organisations welcome the inclusion of the Sustainable Development Goals into Scotland's OGP framework through this commitment. According to the SCVO, the OGP process in Scotland has coincided with increasing interest in work around the SDGs among civil society. The link between the SDGs and Scotland's NPF is clear to many CSOs in Scotland (e.g. Oxfam Scotland, HIV Scotland), and has served as a mechanism to also engage other "unusual suspects" such as the Church of Scotland. The SDGs have therefore acted as an important linchpin to connect OGP to the more immediate priorities of those working on social justice and social services[172].

This commitment is relevant to the OGP value of civic participation insofar as it opens up decision-making on the development of the proposed measurement framework on the SDGs to interested members of the public. It is also relevant to the value of Access to Information as it aims to inform the public about progress towards meeting the SDGs. According to the action plan, the NPF is also a key tool by which the Scottish Government is held to both public and parliamentary scrutiny and accountability. However, according to OGP guidelines, this commitment is not considered directly relevant to the value of public accountability, as it does not include a mechanism whereby citizens can actively seek answers or justification from government regarding their performance under the framework.

## Specificity and Potential Impact

The level of specificity for this commitment is low. The commitment is narrowly focused and defines two outputs (a programme of engagement and a framework), as well as both government and non-governmental actors responsible for implementation. However, the commitment and milestone text is vague and there is insufficient detail to enable the milestones to be verifiably measured. For example, it is unclear what form the programme of engagement will take, who will be invited to participate, or how stakeholder views will be incorporated. Thus, while it may be possible to ascertain whether some form of engagement took place, there is little to indicate what successful engagement might look like. Likewise, it is unclear what is meant by the framework being "in place", for example, whether this means that the content has been finalised, the mechanisms to enact the framework have been developed, or whether the framework is actively being used to measure progress by the intended completion date. Finally, the wording of the commitment leaves some doubt as to whether the government envisages an entirely new measurement framework for the SDGs or a joint framework for measuring all existing commitments including those currently under the NPF and the SNAP as well as the SDGs.

The potential impact of this commitment is minor. While the Scottish Government's commitment to implementing the SDGs, as well as the NPF, is expected to contribute to improving the economic, social and environmental wellbeing of the people of Scotland, the potential impact of having a robust framework in place is a small, albeit important step, in that process. The alignment of Scotland's various commitments could potentially lead to greater efficiency in terms of monitoring and reporting on Scotland's progress, while greater transparency would allow citizens to better understand how

government is performing on various measures of social progress. Achieving more meaningful impact is only likely if the resulting measurement framework ultimately reflects the priorities of civil society and other non-governmental stakeholders, and the government adapts its policy priorities to meet the redefined targets. However, the text does not state this outcome as an explicit aim of the commitment.

**Completion: *Limited***

There has been limited progress on the implementation of this commitment. While the government commissioned a programme of engagement on the development of the framework during the year as planned (milestone 1), the publication of the framework itself (milestone 2) has been delayed until 2018. This is largely due to the decision to conduct an additional round of engagement on the NPF indicators (rather than just the outcomes, as had been originally planned) before the revised framework is submitted to parliament for review in the spring of 2018[173]. While consultation with parliament on the outcomes is a legal requirement of the Community Empowerment Act, consultation on the indicators is not. Instead the decision to consult more widely on the indicators was made by the NPF Roundtable (see below) in order to ensure that the full framework is in place before being submitted to parliament and to promote greater buy-in to the revised NPF[174].

Work on the development of the measurement framework to date has involved two strands. On the one hand, the External Affairs Directorate and Children and Families Directorate, the Scottish Human Rights Commission and others undertook an internal exercise to map how the 220 Sustainable Development Goals (SDG) indicators and Scotland´s human rights targets align with the current set of measures in the NPF[175], including working with UK Office of National Statistics to look at progress towards the SDGs[176]. The results of the exercise were not published. At the same time the government commissioned the Carnegie UK Trust and the Children´s Parliament to run a series of public events to feed into the update of the NPF outcomes. The Carnegie UK Trust sub-contracted Oxfam Scotland to conduct 10 street stalls in both deprived and affluent areas covering each of the eight electoral regions, which engaged more than 300 participants[177], while the Carnegie UK Trust also facilitated 20 discussion groups with a total of 196 participants between December 2016 and February 2017[178]. Both Oxfam and Carnegie UK Trust incorporated elements of the SDGs into their consultations to support the alignment work[179]. The Children´s Parliament, meanwhile, engaged with 102 children aged between 7 and 12. In addition, the government also undertook a series of discussions with business groups to discuss the NPF outcomes[180].

Based on these exercises, the government developed, but did not publish, a statement of 11 draft national outcomes, some of which are similar to existing outcomes in the NPF, some of which are new with greater emphasis on issues such as fair work, inclusive growth, celebrating culture, and human rights[181]. As noted above, the government is now planning a further series of workshops to discuss and develop indicators for each of the outcomes[182]. According to Roger Halliday, the Scottish Government´s Chief Statistician, the plan is to form groups of interest in order to build cross-sectoral support for the delivery of the outcomes, as well as cross-party and cross-ministerial support[183]. However, the government has not yet shared the draft outcomes or any concrete plans on this additional consultation phase with civil society, other than providing an indication that some form of additional engagement is planned[184]. Nor has the government yet published the findings of the Carnegie UK Trust, Oxfam and Children´s Parliament consultations, although they plan to do so once the revised framework is ready for consultation with Parliament[185].

**Early results: did it open government?**
*Access to Information:* **No change**
*Civic Participation:* **Marginal**

This commitment aims to enable Scotland's progress towards the SDGs and human rights obligations to be measured in an effective and transparent way through a robust framework (which was, in practice, conceived as a revised version of the NPF, framework that incorporates elements of the SDGs and HR commitments), leading to greater efficiency in terms of monitoring and reporting. In addition, the commitment aims to engage the public, civil society and other stakeholders in the development of the framework, building an improved understanding among citizens of Scotland´s progress. This is an important development given the fact that the government´s work on developing and revising the NPF to date has largely been conducted behind closed doors. Given the delays in finalising the revised NPF, it is not possible to tell whether these effects have been achieved although there are some early signals of progress.

Through the activities undertaken as part of this commitment, the government did create opportunities for the public to inform the revision of the NPF, albeit through a relatively small engagement exercise. The extent to which the process also led to improved quality of information is limited however, especially given the government´s failure to properly communicate the process beyond the few organisations directly involved.

As acknowledged by all stakeholders, both within and external to government, the way the NPF was initially conceived was not participatory and very much reflected government structure at the time. To this extent, Jamie Livingston from Oxfam Scotland, believes that the form of consultation chosen by government (via civil society organisations experienced in citizen engagement as opposed to via more standard public consultation documents) was positive, albeit limited due to a small budget. In his view, commissioning Oxfam and Carnegie to undertake the consultations shows some openness and a willingness beyond the Fairer Scotland process to outsource engagement and hand over a limited degree of control to CSOs[186]. Likewise, Carnegie recognised the government´s genuine desire to rectify the lack of engagement in the NPF[187].

However, Jamie Livingston also found the process for consultation on the NPF outcomes and indicators to have been haphazard with the government consulting on various elements at different points. He also noted that the timelines and process for revising the NPF remain opaque, which speaks to a power imbalance between government and civil society, whereby the terms of the engagement are set by the government[188]. The lack of information on how the NPF revision process is progressing was also noted by participants at the OGP Network meeting on 3rd August 2017, as was the need for clearer evidence that the Sustainable Development Goals (SDGs) are not only a bolt-on to the National Performance Framework (NPF). According to participants, the process could be improved through providing more funding to consult properly, better communications in the consultation process and connecting with international peers to learn from experience[189].

Moreover, as noted earlier, for this commitment to achieve more meaningful impact would require the resulting measurement framework to ultimately reflect the priorities of civil society and other non-governmental stakeholders, and for government to adapt its policy priorities to meet the redefined targets. With regards to the former, Roger Halliday noted the gradual inclusion of outcomes reflecting themes emerging from engagement with civil society, including areas such as culture and human rights, fair work and inclusive economic growth[190]. With regard to the latter, as noted by both Oxfam Scotland

and Carnegie UK Trust, the NPF is not currently sufficiently used to inform the budget process. While parliamentary committees and Audit Scotland are provided with updates on the NFP, they are rarely the focus of debate[191]. In a similar vein, Alison Hosie from the Scottish Human Rights Commission noted the need to ensure that the outcomes under the NPF (and the SNAP) are accompanied by concrete actions. In her words, "we have come a long way with how we´re going to measure progress, but I´m seeing a deficit at the moment in how we´re going to deliver that progress."[192]

**Recommendations**

- A number of stakeholders voiced concerns about the lack of communication around the purpose, timelines and process for revising the NPF. Any future action plan should seek to more clearly explain the planned structure of the measurement framework, and set out a clear and well-resourced consultation process outlining who will be involved in its further development and through which mechanisms and activities (beyond the NPF Roundtable). This would enhance accountability of the process and enable more accurate monitoring of the commitment´s implementation. The government should also publish its own mapping exercise of the alignment between the SDGS indicators and the measures set out in the NPF, its statement of 11 draft national outcomes, and the findings of the Carnegie UK Trust, Oxfam and Children´s Parliament consultations on the NPF as soon as possible in order to dispel mistrust and ensure greater buy-in to the process from civil society stakeholders.
- Strengthen the role of civil society and other non-governmental organizations in the development of the framework to reflect a broad and inclusive set of priorities. Civil society actors could consider, for example, developing a simple shadow reporting mechanism to complement the government´s own monitoring framework.

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[169] For the purposes of this review, this milestone has been added by the IRM researcher. This is because, although it does not appear in the action plan as a discreet milestone, the wording under the "end date" for milestone 1 states "framework is in place Autumn 2017" which would suggest a second milestone.

[170] Scottish Government: Scotland Performs (last accessed 14 July 2017) http://www.gov.scot/About/Performance/scotPerforms

[171] The Royal Society of Edinburgh (2013) The Scottish Government´s National Performance Framework: A response to the Scottish Parliament's Finance Committee (last accessed 14 July 2017) https://www.rse.org.uk/wp-content/uploads/2016/09/AP13_08.pdf

[172] Interview with Lucy McTernan and Ruchir Shah, SCVO, 11 July 2017

[173] Interview with Roger Halliday, Scottish Government, 2 November 2017, Edinburgh

[174] Interview with Roger Halliday, Scottish Government, 2 November 2017, Edinburgh

[175] Interview with Roger Halliday, 2 November 2017, Edinburgh

[176] Anne-Marie Conlong, OGP Steering Group meeting, 23 June 2017 https://forum.opengovernment.org.uk/conversations/968

[177] Interview with Jamie Livingston and Francis Stuart, Oxfam Scotland, 2 November, Edinburgh

[178] Carnegie UK Trust (forthcoming) What Sort of Scotland Do You Want to Live In? Report on Discussion Groups and Street Stalls to inform the review of the National Performance Framework (unpublished)

[179] Interview with Jamie Livingston and Francis Stuart, Oxfam Scotland, 2 November, Edinburgh

[180] Interview with Roger Halliday, Scottish Government, 2 November 2017, Edinburgh

[181] Interview with Roger Halliday, Scottish Government, 2 November 2017, Edinburgh

[182] OGP Scotland October 2017 update http://www.gov.scot/Topics/Government/OGP

[183] Interview with Roger Halliday, Scottish Government, 2 November 2017, Edinburgh

[184] Interview with Jamie Livingston and Francis Stuart, Oxfam Scotland, 2 November, Edinburgh; Interview with Jennifer Wallace, Lauren Pennycook and Rebekah Menzies, Carnegie UK Trust, 6 November 2017, via telephone

[185] Interview with Roger Halliday, Scottish Government, 2 November 2017, Edinburgh

[186] Interview with Jamie Livingston and Francis Stuart, Oxfam Scotland, 2 November, Edinburgh

[187] Interview with Jennifer Wallace, Lauren Pennycook and Rebekah Menzies, Carnegie UK Trust, 6 November 2017, via telephone

[188] Interview with Jamie Livingston and Francis Stuart, Oxfam Scotland, 2 November, Edinburgh
[189] OGP Network meeting, 3rd August 2017.
[190] Interview with Roger Halliday, Scottish Government, 2 November 2017, Edinburgh
[191] Interview with Jennifer Wallace, Lauren Pennycook and Rebekah Menzies, Carnegie UK Trust, 6 November 2017, via telephone; Interview with Jamie Livingston and Francis Stuart, Oxfam Scotland, 2 November, Edinburgh
[192] Interview with Alison Hosie, Scottish Human Rights Commission, 7 November 2017, via telephone

# Commitment 3. Deliver a Fairer Scotland

**Commitment Text**

*To deliver the 50 actions in the Fairer Scotland Action Plan, with annual engagement with people and communities on progress. We will also agree 50 new areas for action with people and communities for the next parliamentary term.*

*Milestones*

*1. We will engage with people on progress on the action plan and produce an annual report detailing progress on each of the 50 actions, which will be submitted to the Scottish Parliament (Start date: summer 2017 – end date: first report in October 2017)*

*2. We will actively consult people on establishing 50 new actions for a Fairer Scotland. This will take place in the second half of this parliament via a citizens' forum. This forum will involve many people and organisations who took part in the initial conversations. (Start date: preliminary work in 2018 – end date: 2019 / 20)*

Editorial Note: According to the action plan, the Fairer Scotland Action Plan will be delivered by 2020.

**Commitment Overview**

| Status of Completion | Limited |
|---|---|
| Start Date | Summer 2017 |
| Intended Completion Date | 2020 |
| Responsible Office | Social Justice Strategy Unit |
| Did It Open Government? | Marginal |

| Is it a STAR commitment? | No |
|---|---|
| Starred commitments are considered exemplary OGP commitments. To receive a star, a commitment must meet several criteria:<br>　-　It must be specific enough that a judgment can be made about its potential impact. Starred commitments will have "medium" or "high" specificity.<br>　-　The commitment's language should make clear its relevance to opening government. Specifically, it must relate to at least one of the OGP values of Access to Information, Civic Participation, or Public Accountability.<br>　-　The commitment would have a "transformative" potential impact if completely implemented.<br>　-　Finally, the commitment must see significant progress during the action plan implementation period, receiving an assessment of "substantial" or "complete" implementation. | |

| Commitment Overview | Specificity | | | | OGP Value Relevance | | | | Potential Impact | | | | Completion | | | | Did It Open Government? | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | None | Low | Medium | High | Access to Information | Civic Participation | Public Accountability | Tech. and Innov. for Transparency and Accountability | None | Minor | Moderate | Transformative | Not Started | Limited | Substantial | Complete | Worsens | No Change | Marginal | Major | Outstanding |
| Overall | | ✔ | | | | ✔ | | | | ✔ | | | | ✔ | | | | | ✔ | | |
| 3.1 *Engage with people on progress on the action plan and produce annual report* | | ✔ | | | | ✔ | | | | ✔ | | | | | | ✔ | | | | | |
| 3.2 *Consult people on establishing 50 new actions* | | ✔ | | | | ✔ | | | | | ✔ | | ✔ | | | | | | | | |

## Commitment Aim

Overall Objective & Relevance

In October 2015, the Scottish Government launched the Fairer Scotland Action Plan to bring about a fairer, more socially just country by 2030. Scotland faces a range of challenges related to poverty and inequality. A recent Oxfam report, for example, notes that one in five people in Scotland currently live in poverty[193], while the richest 1% own more wealth than the bottom 50% put together. The report also notes that addressing poverty and inequality in Scotland requires responding to the priorities of people in Scotland, including those in deprived communities[194]. The Fairer Scotland Action Plan sets out 50 actions to tackle these issues through better public services and social security, the provision of more skills and employment opportunities for young people, more opportunities for flexible, well paid work and greater support older people, among others.

The objective of this commitment has three elements. Firstly, to deliver the 50 actions by 2020; secondly, to engage citizens on progress on the implementation of the 50 actions; and thirdly, to consult them on developing 50 new actions, also by 2020. The focus of the commitment as it applies to the timeframe of the OGP Subnational Pilot Program (by the end of 2017) is on the second of these elements.

The emphasis on public engagement is a critical part of how the Fairer Scotland agenda was conceived. According to the OGP action plan, it initially developed out of the significant discussion about social

justice running up to the independence referendum of 2014. The Fairer Scotland discussion was launched in June 2015, with over 7,000 people and 200 organisations taking part in 200 public events as well as significant online engagement (17,500 visitors to Fairer Scotland social media platforms over a nine-month period). Prior to publishing the plan, the government published a summary of the discussion to date[195]. As noted in the Action Plan, "while 'Fairer Scotland' began as a civic participation exercise, it has become a focused plan".

In the view of the SCVO, the rationale for this commitment is clear. The development of the Fairer Scotland Action Plan was ground-breaking in terms of engaging the Scottish people. However, the engagement process has since lost momentum, with the plan ultimately being published after a long period of silence on the part of the Scottish Government. The SCVO therefore sees this commitment as an opportunity to re-invigorate the conversations with the Scottish people around the priorities included in the plan[196].

While the implementation of the 50 actions is not directly relevant to OGP values, the two milestones are clearly relevant to the OGP value of civic participation as they seek to engage people in progress on the Fairer Scotland Plan and consult them on the development of new actions, thus giving citizens the opportunity to have their voices heard. However, they are not clearly relevant to the value of public accountability. Although milestone 1 includes a mechanism that requires the government to explain their actions and justify their performance to Parliament, it is not clear to what extent the government is also expected to justify their performance directly to citizens, which is a more direct, public-facing form of accountability.

Specificity and Potential Impact

The level of specificity of this commitment is low. It identifies the relevant actors responsible for implementation from both government and civil society and the milestones also define start and end dates for activities, although for milestone 2 both start and completion dates fall out of the timeframe of the action plan implementation period (December 2016 - December 2017).

Both milestones describe objectively verifiable activities and measurable outcomes/outputs (an annual report for milestone 1 and a citizens' forum for milestone 2). However, milestone 1 does not specify what mechanism the government will use to engage citizens in progress on the plan. The wording "engage with people on progress" is vague and fails to specify whether the government envisages engaging citizens in the actual monitoring of the plan or in discussions about the plan once it is produced.

Moreover, on their own, the two milestones, contribute to, but do not cover all aspects required to enable achievement of the overall commitment. Thus, while the commitment text states that it aims "(t)o deliver the 50 actions in the Fairer Scotland Action Plan", neither of the two milestones directly address the issue of delivery and implementation of the actions, focusing instead on monitoring and development of actions.

The potential impact of this commitment is minor. While the Fairer Scotland Action Plan outlines a wide range of actions designed to address the issues of inequality and poverty in Scotland, the potential impact of the two milestones amounts to a small step in this process rather than the full achievement of the commitment as stated. Ensuring public participation in the monitoring of the action plan could help ensure that there is greater accountability for achieving these changes, and could re-energise the

Scottish public's engagement in social justice issues and in local politics more generally, something which has tailed off since the independence referendum.

However, potential impact is limited by the lack of specificity with regards to the mechanisms which the government will use to engage citizens and the degree of citizen engagement envisaged, as discussed above. Furthermore, the fact that the second milestone falls beyond the timeframe of the action plan further limits the extent to which meaningful impact can be achieved within that timeframe.

**Completion: *Limited***

Overall, there has been limited progress on the implementation of this commitment. To a large extent this is because there has been no progress on the second and most significant milestone as it falls outside the action plan implementation period. On the other hand, the first milestone has been completed on schedule with the first annual progress report on the Fairer Scotland Action Plan published on 23rd November 2017[197]. The IRM researcher has not received confirmation on whether the report was submitted to parliament for review.

Engagement on progress on the Fairer Scotland Action Plan took the form of a series of nine engagement sessions with representatives from a range of marginalised groups between June and September 2017, including older people, young people, Black and Minority Ethnic (BME) groups, women´s groups, people with learning disabilities and people living in poverty, spread geographically across the country[198]. These sessions, led by the Housing and Social Justice Directorate, were conducted with a range of organisations involved in the initial Fairer Scotland discussions which fed into the development of the action plan, including the Scottish Older People's Assembly (Edinburgh), People First Scotland (Edinburgh), The Women's Centre (Maryhill), the communities of Maddiston and Langlees (Falkirk), Radiant and Brighter (Glasgow), The Poverty Alliance (Glasgow), Community Activists Panel (Glasgow) and The Bike Project (Shetland).

According to Karen Armstrong from the government´s Housing and Social Justice Directorate, the process for engaging on the progress report was a natural progression from the Fairer Scotland conversations to reach back out to the communities involved. Prior to each session, the government sent each group the list of actions in the Fairer Scotland Plan and asked them to decide which ones they wanted to discuss. During the group discussions, the questions were left open, without a pre-defined set of answers. The government then collated the information and fed it back to each group to verify the extent to which it accurately reflected the conversations. Karen Armstrong noted that one key to the success of the approach was investing time in going out to communities and speaking to people at a time and a place that suited them[199].

Whilst recognising the openness of the approach, it is also important to note that the sessions represent a small-scale exercise which did not cover the full range of actions in the Fairer Scotland Plan. Karen Armstrong acknowledged this challenge, especially given that responsibility for implementation of the actions is spread across different government departments[200], noting that the government could have done wider consultation with more time and resources[201]. Thus, although other parts of government held discussions around the action plan with different groups beyond the formal consultation, it was difficult to ensure that they adopted the same participative approach as her team[202].

**Early results: did it open government?**
*Civic Participation: Marginal*

The first milestone commits the Scottish government to engaging with people on progress on the action plan and producing an annual report on progress on each of the 50 actions, to be submitted to the Scottish Parliament. Despite the intention of this milestone to re-energise the Scottish public's engagement in social justice issues, the potential impact of this milestone was rated as minor due to the lack of specificity with regards to the degree of citizen engagement envisaged.

The activities conducted to date as part of this milestone have had a minor effect in creating opportunities for the public to inform decisions, insofar as those who participated in the sessions were able to give their input into how some of the actions outlined in the Fairer Scotland Plan are being implemented. As the progress reports notes:

> We remain committed to the value of our fairer Scotland conversations and in the spirit of the Open Government Partnership (OGP) principles, have undertaken a series of engagement [sic]. Discussion groups took place across Scotland, testing the impact of the Plan, listening further to communities about the issues they were facing. The discussion groups ran from June to September and included a range of different perspectives. These conversations were well received by those who took part and demonstrate our on-going commitment to co-production of the fairer Scotland project.

Both Pheona Matovu from Radiant and Brighter, a community organisation working with BME communities in Glasgow, and Sandra Martin from the Glasgow Women´s Centre noted that the sessions they attended represented a genuine attempt by the government to listen and engage with their respective communities. Both also confirmed that the government had kept them updated with how the views of participants were taken into account in writing the progress reports[203]. Karen Armstrong also noted that the engagement process has broadened the pool of stakeholders with whom her team engages, some of whom the government wouldn't previously have engaged with.

Seen from this perspective, the process represents a small step in further opening government and an improvement on the initial Fairer Scotland conversations which, although widely recognised as being transformational in terms of the openness and breadth of discussion, were ultimately criticised for failing to close the feedback loop. According to Lucy McTernan and Ruchir Shah from the SCVO, while much of what came out of the initial Fairer Scotland conversations did feed into the plan, ongoing engagement with people dropped off and the government went back and developed the plan internally[204].

However, it is not clear from the progress report which, or how many, of the actions were ultimately informed by the consultation process. Moreover, as noted by civil society members of the Scotland Open Government Network, beyond the small number of people directly involved in the consultation, there was no wider engagement with civil society on the consultation process, nor any discussion of the methodology adopted. As noted by Lucy McTernan from the SCVO during one of the network meetings: "it feels like we have retreated a bit, with government going out and asking questions rather than genuine engagement. I would like to see this done collectively and jointly with civil society, rather than just being told it is happening."[205]

The small scale of the engagement and the limited resources invested further limits the overall impact of the milestone. While Karen Armstrong noted that her team visited 42 areas of government to share their experience and encourage others to adopt a similar approach, the fact that the responsibility for consultation lies with a small number of individuals poses a risk to the long-term sustainability of the

approach and risks the exercise becoming a "one-off project" rather than contributing to broader culture change within government.

As noted above, the potential impact of the second milestone is more substantial, with a focus on establishing 50 new actions via a citizens forum, although the nature of this forum is as yet undefined[206]. While the action falls beyond the action plan timeframe, the government sees the implementation of the first milestone as laying the groundwork for the next phase of the Fairer Scotland action plan. According to Paul Tyrer, the Scottish Government´s Head of Social Justice Strategy, in contrast to the engagement process on the development of the first Fairer Scotland Action Plan which involved the government devising a set of actions based on what people had said, the vision for the second plan is to conduct more follow-up engagement to validate the information collected and to involve people in the development of the actions themselves so that it is more in keeping with the principles of open government.

Moreover, while not included in the OGP action plan, the government pointed to the participatory manner in which some of the Fairer Scotland actions are being implemented (as opposed to how they are being monitored, which is the focus here). According to Paul Tyrer and representatives from civil society (including Oxfam Scotland207 and the Child Poverty Action Group[208]), the establishment of the Poverty and Inequality Commission and the passing of the Child Poverty Bill into legislation, both commitments under the Fairer Scotland Action Plan, serve as good examples of strong critical partnerships between government and civil society in implementing the plan[209].

**Recommendations**

- This commitment would benefit from the inclusion of a more targeted set of activities, such as citizen panels, to ensure ongoing engagement of citizens in both the development and implementation of specific actions within the Scotland Fairer Action Plan which can be achieved within the timeframe of an OGP action plan cycle. To this end, the government could draw inspiration from the participatory manner in which some of the Fairer Scotland actions are currently being implemented through strong partnerships between government and civil society, as the focus for this commitment in future.
- Much as was the case with the consultation process around the NPF (see commitment 2), the government was limited with regards to its communication around this commitment beyond the small number of people directly involved in the consultation events. As a result, the commitment risks remaining a well-intentioned but isolated, one-off initiative. To strengthen this commitment in future, the government should consider wider engagement on developing and implementing the consultation methodology and integrate this into the broader Scotland Open Government Network process, rather than treat it as a separate track of activities.
- Despite the clear commitment from a number of individuals closely involved in the implementation of this commitment, impact has been adversely affected by the limited resources (both human and financial) invested. In the longer term, the government might consider whether to continue to invest in developing and maintaining a stand-alone process for the Fairer Scotland work or whether to exploit existing channels to ensure that it is more deeply embedded in people´s everyday work within government.

[193] According to the Scottish Government, after housing costs, 20% of people in Scotland live in relative poverty. Relative poverty is defined as "individuals living in households whose equivalised income is below 60 per cent of median income in the same year". Source: Scottish Government (2016) Poverty and Income Inequality in Scotland: 2015/16 (last accessed 06 September 2017) http://www.gov.scot/Resource/0051/00515392.pdf

[194] Oxfam (2017) Building a More Equal Scotland: Designing Scotland's Poverty and Inequality Commission (last accessed 14 July 2014) http://policy-practice.oxfam.org.uk/publications/building-a-more-equal-scotland-designing-scotlands-poverty-and-inequality-commi-620264

[195] Scottish Government (2016) Creating a Fairer Scotland: What Matters tp you- A Summary of the Discussion so far (last accessed 14 July 2017) http://www.gov.scot/Resource/0049/00496638.pdf

[196] Interview with Lucy McTernan and Ruchir Shah, SCVO, 11 July 2017

[197] http://www.gov.scot/Publications/2017/11/7078

[198] OGP Scotland July 2017 update http://www.gov.scot/Topics/Government/OGP; and http://www.gov.scot/Publications/2017/11/7078

[199] Interview with Karen Armstrong and Paul Tyrer, Scottish Government, 9 November, Edinburgh

[200] OGP Network meeting, 9 May 2017

[201] Interview with Karen Armstrong and Paul Tyrer, Scottish Government, 9 November, Edinburgh

[202] OGP Network meeting, 9 May 2017

[203] Interview with Pheona Matovu, Radiant and Brighter, 7 November, via telephone; Interview with Sandra Martin, Glasgow Women´s Centre, 8 November, via telephone

[204] Interview with Lucy McTernan and Ruchir Shah, SCVO, 1 November, Edinburgh

[205] Lucy McTernan, SCVO, OGP Network meeting, 9 May 2017

[206] Interview with Karen Armstrong and Paul Tyrer, Scottish Government, 9 November, Edinburgh

[207] Interview with Jamie Livingston and Francis Stuart, Oxfam Scotland, 2 November, Edinburgh

[208] Interview with Jon Dickie, Child Poverty Action Group, 9 November, Edinburgh

[209] Interview with Karen Armstrong and Paul Tyrer, Scottish Government, 9 November, Edinburgh

# Commitment 4. Participatory budgeting

**Commitment Text**

*The Scottish Government will work in partnership with the Convention of Scottish Local Authorities (COSLA) to increase the scale and pace of community choices to support the involvement of people and communities in financial decision making processes.*

***Milestones***

1. *Establish a Community Choices Group in partnership with COSLA to discuss a programme of work to take the 1% commitment forward[210] and ensure the right infrastructure and skills are in place across a range of partners to deliver participatory budgeting (PB) successfully and with impact in Scotland. This would include consideration of how community choices might be used to reduce social inequalities, foster innovation, and remove barriers to achieving wellbeing by encouraging the participation of marginalised individuals and under-represented communities.*
2. *Continue to fund a national support programme for local authorities to include on-going consultancy support, digital engagement tools and an evaluation programme, producing learning resources when necessary and continuing to develop and maintain the PB Scotland website as a hub for sharing practice and learning.*
3. *Work with stakeholders on a capacity building programme by developing a network of Community Choices practitioners in Scotland, to share learning and develop best practice which will lead to a new cohort of trainers in Scotland.*
4. *Support community organisations through the community choices fund to help implement and build on local initiatives either independently or in partnership with the local authority.*

**Commitment Overview**

| | |
|---|---|
| Status of Completion | Substantial |
| Start Date | April 2015 |
| Intended Completion Date | March 2021 |
| Responsible Office | Community Empowerment Unit |
| Did It Open Government? | Major |

| Is it a STAR commitment? | No |
|---|---|

Starred commitments are considered exemplary OGP commitments. To receive a star, a commitment must meet several criteria:
- It must be specific enough that a judgment can be made about its potential impact. Starred commitments will have "medium" or "high" specificity.
- The commitment's language should make clear its relevance to opening government. Specifically, it must relate to at least one of the OGP values of Access to Information, Civic Participation, or Public Accountability.
- The commitment would have a "transformative" potential impact if completely implemented.
- Finally, the commitment must see significant progress during the action plan implementation period, receiving an assessment of "substantial" or "complete" implementation.

| Commitment Overview | Specificity | | | | OGP Value Relevance | | | | Potential Impact | | | | Completion | | | | Did It Open Government? | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | None | Low | Medium | High | Access to Information | Civic Participation | Public Accountability | Tech. and Innov. for Transparency and Accountability | None | Minor | Moderate | Transformative | Not Started | Limited | Substantial | Complete | Worsens | No change | Marginal | Major | Outstanding |
| Overall | | | ✔ | | ✔ | ✔ | | ✔ | | | ✔ | | | | ✔ | | | | | ✔ | |
| 4.1 *Establish a Community Choices Group and (1% target)* | | ✔ | | | | ✔ | | | | | | ✔ | | | | ✔ | | | | | |
| 4.2 *National support programme for local authorities* | | | ✔ | | ✔ | ✔ | | ✔ | | | ✔ | | | | ✔ | | | | | | |
| 4.3 *Network of Community Choices practitioners* | | | ✔ | | | ✔ | | | | ✔ | | | | | | ✔ | | | | | |
| 4.4 *Community choices fund* | | ✔ | | | | ✔ | | | | | ✔ | | | | ✔ | | | | | | |

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## Commitment Aim

According to the action plan, there is a consistent view that people in Scotland want to influence the decisions made by the public sector that affect them, but that at the same time they don't feel they have sufficient influence. This view is supported by the Scottish Social Attitudes Survey 2015 which found that at least 8 in 10 respondents felt that people either "definitely should" or "probably should" be involved in making decisions about how local services are run and how money is spent on local services[211].

According to a recent review of Participatory Budgeting (PB) in Scotland by What Works Scotland (a joint project between the University of Glasgow and the University of Edinburgh, with partners from voluntary and public sector organisations)[212], PB "has the potential to empower and energise communities and to transform and strengthen the relationship between citizens, civil society organisations and all levels of government and public service"[213]. The use of PB in Scotland since 2010 has increased from a handful of isolated interventions to at least 58 processes having taken place by 2016. The report also notes that there has been an increase in political, legislative and policy support for PB at the same time. Overall the report found that funded PB projects reflected "an impressive mix of prioritised demographic groups and thematic issues as well as support for a range of geographically defined facilities, projects and local community representation groups (e.g. community councils)" [214].

Participants at a learning event on the implementation of PB in Scotland identified additional benefits of PB in Scotland, including the fact that it brings elected members closer to the public and can therefore benefit both representational and participatory democracy, and that the process brings groups together which can lead to greater understanding and sharing[215].

Nevertheless, PB implementation in Scotland is not without its challenges. The What Works Scotland review found that while 90% of PB processes were located within disadvantaged areas, only one fifth of interventions stated the explicit goal of addressing inequalities. The review also found little evidence of PB processes that feature substantial opportunities for public dialogue and deliberation between participants and little evidence of the use of digital engagement platforms to support PB processes. A further concern raised at the learning event was that PB risks being seen as tokenistic because of its short-term nature and the relatively small budgets involved. It was suggested that, to address this, PB needs to be a continuous long-term process with ring-fenced budgets (including the suggestion to dedicate 1% of all budgets to PB). While statutory backing and cross-party support for PB was also identified as potentially helpful, participants did not see the need for specific PB legislation[216].

This commitment, as stated, aims to address a number of these identified challenges, by bringing together different strands of the Scottish Government's support to PB. This includes: (i) the commitment to have at least 1% of each of Scotland's 32 Local Authority budgets subject to participatory budgeting, as well as putting in place the necessary skills and infrastructure to deliver; (ii) an emphasis on targeting PB to help reduce social inequalities, foster innovation, and remove barriers to achieving wellbeing; (iii) the provision of digital engagement tools and learning resources on PB; and (iv) the development of a learning network of PB practitioners.

As noted in the action plan, the commitment is also underpinned by the new Community Empowerment (Scotland) Act 2015 which provides a legal framework to promote and encourage community empowerment and participation by creating new rights for communities and placing more duties on public bodies. Specifically, the Scottish Government's Community Choices Programme (commonly

known as participatory budgeting) supports the Act by enabling local people to have a direct say in how, and where, public funds can be used to address local needs.

This commitment is clearly relevant to the OGP value of civic participation, as it aims to involve citizens in decision-making processes that most directly affect them. It is also relevant to the value of Access to Information insofar as it requires local public financial information to be made public in a useable manner to support decision-making. Finally, milestone 2 is also relevant to the value of Technology & Innovation for Transparency & Accountability, through the provision of digital engagement tools and maintenance of the PB Scotland website as a hub for sharing practice and learning.

Specificity and Potential Impact

The level of specificity for this commitment is medium. It identifies the lead institution responsible for implementation, but does not mention any CSO partners (although it does identify community councils as a key stakeholder). Moreover, the completion dates for three out of the four milestones fall beyond the timeframe of the action plan implementation period (December 2017), while two of the milestones are pre-existing initiatives.

The specificity of the milestones varies from one milestone to another. Milestone 1 identifies an objectively verifiable activity (establishment of a Community Choices Group), but the outputs of the group are not precisely defined, committing, for example, to "*discuss(ing) a programme of work*", "*ensur(ing) the right infrastructure and skills are in place*" and "*consider(ing) how community choices might be used to achieving wellbeing*". While the 1% goal is a clear and measurable outcome, the wording of the milestone leaves some doubt as to whether this is a precise target or something to be worked towards, given that it commits only to "*a programme of work to take the 1% commitment forward*". Likewise, the wording of milestone 4 is vague, committing to "*support(ing) community organisations (…) to help implement and build on local initiatives*". The implication is that such initiatives would go beyond participatory budgeting to include other participatory mechanisms, but this is not clearly stated.

In contrast, milestones 2 and 3 are more specific, with a set of clear, verifiable activities and measurable deliverables which directly contribute to the achievement of the commitment's objective, although it is not clear how "*shar(ing) learning and develop(ing) best practice*" is expected to *"lead to a new cohort of trainers in Scotland"*.

Finally, the wording of the overall commitment "*to increase the scale and pace of community choices"* lacks definition in terms of what increase is expected in terms of scale (beyond the 1% commitment) and pace.

The potential impact of this commitment is moderate. As mentioned above, milestones 2 and 4 are pre-existing initiatives with activities ongoing prior to the adoption of this action plan. On the other hand, as discussed above, the commitment does address a number of the current weaknesses in PB in Scotland which have been identified since it was introduced. Furthermore, the 1% commitment and community choices groups both represent new elements of participatory budgeting commitments in Scotland and - combined with the fact that COSLA has recently recruited a new member of staff dedicated expressly to implementing this commitment[217] - signal a shift towards greater institutionalisation of PB in Scotland. The potential impact of this commitment is further strengthened by the strong support it has received from the Scottish Government, as stated in both the ruling Scottish National Party´s (SNP) 2016 manifesto and in Scotland's 2016/17 Programme for Government[218]. In the view of Doreen Grove, the OGP Focal Point for the Scottish Government, 1% of spending decisions by government in a city like

Glasgow, for example, would represent a significant amount of money. In addition, she stated that the long-term ambition is to introduce PB beyond local authorities and into service sectors (e.g. Health), although this is not stated in the action plan[219].

Ultimately, the potential impact of PB will depend on the extent to which it addresses "social inequalities, foster(s) innovation, and remove(s) barriers to achieving wellbeing by encouraging the participation of marginalised individuals and under-represented communities." While this is stated as an ambition under milestone 1, it is presented as one to be considered rather than a concrete outcome, thus limiting to the extent to which the commitment can be considered transformational.

## Completion: *Substantial*

There has been substantial progress on this commitment. Milestones 1 and 3 have been achieved on schedule while milestones 2 and 4, both of which are pre-existing and long-term initiatives, continue to be implemented as planned.

### Milestone 1

*Establish a Community Choices Group in partnership with COSLA to discuss a programme of work to take the 1% commitment forward and ensure the right infrastructure and skills are in place across a range of partners to deliver PB successfully and with impact in Scotland. This would include consideration of how community choices might be used to reduce social inequalities, foster innovation, and remove barriers to achieving wellbeing by encouraging the participation of marginalised individuals and under-represented communities.*

The Scottish Government and COSLA established a Community Choices Officers Group made up of local authority officers at the beginning of 2017 to explore how the target of allocating 1% of local authority budgets to participatory budgeting could be taken forward. The group first met in January 2017 with two more meetings in March and May[220]. On 27 October, the government and COSLA agreed a Framework for the operation of the 1% target at the COSLA Leaders' meeting[221]. According to the framework:

> *The 1% is the minimum target set and can be made up of revenue and capital expenditure. It is for local authorities to decide how to take forward Community Choices budgeting at a local level to reach the target. To ensure a shared understanding of the 1% target, this is defined as 'total estimated expenditure for revenue, as per the local government finance circular, less assumed council tax intake. It is considered reasonable to exclude council tax as it is a local tax and therefore already directly and locally accountable[222].*

While the framework does not set a binding timeframe for the implementation of the 1% target, it does state the Scottish Government´s expectation for it to be reached by the end of the financial year 2020/21. The framework does not, however, explicitly address the question of how Community Choices might be used to reduce social inequalities, foster innovation, and remove barriers to achieving wellbeing (see discussion below). Neither does it directly address the infrastructure and skills needed to deliver PB successfully, although these are covered under milestone 2, below.

To support to implementation of the 1% target, COSLA have recruited a Community Choices/PB Development Manager to help shape the local government approach to Community Choices budgeting by engaging with local authority elected members, senior management and officers to develop and share best practice[223].

**Milestone 2**
*Continue to fund a national support programme for local authorities to include on-going consultancy support, digital engagement tools and an evaluation programme, producing learning resources when necessary and continuing to develop and maintain the PB Scotland website as a hub for sharing practice and learning.*

The Scottish Government has continued to fund the national support programme for local authorities as part of the Communities Choices Fund, initially introduced in 2015. In 2016/17 the support programme was funded to the tune of £300,000, rising to £500,000 in 2017/18[224]. The programme comprises the development of a national knowledge exchange network and website; training and consultancy for public authorities and communities through PB Partners; support to introduce digital voting mechanisms; an evaluation study on the impact of participatory budgeting in Scotland[225]; international conferences in 2016 and 2017; learning events and publications including an elected members briefing on PB[226]; and a recently introduced facilitator training programme.

More specifically, as part of the programme, the Scottish Government is funding PB Partners (administered by Shared Future CIC, a social enterprise focussed on community engagement and development) to undertake a range of activities including thematic PB workshops to national organisations, mainstreaming PB workshops to local authorities, workshops for community groups, training for PB champions in Scotland (see milestone 3), delivering a national conference in 2017, and providing PB advice and support to help inform the Scottish Government´s Open Government Programme[227]. The government is also funding the Democratic Society to provide continued support for the uptake of digital engagement tools by local authorities and community organisations for PB across Scotland in 2017/18[228]. This includes producing models of best practice, step by step guides and case study reports to aid learning[229].

**Milestone 3**
*Work with stakeholders on a capacity building programme by developing a network of Community Choices practitioners in Scotland, to share learning and develop best practice which will lead to a new cohort of trainers in Scotland.*

The Scottish Community Development Centre (SCDC), on behalf of Scottish Government and the Scottish PB Working Group (see below) launched a call for Community Choices Champions on 21st February 2017[230]. The aim of the call was to create a dedicated group of PB facilitators to help support and train others on PB principles, methods and processes in Scotland. The call generated 41 responses and 27 places were allocated for training. The cohort met for the first time on 24 May 2017 with the Scottish Community Development Centre (SCDC) and PB partners[231].

The first training session was held in Glasgow on 14th September 2017. The number of champions in the final cohort was 20, with representatives from the public, voluntary and independent sectors. Following the training, the new PB champions attended local and national events and meetings to further develop their understanding and practice, and several of them were involved in the national PB Conference on 14 November[232]. In addition to the above, champions are also expected to conduct research and share good practice, write blogs and undertake interviews, where relevant[233].

**Milestone 4**
*Support community organisations through the community choices fund to help implement and build on local initiatives either independently or in partnership with the local authority.*

The Community Choices Fund aims to open up opportunities for public authorities, local authorities, community organisations and community councils to engage with and deliver PB. In 2016/17, the fund included £1.5 million available for applications, split 50/50 between public authorities and community organisations/community councils. From the £1.5 million fund, a total of 137 applications were received to the sum of £7,097,287; 23 from public authorities totalling £1,322,385, and 114 from community organisations totalling £5,774,902. Of these, 28 organisations were successful, including 18 community organisations which received funding totalling £814,000[234]. In addition, 4 other applications that had not met the criteria for the main fund, but had 2 innovative proposals, were awarded funding. The Church of Scotland was also awarded some funding to support some of the country's economically poorest communities to engage in and develop their skills in PB[235]. As part of the 2016/17 fund, SCDC supported 13 Community Choices recipients to implement their projects through direct support to local events, assistance with process and evaluation, facilitation of debriefing sessions and development of next steps. The Democratic Society also provided 3 digital workshops for 3 Community organisations[236].

The third call for applications to the Community Choices Fund was launched on 24 October 2017 with an allocation of £1.5m for 2017/18, again to be split between public authorities and community organisations[237]. In addition, the government has continued to fund the SCDC, among other things, to support community organisations successful in their application to the Community Choices Fund to implement new PB processes or build on previous ones[238]. For example, SCDC staff are partnering with 3 or 4 communities to support them through the entire PB process, including supporting them to develop PB ideas, providing skills training, and supporting them with evaluation[239].


**Early results: did it open government?**
*Civic Participation: Major*

This commitment brings together different strands of the Scottish Government's, and others´, support to PB. It was rated as having moderate potential impact, given that it contains a mix of pre-existing initiatives and new activities to address a number of the current weaknesses in PB in Scotland, namely the 1% commitment (milestone 1) and community choices groups (milestone 3). Early signs suggest that this commitment is indeed having a moderate impact on opening up government, notwithstanding some significant challenges.

An important contributor to the overall impact and sustainability of this commitment is the strong legal underpinning for PB in Scotland, primarily through the Community Empowerment (Scotland) Act 2015 which provides a legal framework to promote and encourage community empowerment and participation more generally. The Community Empowerment Act stemmed from an SNP manifesto commitment and involved extensive consultation with COSLA, the third sector and local authorities[240]. Nevertheless, although initially included in the draft bill, explicit reference to PB was removed before it became law[241].

In addition, PB in Scotland is supported by an impressive and growing infrastructure which includes the PB Scotland website (hosted by SCDC), a core Working Group of PB experts in Scotland, an Advisory Group of 18 practitioners from across public and community sectors, a PB Champions Group (milestone 3) and a broader network of 477 individuals[242].

According to Fiona Garven from SCDC, the "rapid and exponential rise in PB activity over a very short time" has happened largely through dialogue and co-produced ideas and plans with the PB Working Group, including the setting of criteria for the Community Choices Fund. In her words:

*Civil society has had a real opportunity to influence how the community choices programme is being taken forward, from the overall purpose and vision of PB in Scotland to how the money was allocated*[243].

In her view, the ambition is that eventually the PB Working Group will be made up of citizens, local community organisations and government so that the whole process is led through "a partnership of equals."[244]

- *The 1% target*

Agreement on the 1% target is an important achievement of this commitment. According to one estimate, this could mean that by 2021 the public will be able to have their say on where £160 million goes every year[245]. While the 1% forms the basis of calculating individual local authority targets, the accompanying framework is very loosely defined and does not prescribe how these targets should be met, what area of the budget it may cover, nor what criteria might be used for submitting and deciding on spending proposals[246]. And while initial resistance by some local authorities and councillors on the 1% target has largely been overcome, thanks in part to engagement of the PB Working Group with local councils, the change in local government elected members following the local elections in May 2017 means that the current level of support for PB among local authorities is unclear[247]. A further potential challenge, noted by Leah Lockhart from the Democratic society, is the concern among some local CSOs and community organisations that the 1% target may mean that existing funding for local NGOs/community organisations is diverted to support PB[248].

- *Broader impact of PB*

A recent review of the 2016/17 Community Choices Fund found a general enthusiasm for participatory budgeting but also considerable scope for procedures to be improved for public engagement in PB to be both deeper and broader[249]. A more in-depth government-commissioned evaluation of PB in Scotland by Glasgow Caledonian University found that increased levels of financial investment from the Scottish Government combined with political support for PB have resulted in significant levels of activity by local authorities and community based and third sector organisations. However, it notes a varying range of approaches and definitions in use by local authorities. Furthermore, the report notes limited impact to date on local services with no demonstrable evidence of change. Overall, the report notes that the requisite culture change towards more inclusive and shared decision-making and hence the potential for PB to transform the relationship between citizens and the state is not evident across all local authorities and that questions of power are under-developed in the context of PB[250]. This perspective is largely shared by Leah Lockhart from the Democratic Society, who noted that local councils implementing PB tend to focus on the functional aspects of PB such as eligibility requirements, funding amounts and targets, rather than deeper involvement of citizens in long term planning and joint decision-making[251].

The Glasgow Caledonian University evaluation also notes that PB activities are not yet breaking established exclusions experienced by ethnic minority people and other communities, including disabled peoples' organisations (DPOs)[252]. Fundamentally, the report notes that equalities concerns have largely been considered in the context of socio-economic disadvantage, rather than other forms of exclusion[253]. Whilst acknowledging this challenge, Alasdair McKinlay the Government´s Head of Community Empowerment noted some examples of work the government is taking to address the issue of equalities, including a meeting with Glasgow disability alliance and other equality groups on how to support people who face barriers to participation, and plans to work with SCDC to set up a group of representatives of organisations working with BMEs to explore this further. At the same time, he

stressed the need for realism, by recognising the broader structural causes of inequality and poverty which PB and the 1% cannot tackle alone[254].

**Recommendations**

Given the pre-existing nature of many of the activities under this commitment the government should consider the specific contribution which the OGP can make to existing PB processes, rather than attempting to include existing PB initiatives under an OGP banner. This added value might include:

- Providing, through the OGP framework, greater clarity on the underlying objectives and strategic direction of PB (including the 1% target) in Scotland, with a particular focus on culture change and institutionalizing citizen involvement in local decision-making processes more broadly, including strategic budget planning and multi-year capital expenditure decisions.
- Focusing on building capacity within community organisations, local authorities and civil society to take part in participatory budgeting processes, and drawing on the global experience of the OGP community to develop initiatives which help reduce the barriers to inclusive PB.

[210] "In May 2016 a manifesto commitment stated that local authorities would be set a target of having at least 1 per cent of their budget subject to Community Choices budgeting. In September 2016 this was re-iterated in Scotland's 2016/17 Programme for Government which stated that the SG would continue to work with local government and communities on the delivery of this target." Source: Scottish Government Open Government National Action Plan 2016-2017, https://www.opengovpartnership.org/about/working-groups/scotland-united-kingdom-subnational-pioneer/action-plan

[211] Scottish government (2015) Scottish Social Attitudes Survey 2015: Attitudes to Social Networks, Civic Participation and Co-production (last accessed 14 July 2017) http://natcen.ac.uk/media/1240692/ssa-2015-publication-for-web.pdf

[212] What Works Scotland is a partnership between the Economic and Social Research Council, the Scottish Government, and the Universities of Edinburgh and Glasgow to improve the way local areas in Scotland use evidence to make decisions about public service development and reform

[213] Harkins C, Moore K, and Escobar O. (2016) Review of 1st Generation Participatory Budgeting in Scotland, Edinburgh: What Works Scotland (last accessed 14 July 2017) https://static1.squarespace.com/static/558172f0e4b077ee5306aa83/t/58077b096a4963c2ddd43d11/1476885274437/WWS+Review+of+1st+Generation+PB+in+Scotland.pdf

[214] Ibid.

[215] SCDC (2014) Advancing Participatory Budgeting in Scotland: A learning event (last accessed 14 July 2017) http://www.scdc.org.uk/media/resources/policy-and-practice/PB%20Learning%20Event%20Oct%202014_Report_final.pdf

[216] Ibid.

[217] Interview with Doreen Grove, Scottish Government, 21 June, via Skype

[218] "In May 2016 a manifesto commitment stated that local authorities would be set a target of having at least 1 per cent of their budget subject to Community Choices budgeting. In September 2016 this was re-iterated in Scotland's 2016/17 Programme for Government which stated that the SG would continue to work with local government and communities on the delivery of this target." Source: Scottish Government Open Government National Action Plan 2016-2017, https://www.opengovpartnership.org/about/working-groups/scotland-united-kingdom-subnational-pioneer/action-plan

[219] Interview with Doreen Grove, Scottish Government, 21 June, via Skype

[220] OGP Scotland July 2017 update http://www.gov.scot/Topics/Government/OGP

[221] https://news.gov.scot/news/more-choice-for-communities

[222] http://www.cosla.gov.uk/sites/default/files/documents/17-10-27_item_05_cc_pb_framework.pdf

[223] OGP Scotland October 2017 update http://www.gov.scot/Topics/Government/OGP

[224] Evaluating Participatory Budgeting Activity in Scotland – Interim Report Year 2 - Angela O'Hagan, Clementine Hill O'Connor, Claire MacRae, Jennifer Broadhurst and Paul Teedon http://www.gov.scot/Resource/0052/00527483.pdf https://static1.squarespace.com/static/558172f0e4b077ee5306aa83/t/59df4df7197aeac813c1ffb1/1507806721119/Community+Choices+2016-17+Report.pdf

225 The evaluation has been extended to a third year to better capture the learning from the increased PB activity supported by the community choices fund (October update).

226 OGP Scotland October 2017 update http://www.gov.scot/Topics/Government/OGP

227 Shared Future CIC Project document (unpublished)

228 Democratic Society Project document (unpublished)

229 OGP Scotland October 2017 update http://www.gov.scot/Topics/Government/OGP

230 See: https://pbscotland.scot/champions

231 OGP Scotland July 2017 update http://www.gov.scot/Topics/Government/OGP

232 OGP Scotland October 2017 update http://www.gov.scot/Topics/Government/OGP

233 See: https://pbscotland.scot/champions

234 OGP Scotland July 2017 update http://www.gov.scot/Topics/Government/OGP

235 Community Choices Fund: 2016/17 Report (Sept 2017) https://static1.squarespace.com/static/558172f0e4b077ee5306aa83/t/59df4df7197aeac813c1ffb1/1507806721119/Community+Choices+2016-17+Report.pdf

236 OGP Scotland July 2017 update http://www.gov.scot/Topics/Government/OGP

237 Evaluating Participatory Budgeting Activity in Scotland – Interim Report Year 2 - Angela O'Hagan, Clementine Hill O'Connor, Claire MacRae, Jennifer Broadhurst and Paul Teedon http://www.gov.scot/Resource/0052/00527483.pdf

238 SCDC Project document (unpublished)

239 Interview with Alasdair McKinlay and Kathleen Glazick, Scottish Government, and Simon Cameron, COSLA, 7 November, Edinburgh

240 Interview with Alasdair McKinlay and Kathleen Glazick, Scottish Government, and Simon Cameron, COSLA, 7 November, Edinburgh

241 Interview with Fiona Garven, SCDC, 3 November, Glasgow

242 See: https://pbscotland.scot/about/

243 Interview with Fiona Garven, SCDC, 3 November, Glasgow

244 Interview with Fiona Garven, SCDC, 3 November, Glasgow

245 https://www.scotsman.com/news/opinion/martyn-mclaughlin-snp-s-revolution-risks-leaving-the-poorest-behind-1-4601588

246 Community Choices Budgeting Framework – COSLA http://www.cosla.gov.uk/sites/default/files/documents/17-10-27_item_05_cc_pb_framework.pdf

247 Interview with Alasdair McKinlay and Kathleen Glazick, Scottish Government, and Simon Cameron COSLA, 7 November, Edinburgh

248 Interview with Leah Lockhart, Democratic Society, 1 November, via telephone

249 Community Choices Fund: 2016/17 Report (Sept 2017) https://static1.squarespace.com/static/558172f0e4b077ee5306aa83/t/59df4df7197aeac813c1ffb1/1507806721119/Community+Choices+2016-17+Report.pdf

250 Evaluating Participatory Budgeting Activity in Scotland – Interim Report Year 2 - Angela O'Hagan, Clementine Hill O'Connor, Claire MacRae, Jennifer Broadhurst and Paul Teedon http://www.gov.scot/Resource/0052/00527483.pdf

251 Interview with Leah Lockhart, Democratic Society, 1 November, via telephone

252 Evaluating Participatory Budgeting Activity in Scotland – Interim Report Year 2 - Angela O'Hagan, Clementine Hill O'Connor, Claire MacRae, Jennifer Broadhurst and Paul Teedon

253 Evaluating Participatory Budgeting Activity in Scotland – Interim Report Year 2 - Angela O'Hagan, Clementine Hill O'Connor, Claire MacRae, Jennifer Broadhurst and Paul Teedon http://www.gov.scot/Resource/0052/00527483.pdf

254 Interview with Alasdair McKinlay and Kathleen Glazick, Scottish Government, and Simon Cameron, COSLA, 7 November, Edinburgh

# Commitment 5. Increasing participation

## Commitment Text

*We will improve citizen participation by: (i) bringing local government functions closer to communities through the development of new legislation; (ii) ensuring the people who use public services are involved in designing them; (iii) building an Open Government movement in Scotland.*

### Milestones

1. *Development of local democracy legislation: (i) wide public engagement on developing and finalising policy proposals, (ii) publication of analysis of stakeholder views, (iii) introduction of Bill to parliament.*
2. *Improved tools and techniques for citizen participation: (i) a prototype model of a Scottish Approach to Service Design will be co-produced and used by 20 organisations involved in the design of public services; (ii) people whose first or preferred language is British Sign Language (BSL) will be able to participate on a fair and equal basis in the design of Scotland's digital public services and policies; (iii) guidance on inclusive methods and tools for service design will be published in an accessible website as they emerge through the development of the Scottish Approach to Service Design and these joint actions.*
3. *Open Government Movement: Jointly develop a programme of engagement with civil society including a minimum of 6 events over the course of the Pioneer year.*

## Commitment Overview

| Status of Completion | Limited |
|---|---|
| Start Date | April 2016 |
| Intended Completion Date | December 2020 |
| Responsible Office | Ingage, Local Government and Communities |
| Did It Open Government? | No change |

| Is it a STAR commitment? | No |
|---|---|
| Starred commitments are considered exemplary OGP commitments. To receive a star, a commitment must meet several criteria:<br>- It must be specific enough that a judgment can be made about its potential impact. Starred commitments will have "medium" or "high" specificity.<br>- The commitment's language should make clear its relevance to opening government. Specifically, it must relate to at least one of the OGP values of Access to Information, Civic Participation, or Public Accountability.<br>- The commitment would have a "transformative" potential impact if completely implemented.<br>- Finally, the commitment must see significant progress during the action plan implementation period, receiving an assessment of "substantial" or "complete" implementation. | |

| Commitment Overview | Specificity | | | | OGP Value Relevance | | | | Potential Impact | | | | Completion | | | | Did It Open Government? | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | None | Low | Medium | High | Access to Information | Civic Participation | Public Accountability | Tech. and Innov. for Transparency and Accountability | None | Minor | Moderate | Transformative | Not Started | Limited | Substantial | Complete | Worsens | No change | Marginal | Major | Outstanding |
| Overall | | ✔ | | | | ✔ | | ✔ | | | ✔ | | | ✔ | | | | ✔ | | | |
| 5.1 *Local democracy legislation* | | | | ✔ | | ✔ | | | | ✔ | | | ✔ | | | | | | | | |
| 5.2 *Improved tools and techniques for citizen participation* | | ✔ | | | | ✔ | | ✔ | | | | ✔ | | | ✔ | | | | | | |
| 5.3 *Open Government Movement* | | ✔ | | | | ✔ | | | | | ✔ | | | ✔ | | | | | | | |

## Commitment Aim

Overall Objective & Relevance

Involvement in democracy was one of the most talked about issues during discussions which emerged from the Fairer Scotland conversation following the independence referendum (see commitment 3). Many members of the public advocated further opportunities for local people to play a part in decisions that affect them and their community[255]. This view is echoed by the Scottish Social Attitudes Survey 2015, which, as noted under the previous commitment, found that at least 8 in 10 citizens felt that people either "definitely should" or "probably should" be involved in making decisions about how local services are run and money is spent[256].

With regards to citizen involvement in the design of public services specifically, the Commission on the Future Delivery of Public Services noted, in 2011, serious shortcomings in the capacity of public services to deliver better outcomes due to fragmentation, complexity and opacity. In particular, it noted that the public service system was "top down" and unresponsive to the needs of individuals and communities[257].

The Scottish Government's Digital Strategy, meanwhile, notes a change in people's expectations of public services as access to, and use of, the internet and mobile technology rises, with citizens

increasingly preferring to access information and services online. Technology, according to the strategy, allows greater scope for interaction and can contribute to improving outcomes and reducing costs.[258]

In order to address these issues, this commitment identifies three strands of work for Government, working with civil society, to improve participation, namely by: (i) engaging citizens on, and introducing, legislation to bring local government closer to communities: (ii) working with those involved in designing digital public services to ensure that the tools for engaging citizens promote diversity and inclusion in government; and (iii) building an Open Government movement in Scotland with civil society to seek the public's views of what an Open Government should look like.

This commitment is primarily relevant to the OGP values of civic participation (all milestones) and Technology & Innovation for Transparency & Accountability (milestone 2), given the clear focus on formal public involvement in the design of legislation and public services and, in the case of milestone 2, in the promotion of modern technologies for information sharing and participation. Milestone 3, meanwhile, is relevant to broader public participation insofar as it aims to support civil society and interested citizens to better define what open government means to them.

Specificity and Potential Impact

The level of specificity for this commitment is low. It identifies both government and civil society leads responsible for implementation. However, as with the previous commitment, it includes milestones whose completion dates fall beyond the timeframe of the action plan implementation period as well as two pre-existing initiatives.

Some of the commitment language describes clear, verifiable activities with measurable outputs. This applies in particular to milestone 1, which defines the steps to be taken in consulting on and submitting a bill to parliament. However, for other milestones the language is vague and outputs ill-defined, making it difficult to objectively verify whether the target has been met. For example, under milestone 2, it is not clear what "*a prototype model of a Scottish Approach to Service Design*" entails, or how its implementation might be measured. Likewise, although milestone 2 commits to enabling people whose use British Sign Language (BSL) to participate in the design of digital public services, the milestone gives no details on what actions will be taken to achieve this goal.

The potential impact of this commitment is moderate. As discussed above, the relevance of the commitment to OGP values and to a number of the challenges and demands identified by citizens is clear. There is a strong desire among the Scottish people to be more actively involved in decision-making and service delivery design. The activities presented in milestones 2 and 3 represent an important step in this direction. For example, under milestone 2, the development of guidance on inclusive methods and tools for service design has the potential to enable a more systematic and consistent approach to citizen engagement in this area, while under milestone 3, the development of an open government movement comprising both civil society and government representatives on an equal footing, is an ambitious approach which has the potential to introduce a more partnership-based model for the way in which the government and civil society interact. The approach is not without its challenges, however, as demonstrated by the limited degree of genuine partnership witnessed during the Action Plan development process (see *Process of development of the action plan,* above). Early discussions among members of the Scotland Open Government Network also illustrate the inherent tensions in pursuing such an approach. At the heart of these discussions has been the question of how the network can maintain open, frank and critical dialogue on sensitive topics given the presence of Scottish Government representatives in the network. Thus, the potential impact of this partnership-based model

will depend on the extent to which the open government movement is able to sustain a supportive yet arms-length approach to engaging with the Scottish Government.

As Doreen Grove, the OGP point of contact in the Scottish Government, noted, this commitment involves not only the use of participation techniques (such as citizen juries), but also building capacity among citizens to participate and in government to support participation[259]. While the commitment language does not clearly convey this approach, the combination of tools and capacity building, if adopted, is more likely to achieve more meaningful and sustained participation.

Nevertheless, the potential of this commitment to be transformative is affected by the fact that it encompasses a rather broad mix of unrelated activities rather than a joined-up approach to increasing participation. This runs the risk of Scottish Government implementing a range of discreet activities which do not add up to a coherent whole. Furthermore, the low specificity of the commitment means that, ultimately, it will be difficult to define and measure impact. Finally, the rationale for milestone 1 (development of local democracy legislation) as a means to increase civic participation is unclear, given the introduction of the Empowerment Act in 2015, which aims to do just that. While Doreen Grove, the OGP point of contact for the Scottish Government, noted that the milestone refers to involving citizens in the development of new legislation more generally, as opposed to developing new legislation to enable participation *per se*, this is not reflected in the wording of the milestone, which makes reference to the introduction of a specific local democracy bill to parliament.

**Completion:** *Limited*

There has been limited progress on this commitment and none of the milestones have been completed. This is partly due to the fact that the completion dates for many of the activities presented in the plan fall beyond the action plan period. But it is also because of the rapidly changing political context over the year (in the case of milestone 1) and a lack of clarity among stakeholders on what the milestone was meant to deliver (in the case of milestone 3). In contrast, there has been significant progress towards milestone 2, although concrete results are yet to be demonstrated.

**Milestone 1**
*Development of local democracy legislation: (1.1) Wide public engagement on developing and finalising policy proposals; (1.2). Publication of analysis of stakeholder views; (1.3.) Introduction of Bill to parliament*

This milestone, as presented in the action plan, has not been achieved. The introduction of a Local Democracy Bill was initially an SNP manifesto commitment with the aim of decentralising functions, budgets and oversight to communities. The action plan committed the Government to conducting wide public engagement on developing and finalising policy proposals, and publishing the analysis of stakeholder views by the end of 2017, with a view to introducing the bill to parliament by 2019.

According to Alasdair McKinlay, the Government´s Head of Community Empowerment, a range of circumstances has led the government to rethink their strategy and conduct a broader local governance review between January and June 2018 before introducing the legislation, as initially planned, including an already planned review of the role of local government in relation to health and community councils, council elections in May 2017, the snap UK elections in June 2017 and the fallout from the 2016 Brexit referendum[260]. Instead, the local governance review was included in the Scottish Government´s Programme for Government 2017/18[261]. The review aims to ensure that changes to governance arrangements, including through the Local Democracy Bill, are informed by a wide range of views about how best to bring control over budgets and services closer to local communities. This will involve

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building an understanding among stakeholders and citizens about the scope for change, and supporting ideas which can improve the way decisions are taken about public services in local communities[262].

According to Alasdair McKinlay, the review will go beyond a discussion about government structures and the proposed legislation to include a much broader conversation about promoting local inclusive growth and community empowerment, with two tracks: one the community level and one at the local government level[263]. COSLA welcomed the widening of the scope of the review and noted their desire to co-produce it with government[264].

**Milestone 2**

*Improved tools and techniques for citizen participation: (2.1) A prototype model of a Scottish Approach to Service Design will be co-produced and used by 20 organisations involved in the design of public services; (2.2) People whose first or preferred language is BSL will be able to participate on a fair and equal basis in the design of Scotland´s digital public services and policies; (2.3) Guidance on inclusive methods and tools for service design will be published in an accessible website as they emerge through the development of the Scottish Approach to Service Design and these joint actions.*

This milestone includes 3 sub-components. For the purpose of this review, the first and third components have been merged as they represent different elements of the same product (a model of a Scottish Approach to Service Design). All the activities under this milestone have seen substantial progress although they have not all been completed by end of 2017.

The prototype model for service design takes the form of a playbook, which includes a set of principles and basic tools for designing public services from a citizen point of view. The final playbook will be an interactive website from which those responsible for service design will be able to access a description of the principles of service design, a description of the different processes involved, and a range of service design tools that can be used at different stages. An initial sketch of the playbook was completed in December 2017, with a full draft version expected by March 2018, beyond the period in review (1 January to 31 December 2017)[265]. Although the playbook has not been co-produced and used by 20 organisations as stated in the action plan, it has been developed in collaboration with a range of key stakeholders, primarily the Digital Office for Scottish Local Government and the NHS Improvement Service, as well as third sector organisations such as the SCVO, and Open Change (a design organisation in the third sector)[266].

In addition, the government is hiring a service designer to work with the NHS healthcare improvement service to help accelerate service design work. The government is also working with a network of service designers and user researchers to create a repository of design and service patents, running workshops[267] with user researchers across UK to support more inclusive participation in service design, and working with elected representatives to ensure that they also understand the principles of participatory service design[268].

According to Cat Macaulay, from the Scottish Government´s Digital Directorate, the government´s Social Security Programme represents an important test case for the emerging Scottish Approach to Service Design[269.] The programme has developed a user research and design strategy to provide expertise and capacity to support inclusive, collaborative, service design, project development and delivery through the entire service design cycle. A key component of the strategy is building an "engagement culture" within the programme by committing every member of the Social Security Programme to meeting service users every year[270]. The disability benefits component of the programme,

which is both the biggest and most controversial element, began the discovery phase in October 2017, with service users involved from inception[271]. To this end the government has convened a user panel of 2400 people from across Scotland who have lived experience of applying for benefits[272] and who have committed to participating in different sessions over a period of three years.

The timeframe for the full realisation of the second component of this milestone (participation of the BSL community in the design of Scotland´s digital public services and policies) is 2020. However, progress has been made over the year through the development and publication of the Government´s first British Sign Language (BSL) National Plan which runs from 2017 to 2023. The action plan is a key requirement of the recently introduced BSL (Scotland) Act 2015 and sets out ten long-term goals for BSL in Scotland, including improved access to a wide range of information and public services in BSL by 2020[273]. The plan was developed in collaboration with an advisory group of 11 BSL users and representatives of 9 public bodies. The BSL users were selected to reflect their own experiences in a personal capacity, rather than as representatives of organisations[274].

Under the BSL (Scotland) Act 2015, every local authority, territorial health board, college and university also has to develop its own plan within the next year. Therefore, the next step for the government is to shift from national to local and sectoral support, providing guidance to a range of organisations on developing these plans. In the longer term the government will also focus on implementation of the national plan and the development of a progress report by 2020[275].

**Milestone 3**
*Open Government Movement: Jointly develop a programme of engagement with civil society including a minimum of 6 events over the course of the Pioneer year*

Progress on this milestone has been limited. The milestone commits to a jointly developed programme of engagement with civil society including a minimum of 6 events. However, discussions with both Scottish Government and civil society representatives revealed a lack of consensus around the exact nature and purpose of these events and responsibility for leading on this milestone, which makes it difficult to judge the extent to which it has been achieved as intended.

The Scottish Government´s October progress update on the action plan states, with reference to this milestone, that "the SCVO have led a series of engagement events in partnership with a range of organisations across civil society and the Civil Society OGP Network is growing".  These took the form of a series of informal "meet-ups" in Dundee, Edinburgh, Glasgow and Fife[276].  The progress update also states that "the Scottish Government are working with partners to develop internally focussed events and guidance to improve understanding of OGP aims and participation processes amongst policy makers"[277].

However, according to Paul Bradley from the SCVO, the meet-up events were not conceived of as directly contributing to this milestone, although they have contributed to the broader movement building agenda. Likewise, in his view, while developing and growing the OGP network clearly contributes to the broader goal of building a movement around open government in Scotland, it does not form part of this milestone[278].

**Early results: did it open government?**
*Civic Participation: No change*

The aim of this commitment is to address the widely held desire among Scottish citizens to play a more active role in decisions that affect them and their communities, including decisions on how public services are designed and run. It was rated as having moderate potential impact given its clear relevance to the OGP value of citizen participation and to addressing a number of the challenges and demands identified by citizens. However, of the 7 components (split between three milestones) envisaged under this commitment, only four of them were expected to be completed within the action plan timeframe. At the same time, milestone 1 has been put on hold, while milestone 3 has suffered from a lack of clear direction. Coupled with the limited specificity of two of the milestones, this means that it is ultimately too early to ascertain the extent to which it has had an impact in opening government.

This applies in particular to the first milestone. While the decision to delay the development of the proposed Local Government Bill in anticipation of a broader local governance review is a pragmatic one, any impact of this stream of work is a long way from being realised at the action plan implementation period.

In contrast, there are some early, if localised, signs of a change in engagement culture within government as a result of the second milestone. According to Cat Macaulay, the government´s work on creating a set of shared principles - including a commitment to citizen participation, inclusivity and accessibility - as well as developing a standardised approach to service design is an important first step towards shifting the culture of service design away from traditional operational delivery models. The most tangible example of this shift is in the design of the Social Security Programme, as described above.

A number of civil society representatives also recognised the promise which the programme - and in particular the citizen panel - holds, although they also noted some scepticism around how open the process will ultimately turn out to be. Jamie Livingston, from Oxfam Scotland, and Lucy McTernan and Ruchir Shah from the SCVO, all stressed that the ultimate test of the citizen panels will be the extent to which they lead to concrete changes in policy which reflect the needs identified by the panel[279]. Likewise, for Leah Lockhart from the Democratic Society, the key to impact is creating a change of culture from within and bringing expertise into public services. In this respect she noted that "small successes and changes are really quite valuable right now"[280].

The expectations around the Social Security Programme are well recognised by the Scottish Government. As noted by Cat Macaulay, the first iteration is unlikely to meet all expectations, partly because it will initially require a certain amount of "lift and shift" of existing and complex processes from the UK social security system. Therefore, she sees it a critical for government to focus on "the culture, systems, processes and people to gear up for the second phase"[281].

In much the same way, it is too early to identify any concrete results from the work around BSL given that the action plan has only just been developed. Nevertheless, Hilary Third described the process for developing the BSL (Scotland) Act 2015, which preceded the plan, as "a game-changer for parliament" while the government´s treatment of BSL as a language and cultural issue, rather than as a means of communication to support for disabled people, also represented a shift in attitude towards the needs of the BSL community[282]. However, she also noted the challenge - which is not unique to this strand of work - of ensuring that the learning from such approaches is translated into other areas of work, beyond BSL. This latter point is critical to ensuring that approaches to participation and openness within Scottish Government can have broader impact.

With regard to the third milestone, given the lack of clarity around roles, responsibilities and the overall purpose of the planned activities, early results are difficult to identify. As noted above, the definition of what is to be included under the banner of an open government movement is contested.

On the government side, the challenge, according to Emma Harvey, is finding the right levels at which to pitch open government. For many civil servants open government is not always seen as immediately relevant to their work, and it is often wrongly equated with a more narrow focus on FoI. On the other hand, many within government are actually doing work which is very relevant to open government agenda, but without labelling it as such. Thus, while there is a growing number of civil servants within government who have understood the purpose of OGP, including at senior levels, the challenge, in her view, is knowing how far to push the message more broadly[283]. Lucy McTernan and Ruchr Shah from the SCVO, meanwhile, acknowledged the work of the Ingage team in encouraging broader participation from government in the Scotland Open Government Network  but stressed the need for this movement to grow further within government to achieve greater impact in transforming culture[284].

On the civil society side, Ruchir Shah from noted a growing interest in OGP from civil society which he hadn't anticipated, citing the growth in the OGP network over time as one example of this. In his view, efforts to link the OGP to the SDGs has helped make open government more tangible for many CSOs.[285]. On the other hand, other CSO representatives noted a lack of clarity around the purpose of OGP in Scotland and the need  to link up with existing communities working on OGP relevant issues, including some of those involved in the original conversations around the action plan[286].

**Recommendations**

- This commitment would benefit from a more structured and coordinated approach to implementing participatory techniques across government departments, by joining up existing pockets of good practice. The Democratic Society´s proposed work on mapping existing participatory approaches in use is to be encouraged as a starting point for helping government and others to identify the best participatory approaches for different contexts, and the tools and skills needed.
- Based on an improved understanding of existing practice, future iterations of this commitment should include a more well-defined set of activities attached to specific policy areas and which are clearly measurable and can be implemented with an OGP action plan cycle.
- In order to continue building an OGP movement in Scotland, the Scotland Open Government Network should focus on developing a coherent narrative for what OGP in Scotland aims to achieve accompanied by clear messages targeted at different sectors. This would enable the network to better engage with existing civil society groups with a thematic or sectoral focus by explaining in more concrete terms what OGP can bring to their work. The Ingage team, meanwhile should aim to build a similar understanding across government departments.

[255] Scottish Government (2016) Creating a Fairer Scotland: What Matters tp you- A Summary of the Discussion so far (last accessed 14 July 2017) http://www.gov.scot/Resource/0049/00496638.pdf
[256] Scottish government (2015) Scottish Social Attitudes Survey 2015: Attitudes to Social Networks, Civic Participation and Co-production (last accessed 14 July 2017)  http://natcen.ac.uk/media/1240692/ssa-2015-publication-for-web.pdf
[257] Commission on the Future Delivery of Public Services (2011) Report on the Future Delivery of Public Services chaired by Dr Campbell Christie (last accessed 14 July 2017) http://www.gov.scot/Publications/2011/06/27154527/0

258 Scottish Government (2011) Scotland's Digital Future A Strategy for Scotland (last accessed 14 July 2017) http://www.gov.scot/Resource/Doc/343733/0114331.pdf

259 Interview with Doreen Grove, Scottish Government, 21 June, via Skype

260 Interview with Alasdair McKinlay and Brian Logan, Scottish Government, 7 November, Edinburgh

261 http://www.gov.scot/Resource/0052/00524214.pdf

262 Scottish Government (2017) Local Governance Review: Stakeholder Engagement Strategy (unpublished)

263 Interview with Alasdair McKinlay and Brian Logan, Scottish Government, 7 November, Edinburgh

264 http://www.cosla.gov.uk/sites/default/files/private/leaders-programmeforgovernmentreport.pdf

265 Interview with Cat Macaulay, Scottish Government, 24 November, via Skype

266 Interview with Cat Macaulay, Scottish Government, 24 November, via Skype

267 See for example: https://blogs.gov.scot/digital/2017/07/03/service-design-champions/

268 Interview with Cat Macaulay, Scottish Government, 24 November, via Skype

269 Interview with Cat Macaulay, Scottish Government, 24 November, via Skype

270 Scottish Government (2017) Engaging users in the design of Social Security: URSD engagement Strategy (unpublished)

271 Interview with Cat Macaulay, Scottish Government, 24 November, via Skype

272 https://beta.gov.scot/publications/social-security-experience-panels-faqs/

273 http://www.gov.scot/Publications/2017/10/3540

274 Interview with Hilary Third, Scottish Government, 3 November, Edinburgh

275 Interview with Hilary Third, Scottish Government, 3 November, Edinburgh

276 https://opengovpioneers.miraheze.org/wiki/Scotland_Meet-ups#Current_Status_of_Open_Government_meet-ups

277 OGP Scotland October 2017 update http://www.gov.scot/Topics/Government/OGP

278 Interview with Paul Bradley, SCVO, 3 November, Glasgow

279 Interview with Jamie Livingston and Francis Stuart, Oxfam Scotland, 2 November, Edinburgh: Interview with Lucy McTernan and Ruchir Shah, SCVO, 1 November, Edinburgh

280 Interview with Leah Lockhart, Democratic Society, 1 November, via telephone

281 Interview with Cat Macaulay, Scottish Government, 24 November, via Skype

282 Interview with Hilary Third, Scottish Government, 3 November, Edinburgh

283 Interview with Doreen Grove and Emma Harvey, Scottish Government, 9 November, Edinburgh

284 Interview with Lucy McTernan and Ruchir Shah, SCVO, 1 November, Edinburgh

285 Interview with Lucy McTernan and Ruchir Shah, SCVO, 1 November, Edinburgh

286 Interview with Jamie Livingston and Francis Stuart, Oxfam Scotland, 2 November, Edinburgh; Interview with Leah Lockhart, Democratic Society, 1 November, via telephone

# Method and Sources

The IRM report is written by well-respected governance researchers. All IRM reports undergo a process of quality control to ensure the highest standards of research and due diligence have been applied.

Analysis of progress on OGP action plans is a combination of interviews, desk research, and feedback from nongovernmental stakeholder meetings. The IRM report builds on assessments of progress put out by civil society, the government, the private sector, or international organizations.

The first and primary objective of the IRM is to verify completion of action plan commitments and the level of participation. Beyond this, the IRM seeks to assess potential impact and early changes in behavior around open government. There are two intended outcomes: accountability and learning. The method follows these aims. A second, important function of the IRM is to act as a "listening post" for the concerns of civil society.

Each report undergoes a 4-step review and quality control process:

- Staff review: IRM staff reviews the report for grammar, readability, content, and adherence to IRM methodology
- International Experts Panel (IEP) review: IEP reviews the content of the report for rigorous evidence to support findings, evaluates the extent to which the action plan applies OGP values, and provides technical recommendations for improving the implementation of commitments and realization of OGP values through the action plan as a whole
- Pre-publication review: Government and select civil society organizations (at the discretion of the researcher) are invited to provide comments on content of the draft IRM report
- Public comment period: The public is invited to provide comments on the content of the draft IRM report.

## Interviews and Focus Groups

Each IRM researcher is required to hold at least one public information-gathering event. Care should be taken in inviting stakeholders outside of the "usual suspects" list of invitees already participating in existing processes. Supplementary means may be needed to gather the inputs of stakeholders in a more meaningful way (e.g. online surveys, written responses, follow-up interviews). Additionally, researchers perform specific interviews with responsible agencies when the commitments require more information than accessible online. If IRM researchers wish to substitute a stakeholder meeting with another format, they should communicate this to IRM staff.

The IRM researcher conducted a total of 29 interviews with government officials and civil society representatives (see full list below) and attended the Scotland OGP Network event on 8th November 2017 in order to gather the views of network members on the OGP process in Scotland. The full list of attendees is presented below.

The researcher is grateful to Doreen Grove and Emma Harvey from the Scottish Government for facilitating interviews with relevant government officials directly involved in the OGP process in Scotland

including the implementation of specific commitments. The researcher would also like to thank the SCVO and particularly Paul Bradley for facilitating the stakeholder meeting and helping to identify relevant civil society representatives for interview.

## 1. List of stakeholders interviewed

*Government*

- Doreen Grove, Ingage team, Local government and Communities Directorate, Scottish Government, 21st June 2017, via Skype
- Doreen Grove and Emma Harvey, Ingage team, Local government and Communities Directorate, Scottish Government, 9th November 2017, Edinburgh
- Sarah Davidson, Director General for Organsational Development and Operations, Scottish Government, 6th November 2017, Edinburgh
- Alasdair McKinlay and Kathleen Glazick, Community Planning and Empowerment Unit, Local Government and Communities Directorate, Scottish Government, and Simon Cameron, COSLA, 7th November 2017, Edinburgh
- Alasdair McKinlay and Brian Logan, Local Government and Communities Directorate, Scottish Government, 7th November, Edinburgh
- Ian Davidson and Gerry Hendricks, FoI team, Strategy and Constitution Directorate, Scottish Government, 9 November 2017, Edinburgh
- John Nicholson, Aileen Wright and Gavin Henderson, Financial Management and Financial Strategy Directorates, Scottish Government, 2nd November 2017, Edinburgh
- Scott Bell and Laura Martin, Scottish Procurement and Commercial Directorate, Scottish Government, 3rd November 2017, Edinburgh
- Roger Halliday, Chief Statistician, Scottish Government, 2nd November 2017, Edinburgh
- Paul Tyrer, Head of Social Justice Strategy, and Karen Armstrong and Housing and Social Justice Directorate, Scottish Government, 9th November 2017, Edinburgh
- Cat Macaulay, Head of User Research and Service Design, Scottish Government, 24th November 2017, via Skype
- Hilary Third, Equality Unit, Scottish Government, 3 November, Edinburgh
- Colin Cook, Director, Digital Directorate, Scottish Government, 3rd November 2017, Edinburgh

*Civil society*

- Andy Williamson, Open government expert, 7th November 2017, Edinburgh
- Alistair Stoddart, Scotland Network Director, Democratic Society, 26 October 2017, via Skype
- Kaela Scott, Engagement lead for Scotland, Involve, 21st June 2017, via Skype
- Kaela Scott, Engagement lead for Scotland, Involve, 6th November 2017, Edinburgh
- Jamie Livingston, Head of Oxfam Scotland and Francis Stuart, Policy and research adviser, Oxfam Scotland, 2nd November 2017, Edinburgh
- Lucy McTernan, Deputy Chief Executive, Scottish Council for Voluntary Organisations (SCVO) and Ruchir Shah, Policy manager, SCVO, 11th July 2017, via Skype
- Lucy McTernan, Deputy Chief Executive, Scottish Council for Voluntary Organisations (SCVO) and Ruchir Shah, Policy manager, SCVO, 1st November 2017, Edinburgh

- Fiona Garven, Director, Scottish Community Development Centre (SCDC), 3rd November 2017, Glasgow
- Paul Bradley, Project coordinator for Open Government, Scottish Council for Voluntary Organisations (SCVO), 3rd November 2017, Glasgow
- Leah Lockhart, Digital engagement officer, Democratic Society, 1st November 2017, via telephone
- Jennifer Wallace, Lauren Pennycook and Rebekah Menzies, Carnegie UK Trust, 6th November 2017, via telephone
- Alison Hosie, Research officer, Scottish Human Rights Commission, 7th November 2017, via telephone
- Pheona Matovu, Radiant and Brighter, Glasgow, 7th November 2017, via telephone
- Sandra Martin, Glasgow Women´s Centre, 8th November 2017, via telephone
- Jon Dickie, Child Poverty Action Group, 9th November 2017, Edinburgh
- Angus Hardie, Director, Scottish Community Alliance, 7th November 2017

## 2. OGP Stakeholder Meeting

Date: 8th November 2017

Venue: Hayweight House, Edinburgh

Synopisis: The November meeting of Scotland's Open Government Network – focusing on OGP Action Plan progress and network next steps – took place on Wednesday 8th November. The meeting provided an opportunity to directly interact with the Open Government Partnership's Independent Reporting Mechanism and to shape next steps in the development of Scotland's Open Government Network. Most of the meeting was dedicated to discussion with Andy McDevitt, the independent evaluator assigned by OGP to assess Scotland's Action Plan, to review progress with the delivery of Scotland's current Open Government Action Plan. The main topics were: monitoring implementation of the action plan, status of completion of the action plan, early results of the action plan. https://www.opengovernment.org.uk/2017/12/12/scotland-open-government-network-meeting-notes-8-november-2017/