



The Scottish Parliament
Pàrlamaid na h-Alba

Scottish Parliament Citizens' Jury on land management and the natural environment

Diùraidh Shaoranaich aig Pàrlamaid na h-Alba air stiùireadh fearainn is an àrainneachd nàdarra

Thursday, 11 July 2019



Introduction

On the weekend on 29-31 March 2019, the Scottish Parliament hosted its first ever Citizens' Jury: a public engagement method which involves a broadly representative sample of the population coming together to learn about an issue, discuss it, deliberate and reach a set of recommendations.

Deliberation, a key aspect of Citizens' Jury processes, involves participants learning about a topic from experts and stakeholders, evaluating the evidence presented, exchanging reasoned arguments, and agreeing recommendations after considered judgement.

The Citizens' Jury considered the question of how funding and advice for land management should be designed to help improve Scotland's natural environment.

Over the weekend, the 21 members of the jury heard from a range of experts about the topic and worked together to come up with a set of principles that the Environment, Climate Change and Land Reform (ECCLR) Committee should consider when exploring the issue of funding for land management and environmental impact. The jury also came to a consensus on preferred aspects for a new funding model.

The Citizens' Jury is an example of the Parliament moving towards a more participative approach to scrutiny, as recommended by the Presiding Officer's Commission on Parliamentary Reform¹.



Choosing a topic

During December and January 2019, Parliamentary staff worked with experts in deliberative democracy, including Dr Oliver Escobar and Dr Stephen Elstub, to identify potential topics that would be suited to a Citizens' Jury approach.

¹ Commission on Parliamentary Reform, 2017, <https://test123582.files.wordpress.com/2016/10/commissiononparliamentaryreformreport-june20171.pdf>

We identified five key criteria² for selecting a Citizens' Jury topic:

1. **Problem:** There needs to be a problem that requires solving and that would benefit from the input of citizens through a small deliberative process.
2. **Scope:** Deliberative forums usually sample participants from the entire community, therefore the topic of the deliberative forum should be sufficiently broad in the groups that it will affect or should concern the entire community.
3. **Framing:** A topic for the deliberative forum can be posed as a question or in the form of a problem to solve. The topic should be framed in a clear and precise manner and its scope should be narrow enough to be able to discuss it meaningfully in the information phase of the deliberative forum and to have a realistic chance of resolving differences and agreeing actionable recommendations in the deliberative phase.
4. **Timing:** New issues that have only recently come to the public domain also make suitable topics where both the public and politicians are still forming opinions on the issue and political disagreements are yet to be identified.
5. **Impact:** The issue selected should relate to a current or forthcoming inquiry where the committee convener, members and staff see merit in a deliberative forum and are willing to make a firm commitment that the results will have a bearing on their own consideration and recommendations.

The ECCLR Committee agreed in February 2019 that a Citizens' Jury should be established to focus on land management funding and Scotland's natural environment. This would contribute to the committee's work on biodiversity later in 2019.

The Committee has identified land management funding after the UK leaves the EU as a key issue for supporting biodiversity conservation and enhancement in the future.



² The criteria for selecting the topic for the Citizens' Jury were derived from Elstub's research on linking mini-publics with parliamentary committees.

Shaping the question and selecting witnesses

Once the Committee had agreed the general topic for the jury, a group of relevant experts and stakeholders were approached to form a Steering Group which would help ensure that the process was fair, credible and transparent.

Steering Group members were agreed by the Committee's Convener and Deputy Convener and were brought together to form a relevant and balanced group of experts to support the process.

Steering Group members were asked to agree the specific question for the jury to address, the topics and information to be covered to ensure jury members could answer the question, and to identify and agree witnesses to present evidence to the jury.³

The Steering Group Members were:

- Professor Alison Hester, Senior Scientist, James Hutton Institute
- Andrew Bauer, Programs Manager, SAC Consulting
- Dr Maggie Keegan, Policy Officer in Scotland, British Ecological Society
- Professor Maggie Gill, Chair in Integrated Land Use, Biological Sciences, University of Aberdeen
- Sarah Hunter-Argyle, Senior Marcomms Manager, Agriculture & Horticulture Development Board

Decisions made by the Steering Group helped ensure that information was balanced, accurate and fair and that the topics covered, the materials provided, and the experts invited to contribute to the event represented the full range of perspectives.

The Steering Group agreed that the following question should be set for the jury to explore: ***How should funding and advice for land management be designed to help improve Scotland's natural environment?***

Recruiting jury members

The Scottish Parliament's Committee Engagement Unit worked with a not-for-profit organisation, the Sortition Foundation, to recruit a randomly selected and stratified sample of 22 people, based on 2011 Scottish Census data.

³ The rationale for establishing a Steering Group and the role they should take in the process came from Elstub's research on Citizens' Juries on onshore wind farms in Scotland.

Invitation letters from the ECCLR Committee Convener, Gillian Martin MSP, were sent to 3000 residential households across Scotland, selected at random from the Royal Mail's address database. Recipients were invited to register their interest in participating in an event relating the environment (the exact topic was not mentioned at this stage). When registering their interest, potential jury members provided the following demographic information: gender, age, postcode and educational attainment level.



Example of invitation sent to 3000 households

We received 205 responses, a 6.8% response rate, and the information provided by potential jury members was then used to select a sample that is broadly representative of the Scottish population. Selected Citizens' Jury Members had their travel and accommodation costs covered and received a participation fee of £100 in recognition of the time and commitment they gave. The payment of expenses and the participation fee were a key way of removing barriers to participation and ensuring that seldom heard voices were included in the process.

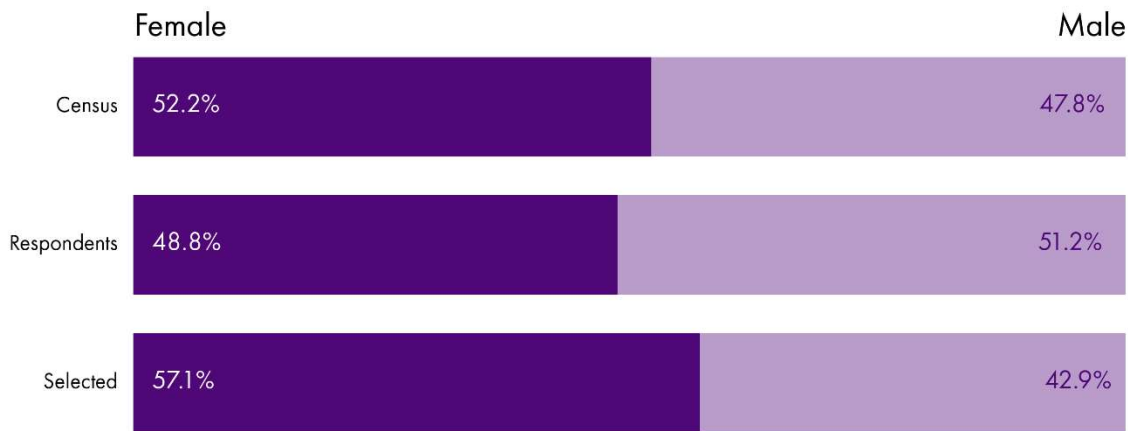
Citizens' Jury Members

We recruited 22 Citizens' jury members in total, though one selected jury member was unable to attend. The final 21 jury members were present for the entire weekend.

Because this is a small sample, the absence of one person had an effect on the overall balance of the jury's make-up. However, as the data below illustrates, the jury still represented a diverse group of citizens and demonstrated the benefits of random stratified selection methods.

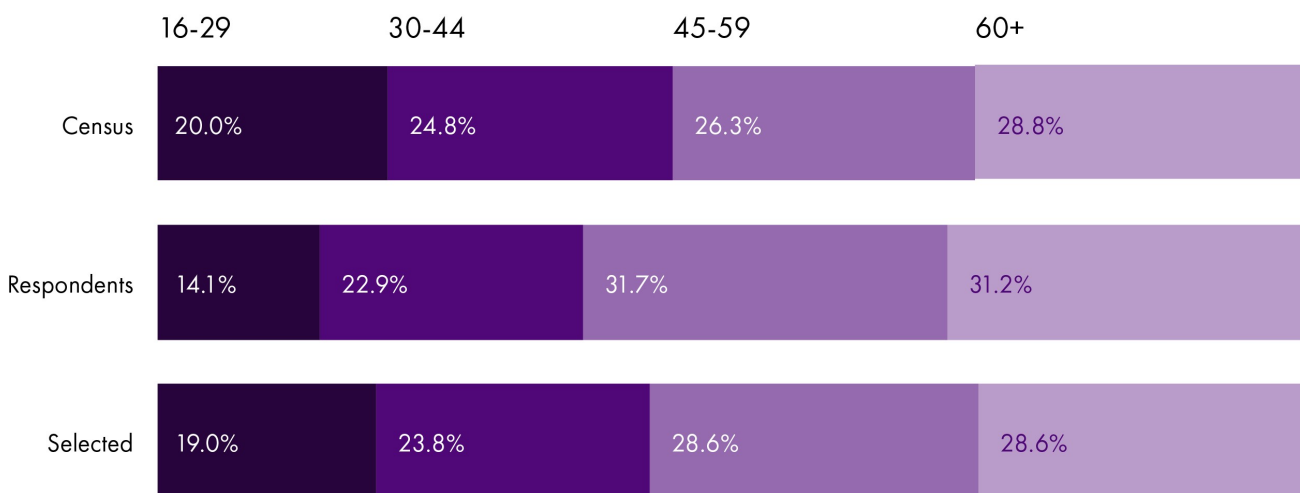


Gender



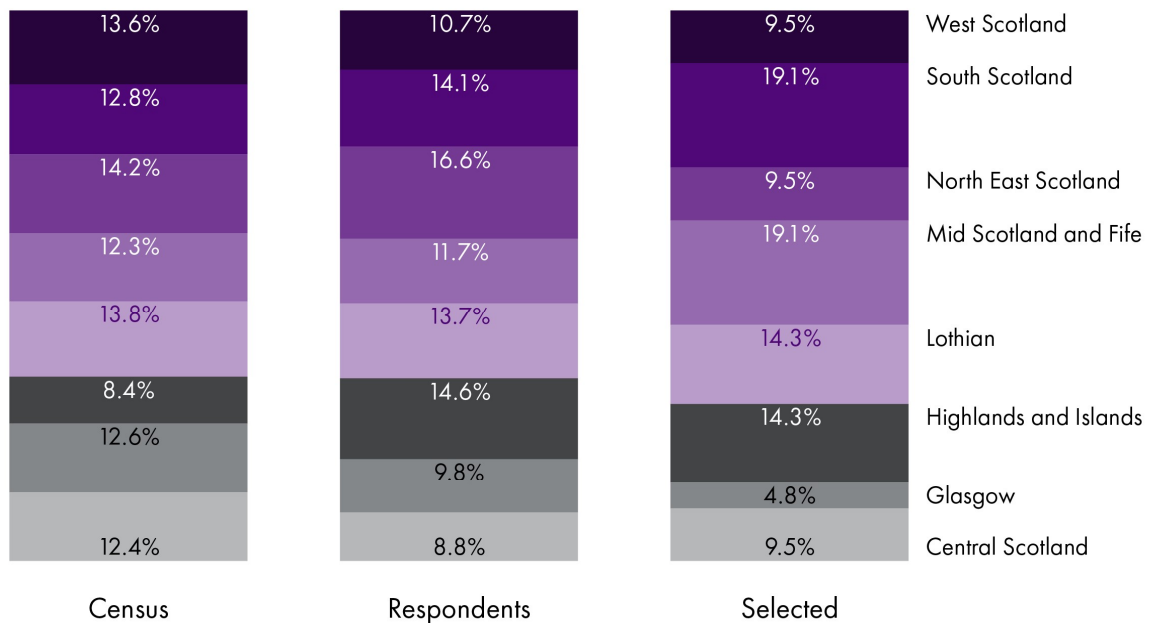
The jury members were 12 women and 9 men – a variation of $\pm 5\%$ compared to Scottish Census data.

Age



The jury members closely matched Scottish Census data for age. Stratifying the response sample allowed us to adjust for the under-response from 16-29-year olds and the over-response from 45-59-year olds.

Region



We aimed to have jury members from every Parliamentary region broadly in proportion to their population size. However, matching a small group of jury members to Census population data proved challenging while still ensuring broad representation across our other criteria.

As a result, some areas were overrepresented: Mid Scotland and Fife (+7%); Highlands and Islands (+6%); and South Scotland (+6%); and other areas were underrepresented: Glasgow (-8%); North East Scotland (-4%); and Central Scotland (-4%).

Nevertheless, the jury consisted of people from all over Scotland, and all eight Parliamentary regions were represented.

What are the benefits of a Citizen Jury?



Small size allows for open discussion & effective deliberation



Direct input from a diverse range of citizens



Participants get to hear a wide range of perspectives



Participants are supported to reach an informed verdict



It can identify a clear way forward on a particular issue

Educational Level



Educational attainment was defined by levels set out in the 2011 Census questionnaire:

- No Qualifications
- Level 1: National 4 or 5, Standard Grades, O Grades, or equivalent
- Level 2: Higher, Advanced Higher, A Level, or equivalent
- Level 3: HNC, HND, SVQ level 4 or equivalent
- Level 4 & above Degree, Postgraduate qualifications, Masters, PhD, or equivalent

Jury members broadly matched Census data across all educational attainment levels: No Qualifications and Level 1 (-3%); Levels 2 & 3 (+5%) and Level 4 and above (-2%). However, this compared with response rates which over-represented people with a degree or higher qualification by 26% compared to census data, and under-represented people with no qualifications by 34%. This demonstrated for us the potential of our recruitment process to reach those who are less likely to participate.

Diversity of opinion

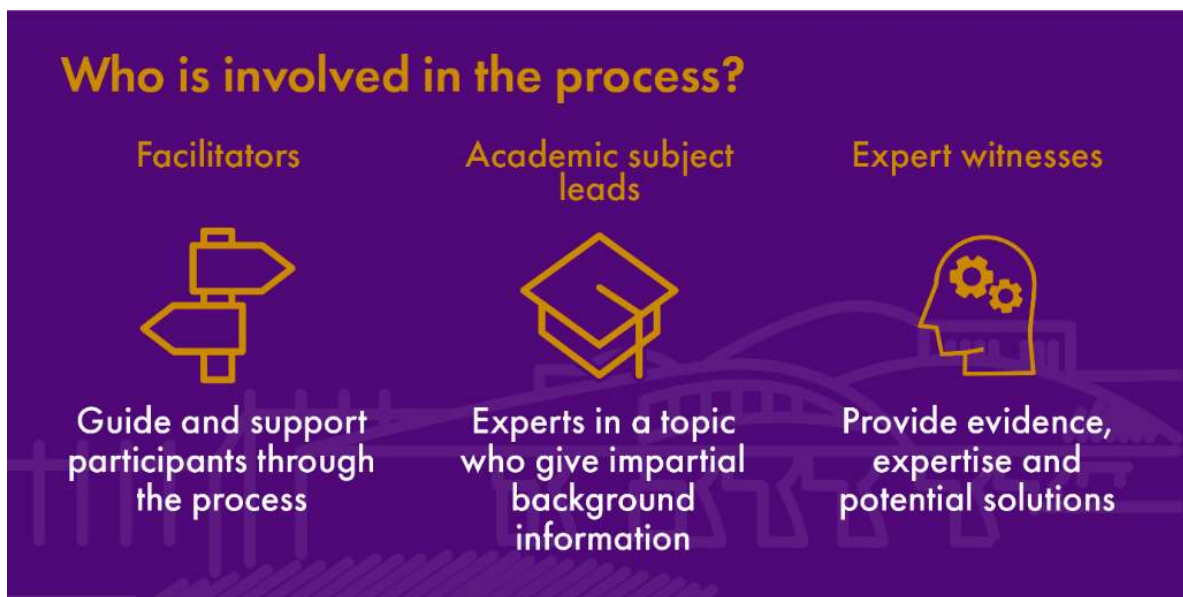
The group also came to the event with varied opinions about the Scottish Parliament. In an initial ice breaker, each jury member was asked to share the word that comes to mind when they think of the Scottish Parliament. 47% of jury members thought of a positive word, 32% a negative word; and 21% a neutral word (such as 'Edinburgh').

The event will be evaluated by Dr Stephen Elstub from the University of Newcastle, a research specialist in deliberative engagement. As part of the evaluation, jury members were asked to complete a survey at the beginning and end of the weekend which included questions on their political engagement and previous knowledge of the topic, as well as their experience of the Citizens' Jury. Results from the survey will be published in an evaluation report later this year and will allow us to assess in more detail the background and diversity of the group.

The Process

The Citizens' Jury process involved team building, learning about the topic, questioning witnesses, deliberation and consensus-based decision-making. A team of five facilitators from the Scottish Parliament supported this, guiding the jury members through the weekend activities and ensuring that all members had the opportunity to contribute to discussions and participate in the exercises. Initial indications from the participant survey showed that all participants felt that they had the opportunity to express their views and that other participants listened to them with respect.

The jury were also supported by Professor Geoff Squire, Principal Research Scientist at the James Hutton Institute. Professor Squire fulfilled the role of academic lead⁴, providing background information about the topic and being available to answer technical questions throughout the weekend. Professor Squire was recommended by the Steering Group as someone with wide array of knowledge about the topic being discussed by the jury.



Evening 1: Getting to know each other

Team Building and Agreeing How to Work Together

On Friday evening, the jury gathered at the Scottish Parliament to get to know one another, eat together, learn about the process and to create and agree a set of guidelines for the weekend.

⁴ The importance of the academic lead role to the process was highlighted by Elstub's research on Citizens' Juries on onshore wind farms.

The group were welcomed to the Parliament by Gillian Martin MSP, Convener of the ECCLR Committee, who remarked that the jury members were: “pioneers – as this is a new way of working for the Scottish Parliament... My committee has undertaken to consider carefully all your conclusions and use them to help us think about our own work in this area. We will let you know our reactions to your recommendations and let you know what we plan to do next.”

In between courses of their meal, jury members worked together to think about how they would approach the task ahead of them.

Dr Oliver Escobar, Lecturer in Public Policy at the University of Edinburgh, spoke to jury members about assessing evidence and applying critical thinking during the process.⁵

Jury members then worked in small groups to produce a prioritised set of ‘top tips’ that could be used to weigh up evidence during the weekend. The entire jury then came to an agreement on a list of ‘Deliberation Tips’ that were referred to throughout the weekend to support their work.

DELIBERATION TIPS



CONVERSATION GUIDELINES



- **There are no stupid questions.
Any question is a good question.**
- **Probe the evidence.
Experts can disagree.**
- **Listen to others.
Be aware of bias (in all of us).**
- **Go beyond style
and look for substance.**
- **Respect each other**
- **Don't talk over each other**
- **Listen to each other**
- **Allow everyone to contribute**
- **Ask for clarity**
- **Stay on topic**
- **Allow equal weighting of opinions**
- **Include everyone in conversations**
- **Don't put people down**

Jury members also discussed ways to ensure that everyone was heard and felt comfortable participating. This led to jury members drawing up and agreeing to their own conversation guidelines for the weekend. These guidelines were used throughout the weekend to ensure productive and respectful conversations and allow them to explore differences in opinion and work together well.

⁵ We learnt of the value of having a critical thinking session from Elstub's research on Citizens' Juries on onshore wind farms in Scotland

Day 2: Learning Phase

On Saturday morning, jury members were given a guided tour of the Parliament building to set the wider context for their work. The tour included visiting a Committee Room and the Chamber to allow them to connect the work they were about to undertake to the wider parliamentary process.



Facilitation Processes

During all the evidence sessions, outlined below, steps were taken to ensure that every jury member had an opportunity to participate comfortably. A range of participation techniques were used including:

- providing quiet time for individual reflection;
- allowing all jury members time to develop their thinking;
- working in pairs to help each other engage with complex information and share opinions;
- working in small groups to ensure jury members had time to fully explore and make sense of evidence and provide reasons for their opinions in a relaxed environment;
- whole group discussions to ensure all members were involved in key discussions and decisions at the same time.

Facilitators also ensured jury members worked in groups with as many different people as possible to expose them to a range of views and to prevent individual voices dominating discussions; and, maintaining, as far as possible, a balance of gender and age at each table.

A range of resources were used to capture information from discussions including flip chart paper; paper table cloths for mapping exercises; sticky dots for prioritising ideas; pre-designed pro-forma for capturing opinion; coloured cards for capturing ideas; and sticky walls for mapping and grouping key themes.

A Parking Space section was set up in the room to store any additional questions that arose during sessions so that these could be answered by the academic lead or expert witnesses at a later point.

Jury members were also given a glossary of key terms and a question mark card for them to display if they wanted clarification on a point being made by a speaker. This was designed to help keep jargon and overly complicated explanations to a minimum.

Learning about the topic

Throughout Saturday, jury members heard from and questioned a range of experts⁶, including academics, policy professionals, campaigners and land managers, to learn about the topic and gain an understanding of the various aspects of the question they had been set.

This included covering:

- Why the issue is important
- Land use and land management in Scotland
- Scotland's natural environment
- Public goods
- Examples of different land management funding models from around the world



⁶ The importance of utilising a variety of expertise was highlighted by Elstub's research

Why the issue is important

Jury members heard from Professor Geoff Squire about why the issue was important including learning about:

- Current land use funding models and why they need to be reviewed
- Why Scotland's natural environment needs to be considered within the discussion on funding for land use management
- How funding models currently work and how they impact upon Scotland's natural environment
- What public goods are in a land-use context and the existing scale of public goods delivery in Scotland
- The other trade-offs that must be considered during the discussion: economy, communities, food production, limited budget etc.

The session allowed the jury to explore why the issue mattered to them personally and why the issue mattered to Scotland. These initial ideas were then used to guide discussions throughout the weekend and were the starting point in the formation of key principles for ECCLR Committee to consider in the future.

Land Management & Land Use

In the second evidence session the jury explored land management and Scotland's multiple land uses with Dr Kirsty Blackstock, Qualitative Social Scientist at the James Hutton Institute.

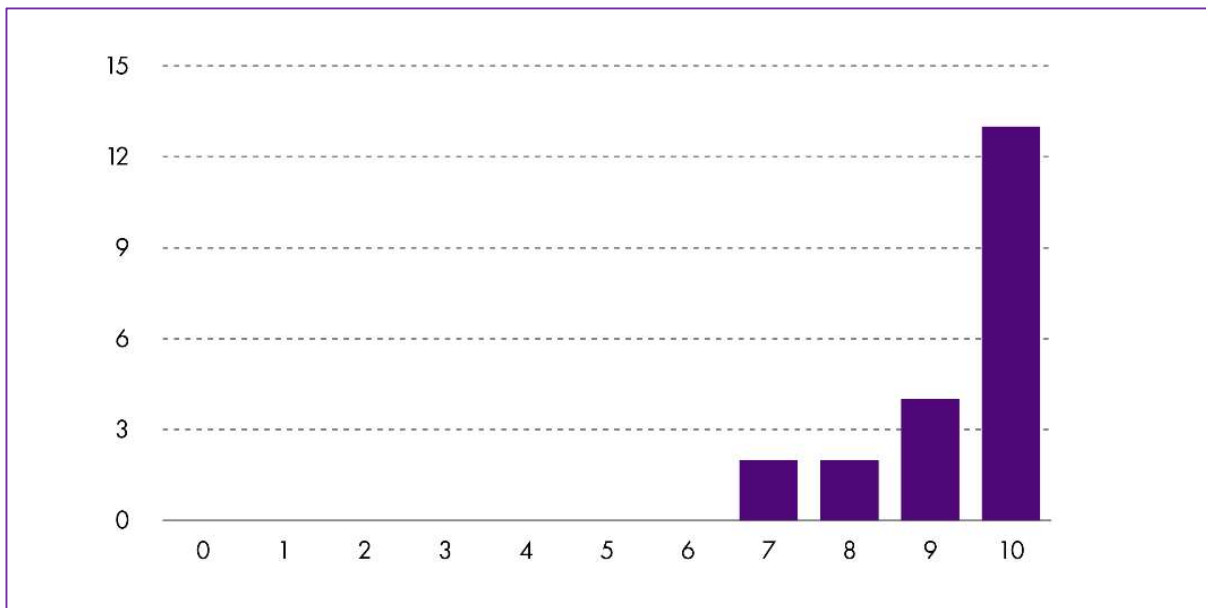


Dr Kirsty Blackstock (left) participating with jury members in an exercise exploring the needs of land managers

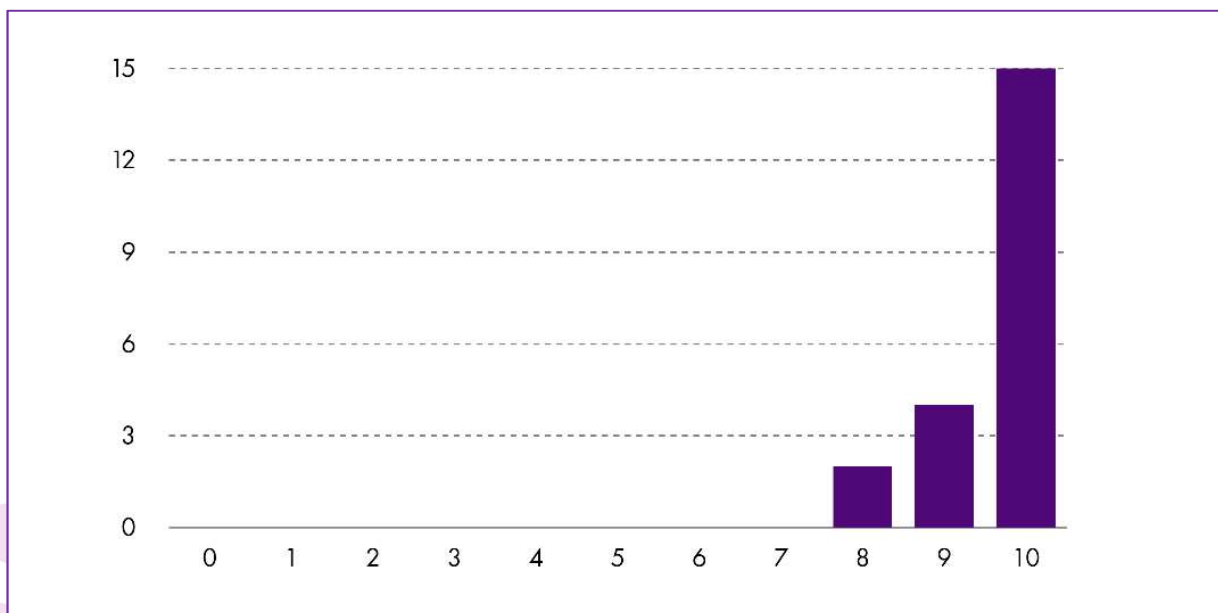
Checking in with jury members about their experience after Saturday

At the end of the Saturday session jury members anonymously participated in an exercise to gauge how well the jury process was working.

The group is working well together (0 – strongly disagree, 10 – strongly agree)



I had enough chances to contribute to the conversation (0 – strongly disagree, 10 – strongly agree)



This positive feedback from jury members indicated that the group was working well together as they moved into the final day of the Citizens' Jury.

Day 3: Hearing about solutions and making recommendations

Hearing from experts about potential solutions

On Sunday morning, the jury heard from and questioned a range of experts to explore potential solutions. This panel session was designed to enable the jury members to compare key positions side-by-side.⁷

Learning about the current Government position

The jury questioned David Barnes, National Advisor on Agricultural Policy at the Scottish Government, who outlined the current government position on future funding for land management. It focuses on ensuring 'simplicity and sustainability' for land managers by maintaining key aspects of current schemes for at least five years following exit from the EU and taking time to develop a bespoke policy for after the initial five years, which could include piloting or trialling new ideas for funding land management.

Hearing about potential solutions

The jury then listened to presentations and a debate between three key stakeholders:

- Steven Thomson, Senior Agricultural Economist, Scotland's Rural College
- Daphne Vlastari, Advocacy Manager, Scottish Environment LINK
- Eleanor Kay, Policy Advisor, Scottish Land and Estates

Each panellist gave a short presentation on their preferred funding model for land management focusing on the range of options open to land managers to receive support and whether:

- Their preferred funding model is Scotland wide or regional
- The environmental activities linked to their preferred funding model are mandatory or voluntary
- Access to funding in their preferred model is competitive or non-competitive
- Their preferred funding model would provide payment for actions or payment for results, in relation to Scotland's natural environment

Jury members questioned the panellists in order to gain a clearer understanding of the potential solutions and options available to inform their recommendations.

⁷ Using a range of methods and formats to present evidence was highlighted in Elstub's research.

Hearing from Land Managers

The final evidence session allowed jury members to speak to a range of land managers, hear about their lived experience and understand how different funding models and environmental activities would work for them.

The jury were joined by:

- Peter Ritchie, Farmer and Executive Director of Nourish Scotland
- Billy Neilson, Crofter and Commissioner, Crofting Committee
- Edward Baxter, Farmer, Gilston Mains Estate
- Chris Bailey, Conservationist and Advisory Manager at RSPB

Members worked in four groups to come up with questions for the land managers and had the opportunity to question each land manager for 20 minutes.

Questions put to land managers included:

Table 1

- Q1.** Should we be looking to develop a range of professional training or apprenticeships across farming to develop a wide range of support, skills and expertise? What areas would lend themselves best to this?
- Q2.** What initiatives are currently working well?
- Q3.** What type of initiatives could one-off payments support?

Table 2


- Q1.** What kind of payments to support the environment would also help you as a land manager?
- Q2.** Can we change consumer attitudes to paying higher prices for better quality, more sustainable food?
- Q3.** Do we need to take action to encourage more young people to go into farming/crofting?

Table 3

- Q1.** Is farming and profitability mutually exclusive?
- Q2.** Is there enough support for famers?

Table 4

- Q1.** Do you think the current system is working (supply chain, funding and advice)?
- Q2.** What are your views on training, CPD and business planning? Should they be a pre-requisite to funding allocation?
- Q3.** How popular is collaborative farming? Is it the way forward?
- Q4.** Do you feel trusted and valued by the people of Scotland?



Following the group discussions, all four land managers formed a panel and answered any final questions from the jury in plenary. By the end of the session, the jury had tested some potential solutions against the lived experience of land managers and they used this information to help inform their recommendations.

Reviewing the evidence

Following the evidence sessions, jury members were guided around the room to different stations to review all the evidence they had heard throughout the weekend.

They were asked to highlight the areas they felt were most significant in their deliberations, add aspects that they felt were important to include in their decision-making process and remove any factors that they felt were no longer relevant.

This allowed members to reacquaint themselves with discussions and ideas from throughout the weekend and provided clarity for the final decision-making sessions.

Consensus model


Due to the limited time available, the decision-making stage was based on a consensus model where the whole group suggested and reviewed potential principles and recommendations and agreed as a group.

Each jury member was given a green and a red card. If the jury member agreed with the proposal, they would show the green card. If they had further questions or changes they wanted to make, they would hold up the red card to prompt further discussion in order to come to a consensus.

Decision Making: Agreeing principles

Jury members were asked to review their initial thoughts on why the issue mattered to them personally and why the issue mattered to Scotland. These initial ideas were grouped into themes and the jury members agreed a set of key principles which they would like to see guiding future funding and advice for land management to support Scotland's natural environment.

The principles were grouped under three themes:

- Protecting the environment for the future
 - How we treat our land managers
 - Food
- 



Protecting the environment for the future

Future funding should be based on:

- Protecting natural resources for the future
- Sustainability with an emphasis on maintaining healthy land
- Funding the outcomes we want to see
- Environmental schemes with specific outcomes
- Less emphasis on holding land and more on productivity of land – including “environmental products”
- Sustainable – healthy food

These environmental principles should be more closely connected to: “how we treat our land managers.”


How we treat our land managers

Future funding should recognise that “you can’t be green if you are in the red” and should therefore aim to:

- Facilitate and support our land managers to make changes which benefit the natural environment
- Pay attention to the balance between productivity and the environment
- Make land managers feel valued and trusted
- Educate, and provide accessible, quality, up to date advice for, land managers
- Encourage farmers to learn from other farmers
- Involve land managers in crafting of legislation about future funding models

Food

We should give priority to making our homegrown food competitive leading to benefits of greater food security and supporting a healthier population by:

- 
- Promoting local food by emphasising (including through labelling):
 - Quality of food
 - Safety of food
 - Locality of food
 - Supporting a fair price to farmers for their produce

Decision Making: Final Recommendations


The jury members then discussed how these principles might be applied to the creation of any new funding schemes. They reached the following conclusions using the consensus model described above.

The overall aim of any funding scheme should be to create and support viable, environmentally friendly businesses.

Future funding support should be dependent on land managers developing bespoke integrated five-year land management plans tailored to their own area (making use of their own understanding of their land).

There should not be any payments just for owning/holding land (as in the two-pillar system) – payments should be linked to activities and outcomes.

Future funding support should be based on these principles:

- Outcome-based payments – available schemes should be guided by a set of principles establishing the environmental outcomes we want to see
 - A range of options based on best practice should be available for land managers to choose from, allowing them to choose environmental activities that they can balance with their business needs
 - Consideration should be given to making schemes non-competitive – this has benefits for small farms (who have less resources available to bid for funding), and ensures that some payment is guaranteed if you do the right things
 - Some funding should be set aside to allow space for bottom-up innovation to develop new solutions for specified priority outcomes
 - Funding support should also be tied over time to mandatory accreditation and continuing professional development (CPD) for land managers. Accreditation/CPD should be:
- 

- Available in a range of ways i.e. on the job not necessarily college or course based
- Supported by bespoke, accessible, up-to-date, face-to-face advice and mentoring

Jury members also identified a range of other issues which they felt deserved further consideration, although in the time available they were not able to discuss these fully to reach consensus on whether to include them as full recommendations. These were:

- Treat land management as a lifestyle – not just another job
- Value land managers' work and appreciation of environment
- Create more environmental land management jobs
- Focus on establishing a fairer supply chain
- Greening funding is too untargeted - penalties are too harsh so drive low risk behaviour (negative encouragement)
- Simplify schemes and measuring processes – so farmers don't have as many incentives to go for easiest results
- Provide disaster recovery support (e.g. for flooding, bad weather)
- Incentives for green or sustainable products
- Support small farms – e.g. more funding for first 50 hectares

The principles and recommendations provided by participants reflects consensus of the group. The value in Citizens' Jury outputs is not necessarily in generating new ideas but testing options against a broad and informed public opinion to find what areas they can agree on.

The findings have been submitted to ECCLR for their consideration as they consider future work in this policy area.

What happens next?



The recommendations made by the citizen jury are passed on to the committee to consider



The committee can use the recommendations to decide on the focus of an inquiry and to hold the Government to account



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