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CO-PRODUCING LOCAL POLICIES THROUGH CITIZENS' PANELS

Dawid Sześciło*

INTRODUCTION

The expansion of New Public Governance,¹ New Public Service,² and/or Collaborative Governance³ in the context of local governance is marked with emerging new forms of citizens' co-production of policies and public services. *Co-production* translates these three general shifts towards collaboration into a set of specific tools and methods of citizens' engagement in order to design and implement policies of service delivery.⁴ While primary focus of co-production is on engaging citizens in service delivery, it also refers to co-planning (co-design), co-financing, and co-evaluation.

This article reviews current experience with one of the most promising forms of co-production of local public policies, i.e. *citizens' panels* enabling local communities to discuss and co-decide on various aspects of local governance, using the sophisticated mechanism of public consultation. This model was developed several decades ago in the United States.⁵ However, in recent years we can observe its global expansion, stimulated by dissemination of best practices when implementing this tool.

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¹ Osborne, S. (2006), The New Public Governance?, *Public Management Review*, 8:3. See also, Osborne, S., ed. (2009), *The New Public Governance? Emerging Perspectives on the Theory and Practice of Public Governance*, Oxford University Press.

² Denhardt, J. V. and Denhardt, R. B. (2011), *The New Public Service: Serving, Not Steering*, New York: M.E. Sharpe.

³ Ansell, C. and Gash A. (2007), Collaborative Governance in Theory and Practice, *Journal of Public Administration Research and Theory*, 18:4.

⁴ Bartenberger, M., & Sześciło, D. (2016). The benefits and risks of experimental co-production: The case of urban redesign in Vienna. *Public Administration*, 94(2), 509-525.

⁵ Crosby, N., Kelly, J. M., & Schaefer, P. (1986). Citizens panels: A new approach to citizen participation. *Public administration review*, 170-178.

CITIZENS' PANELS – WHAT IS SPECIAL ABOUT THEM? REVIEW OF INTERNATIONAL PRACTICE

Traditional models of public consultation involves the possibility to submit written comments to the policy proposals or to present opinions at consultative meetings. This model can hardly be perceived as interactive and deliberative. Interested citizens or civil society groups share their views with respective public authorities, who should consider this feedback while shaping the final policy choices. Ideally, authorities holding consultations should refer to each comment or proposal submitted in the course of the consultation. But in practice, responses may be limited to informing public authorities about acceptance or rejection of the comment/proposal, without engaging in further discussion, or joint elaboration in final decision. Flaws and limitations of this model are clear. The citizens' views expressed during consultation are not usually evidence-based – instead, they reflect personal or group interests, rather than providing informed, well-grounded input into the decision-making process. Furthermore, this traditional model of consultation does not benefit from active dialogue and exchange of views and ideas. Finally, traditional public consultation is prone to being captured by interest groups or organisations having capacity and resources to dominate the consultation processes.

Citizens' panels offer an opportunity to tackle these problems and limitations. *Brown* noted four major advantages of citizens' panels compared to other forms of public participation: “(a) they create opportunities for dialogue between experts and lay citizens, (b) they limit interest group representatives to participation as expert witnesses and steering group members, excluding them from the citizen panel itself, (c) they have no authority to make legally binding decisions, and (d) they address themselves to both public officials and the general public.”⁶ Thanks to emphasis on expert involvement and deliberation, citizens' panels also help focus discussions on public matters with reasoned argument rather than self-interested claims.⁷

Obviously, as noted in the literature, this method of public participation has its own limitations and challenges. Managing a citizens' panel might be expensive and, in most cases, it would require external expertise. Support of external experts might be required particularly for methodological design of the

⁶ Brown, M. B. (2006). Survey article: citizen panels and the concept of representation. *Journal of Political Philosophy*, 14(2), 203-225, 204.

⁷ Brown, M. B., Lentsch, J., & Weingart, P. (2005). Representation, expertise, and the German parliament: a comparison of three advisory institutions. In *Democratization of Expertise?* (pp. 81-100). Springer, Dordrecht.

panel (e.g. establishing criteria for selection of the members of the panel) and subsequently managing work of the panel, including facilitation of the discussions and work in groups. It might also be problematic to encourage participants to attend the meetings of the panels.⁸ This relates particularly to permanent citizens' panels, where the participants are invited to serve as members of the panel for fixed term up to a few years.

International experience with citizens' panels is expanding rapidly. Permanent or ad hoc citizens' panels are being organized for example in the UK, New Zealand, and Germany. In Singapore, the first citizens' panel was arranged in 2019. There, 58 participants were invited to discuss the topic of work-life harmony. In the first step, all Singapore citizens were encouraged to apply for participation in the panel. Around 300 people responded to this invitation. Among them participants were selected in such a way as to ensure representation of various groups, i.e. employers from various branches of economy, employees with different profiles, including full-time and part-time employees or freelancers, and participants with different family situations. Panel discussions were focused on three issues: (i) identifying underlying factors affecting work-life harmony in the context of supporting families (including marriage and parenthood aspirations), (ii) the related issues and trade-offs, and (iii) developing solutions that could be implemented by the whole of society. Participants are supported with access to a wide range of information and opportunities to meet and discuss relevant topics with subject-matter experts. It should also be noted that Singaporeans who were not part of the panel could continue to share their views and ideas on the topic through the suggestion box.

Planning cells, is a specific citizens' panel model, developed in Germany. As with typical citizens' panels it begins by recruiting a group of participants through a random selection mechanism, ensuring representation of various population groups. Subsequently, the work of the planning cells consists of three phases: 1) providing the participants with access to information and expertise regarding the topic subject to consultation; 2) interaction between members of the planning cell, who are working in small groups and produce recommendations to be presented to the plenary; and 3) presentation of the outcomes (recommendations) produced by each group to the plenary. Based on plenary discussion and previous work in smaller groups, moderators, responsible for managing the work of the planning cell prepare the initial draft of the citizens' report. It is subsequently presented to the members of the planning cell for authorization. Once approved by the participants, a report is

⁸ Dehlin, J. (2017). Democracy and participation - the Swedish model, URBACT.

published and disseminated. It is also submitted to relevant public authorities to aid in decision-making.⁹ Peter Diemel, the scholar who designed the concept of planning cells, reported already in 1999 that since its inception in 1972, it was used 155 times in 39 different locations and proven an effective aid to resolving hardened conflicts and producing consensual outcomes.¹⁰ In some cases the original idea of the citizens' panel relying on physical meetings of the panelists was modified into format of online consultation. For example, the citizens' panel in the Palmerston North City Council (New Zealand) consists of over 1000 randomly selected participants who respond to monthly circulated surveys relating to various topics relevant to the local community.¹¹

There are also proposals in the literature to expand the concept of citizens' panels into governance of public matters at the national level. For example, Gastil and Wright¹² propose the concept of a bicameral parliament, in which one chamber comes - as before - from elections, and the other chamber consists of citizens selected by lot. The un-elected chamber members serve multi-year terms, with part of the chamber's composition being replaced every year. Both chambers have equal powers in this system. They are equipped with legislative initiative, and effective adoption of a given law requires concerted action by both chambers.

CASE STUDY: CITIZENS' PANELS IN POLAND

Citizens' panels are a relatively new addition to the catalogue of mechanisms of co-production of local policies in Poland. In recent years, this area was dominated by the expansion of *participatory budgeting*, i.e. a decision-making process through which citizens deliberate and negotiate over the distribution of public resources.¹³ According to the latest research, this method of public participation has been introduced in nearly 200 Polish municipalities.¹⁴

⁹ Slocum, N. (2005). *Participatory methods toolkit. A practitioner's manual: Planning Cell*, King Baudouin Foundation and the Flemish Institute for Science and Technology Assessment.

¹⁰ Diemel, P. C. (1999). Planning Cells: The German Experience. *Participation beyond the ballot box: European case studies in state-citizen political dialogue*, 81-94.

¹¹ Public Voice (2019). Palmerston North City Council - Citizens' Panel, online: <https://www.publicvoice.co.nz/portfolio/pncc-citizens-panel/>, accessed 31 December 2019.

¹² Gastil, J., & Wright, E. O. (2019). *Legislature by Lot: Transformative Designs for Deliberative Governance*. Verso Books.

¹³ Wampler, B. (2007), 'A Guide to Participatory Budgeting', in: Shah, A. (ed.), *Participatory Budgeting*, Washington: The World Bank.

¹⁴ Pracownia Badań i Innowacji Społecznych „Stocznia”. (2018). At <<https://bp.party.cypacjaobywatelska.pl/porownywarka-budzetow/>>, accessed 31 December 2019.

Experience with more sophisticated methods of public consultations were limited so far to experiments with *deliberative polls*. The idea of a deliberative poll is similar to a citizens' panel, i.e. it is based on arranging a substantive discussion and exchange of arguments (deliberation) about a problem important for a particular community. In the first step, a specific group of randomly selected residents (not necessarily a representative group) are probed. Then, optimally for several days, a debate on this topic is carried out with their participation, as well as with the involvement of external experts and discussants, which is to provide participants with a broader knowledge of the issue, enable them to form a view based on reliable arguments. Finally, the participants are questioned again to assess how much the deliberation process has affected their views. The deliberative poll method was first used in Poland in November 2009 when Poznań city explored scenarios for managing its Municipal Stadium after the conclusion of EURO 2012 European Football Championship. However, the Poznań recommendations have never been implemented and the whole concept of deliberative poll was abandoned.

The first citizens' panels were organized in Poland in 2017. So far, the following topics were discussed during panels organized in Polish cities: air quality,¹⁵ supporting civic activity in schools,¹⁶ strengthening citizen participation tools and support,¹⁷ improving rainwater retention,¹⁸ Gdańsk resident assistance after heavy rainfall,¹⁹ water retention reservoir management,²⁰ promoting equality for men, women, and the LGBT community.²¹

Based on Gdańsk's experience, we can describe the Polish model of citizens' panel. It has been regulated by the decision of the Mayor of Gdańsk that specifies the rules of procedure and utilization of the panels' outcomes. According to this regulation, the citizens' panel consists of Gdańsk residents selected by a special procedure. The Steering Team also invites experts and representatives of organizations, institutions, offices and other entities interested in the subject of consultation to participate in the work of the citizens'

¹⁵ Lublin 2017; Gdańsk 2017

¹⁶ Gdańsk 2017

¹⁷ Gdańsk 2017

¹⁸ Gdańsk 2016

¹⁹ Gdańsk 2017

²⁰ Gdańsk 2017

²¹ Gdańsk 2017; Sześciło, D. et al. (2019). *Polska samorządów. Silna demokracja, skuteczne państwo*, Warszawa: Fundacja im. Stefana Batorego.

panel.

The composition of the citizens' panel reflects the demographic structure of Gdańsk, taking into account the following criteria: (a) district, (b) gender, (c) age, and (d) level of education.

The citizens' panel consists of 63 randomly selected people as panelists, as well as four reserve people who may replace an absent panelist. Panelists are selected based on representative population numbers for all Gdańsk districts, see the table below.

District Population	Panelists
Districts below 10,000 residents	1 panel representative
Districts over 10,000 and below 20,000 residents	2 panel representatives
Districts over 20,000 and below 30,000 residents	3 panel representatives
Districts over 30,000 and below 40,000 residents	4 panel representatives
Districts over 40,000 residents	5 panel representatives

The criterion of age, gender, and education is reflected on the citizens' panel in proportion to the number of inhabitants in these categories in accordance with principles established by the Steering Team. Reserve persons replace panelists in the event that a panelist cannot continue to participate in the citizens' panel. Reserve persons take part in all the works of the citizens' panel, except for voting on accepting the recommendations, unless they replace the panelists.

Citizens' panel work may be scheduled over the course of several meetings. In practice, most of the panels have been held in two full day sessions (two consecutive Saturdays). Citizens' panel work may include subgroup discussions, lectures, or educational workshops. Experts selected by the Steering Team may be appointed to participate in the work of the citizens' panel. Citizens' panels may also appoint an expert proposed by a panelist if the majority of panelists support it and if the financial resources for consultations allow it.

The citizens' panel prepares recommendations for consultations, which are adopted by panelist votes. If, when accepting recommendations in a given case, there are at least three options to choose from, voting is carried out in the form of indicating options in the order of their preferences or rating options on a scale of 0 to 5. If there are more than five options to choose from, preliminary voting can be carried out in order to reduce the number of available options.

The results of the citizens' panel are published by the Mayor. Formally, the panels' recommendations are not binding on city authorities. However, city officials declared their commitment to implementing recommendations from all panels. Still, it is too early to evaluate the degree of implementation, as most recommendations require mid to long-term actions.

CONCLUSION

Citizens' panels appear to be one of the most promising tools for reinvigorating democracy, especially at local level. In the era of "fake news" and crisis of evidence-based policymaking, they also offer a unique opportunity to make public consultation focused more on developing reliable, well-grounded and substantially discussed policy solutions. This tool tackles major drawbacks and limitations found in traditional public consultation models and transforms citizens from passive recipients or commentators of policymaking processes into active co-producers.

On the other hand, there are some challenges and limitations in implementation of this tool. First, it requires much more resources and management efforts than traditional public consultation. It also remains difficult to define objective, non-arbitrary criteria for designing the panel composition. Finally, there is also a risk of manipulation, i.e. designing and managing the panel in a way that only confirms pre-defined policy choices. Therefore, the future research and practice of citizens' panel should focus not only on underlining the benefits of this model, but also studying and dealing with its challenges and risks.