newDEMOCRACY

Deliberation Process for Rural Councils:
Constrained Time and Budget Model

Process Design Part 1 of 2

Methodology

1. *About The newDemocracy Foundation*

newDemocracy is a not-for-profit research group, with a particular focus on best-practice citizen engagement and innovations in democratic structures.

newDemocracy explores and tests engagement methods that enable a representative sample of the community to deliberate and seek **common ground**.

By combining the three elements of *random selection*, the *provision of time* and *access to a diverse range of information*, and *independently facilitated* forums for dialogue, newDemocracy believes that a much more robust and **publicly-trusted outcome** can be obtained which can assist governments in achieving public acceptance of **hard trade-offs**.

newDemocracy's research and advocacy is focussed on identifying less adversarial, more deliberative and more inclusive public decision-making processes. The goal of democracy is social cohesion, not division, so we need to design a democratic process that better delivers that.

newDemocracy's services are provided on a cost recovery basis - consistent with its structure as a not-for-profit foundation, with services provided pro-bono on occasion. Services for this series of designs are being provided at no charge. It follows discussion with Councils such as Moira Shire Council and Ararat Rural City Council (Victoria) that identified a need for this general advice.

newDemocracy is not a think tank and holds no policy views. newDemocracy also commissions independent third-party research which occurs in parallel to the process in order to ensure robustness and to capture the potential for improvements to existing democratic processes.

2. Overview

Local councils are uniquely placed to engage deliberatively with their community. They make complex trade-off decisions that need to be tailored to local needs. Traditionally, this level of engagement has been too difficult for small councils, and so surveys and self-selected groups are default options. These are both too easy to ignore and provide the wrong kind of answers. A representative and deliberative engagement is much more difficult to set aside because of the way it involves the community in actively making the informed decision for council.

This is pertinent as the current Victorian Local Government Act review has proposed (among other significant reforms) changes to improve the transparency, responsiveness and collaborative capacity of councils. Specifically, it has suggested that deliberative community engagement will be included in the new Act, requiring Councillors to participate in deliberative processes with the method to be determined by each council.

The method is indicative of a desire to engage with the community thoroughly; to go deeper in talking about who and what should be contributed over the coming budgetary period (and into the future) and having those hard conversations about priorities, growth, development and capacity to pay. Many small, regional and rural councils must do this within limited means and find a way to genuinely build a role for residents as a complementary voice and input in making public decisions.

With this in mind, newDemocracy has designed this model to apply deliberative principles to a process that works in a regional and rural location in a time and cost sensitive manner. Approximately 30-50 randomly selected residents who, armed with time and free access to information and clear authority to make recommendations will answer the question posed to them by their Council.

It is important to note that Council will be undertaking this process in an environment where deliberative processes are gaining widespread recognition for their effectiveness and are expected to be a legislative requirement when the Victorian Government's review of the Local Government Act is completed in 2018. Successful implementation of this process design – as a pilot project for others to replicate – will place a council among the leaders in the state, and undoubtedly assist other councils and Local Government Victoria as they seek to implement the new act.

3. Different processes for different Councils

Why should Council do something different from the usual community engagement activities that it has used in the past? Simply put, because it will allow Council to make decisions that the wider community can look at and trust by more directly and visibly 'sharing the decision'. The commitments, principles and decisions they make will be more trusted because residents can see they are based on the recommendations of "people like me", overseen by "people like me" and ultimately supported and endorsed by "people like me".

Most forms of government engagement are quite shallow, and opinion driven. We have faith in people's ability and willingness to think if they are given the chance and can see it is worth their time.

Without this, there is every likelihood that any major directions Council outlines will face the standard degree of cynicism and scepticism. This is not a comment on the merits of a Council's work or intent; simply a comment on the importance of public trust and the inherent difficulties that any council faces. Community engagement that simply ticks the requisite boxes serves no meaningful purpose in achieving actual and practical community support.

In contrast, newDemocracy's principles point to the opposite approach: enable a fairly small but diverse group of people to gain a deeper experience of the work done by Council and identify areas of common ground; encourage the group members to think broadly and laterally and to clearly communicate what it is they want from their Council. This is not an audit; nor an expert advisory report. **Even in a limited setting, it is a process that will deliver a valid, reliable and considered summary of local views from the community in place of raw opinions or an extensive wish-list**. Councillors already know what passionate and motivated advocates believe is right for the community, because they hear from them often. The process is designed to share with Councillors the informed views of people who are much less likely to engage with them.

Importantly, in this document, newDemocracy has designed a method that provides a deliberative approach to community engagement while taking specific account of three unique regional and rural council characteristics.

First, this process is one that reflects the **geographically-dispersed** nature of a local government area with a small population. Accordingly, this process will see the operation of a deliberative process that stratifies for land use. In identifying 'who is the community' we note the importance of this criteria.

Second, this project acknowledges that small rural councils have **limited resources** to undertake a deliberative process. While Council wants to engage deeply and effectively in order to generate meaningful input from the community this needs to be undertaken in a cost-effective (zero-cost) manner. Full-scale Citizens' Jury projects deliver highly meaningful outcomes, as has been shown by newDemocracy in other settings, but can be expensive processes to run. It is possible to apply deliberative principles in a method more suited to cost pressures of a small rural council – and in doing so – move beyond traditional formats which much of the community view as meaningless.

Third, this process is designed around **time pressures**. Completion of the project is set within a 2-month period. Even modified jury-style processes require significant time inputs. In a trade-off between time and depth of engagement, this process will operate on a single weekend. This is still considerably more time – and allows for the consideration of more sources than citizens typically would when looking at a government decision.

Accordingly, this process design will build on the core idea of **Deliberative Polling** (designed by Stanford's James Fishkin) to achieve a balance of time and deliberation. We also range beyond the Deliberative Poll design to move beyond the constraint of showing citizens only a limited range of options. The options provided become a starting point, one which citizens can move beyond if this helps them find common ground.

This method is **significantly** different from a standard jury process in a number of ways. These differences will change the outputs from the process, and the way the deliberation will occur in the room.

The power of deliberative processes lies in the way they combine the core elements of **time, information** and **common ground**. Deliberative polling is a compromise on both time and common ground. This is because deliberative polling is typically a single day exercise (excluding the pre-reading before the day), and deliberative polling is typically an individualised process. It is individualised because it focuses on the views of individuals in a room and not the view of 'the room' as a whole. This changes the way people interact with the process and reduces the incentive to find common ground in providing recommendations. newDemocracy holds the view that the act of identifying trade-offs is the most valuable insight to offer government.

newDemocracy has designed a process that best avoids these compromises in the restricted timeframe available. We have done this by modifying the way polling occurs in the room. Shifting the group's purpose toward finding positions of consensus from available options, in contrast to the orthodox technique of revealing variance in individuals' views.

This approach maintains the strength of deliberation in finding common ground, while at the same time working within a two-day timeframe.

4. How to frame the question

It is of central importance that the limit of the group's decision-making authority is pre-agreed and clearly conveyed. This must be expressed simply, broadly and openly so as not to be interpreted as directing a particular decision. It will serve to focus the group's discussions.

The remit needs to provide an open question that clearly stipulates the topic but does not curtail the groups' exploration of the topic from the outset.

REMIT EXAMPLES

Different types of land pay different amounts of rates to Council.
What is a fair balance?

-

Which infrastructure projects should we prioritise?

-

Where should Council's budget priorities lie?

The project needs to pass the test of being the single best offer to participate in a shared public decision that a citizen can ever expect to receive - and this is central to the very high positive response rates we are able to achieve for invitations of this type.

For this reason, clear **authority** needs to be given to the participants from the outset.

An example of clearly communicating this authority might be:

The unedited recommendations of the deliberative process will be published by Council.

A response to your recommendations will be given in person by the Mayor and Councillors.

 A detailed written response to your recommendations will be provided by Council within 45 days.

This explanation of what will happen at the end of the process, and the commitment to publically responding to the recommendations, reinforces the seriousness with which council is treating the process.

What constitutes a decision?

This process is different from a standard Citizen Jury model, in which newDemocracy requires an 80% supermajority for a final decision from the participants.
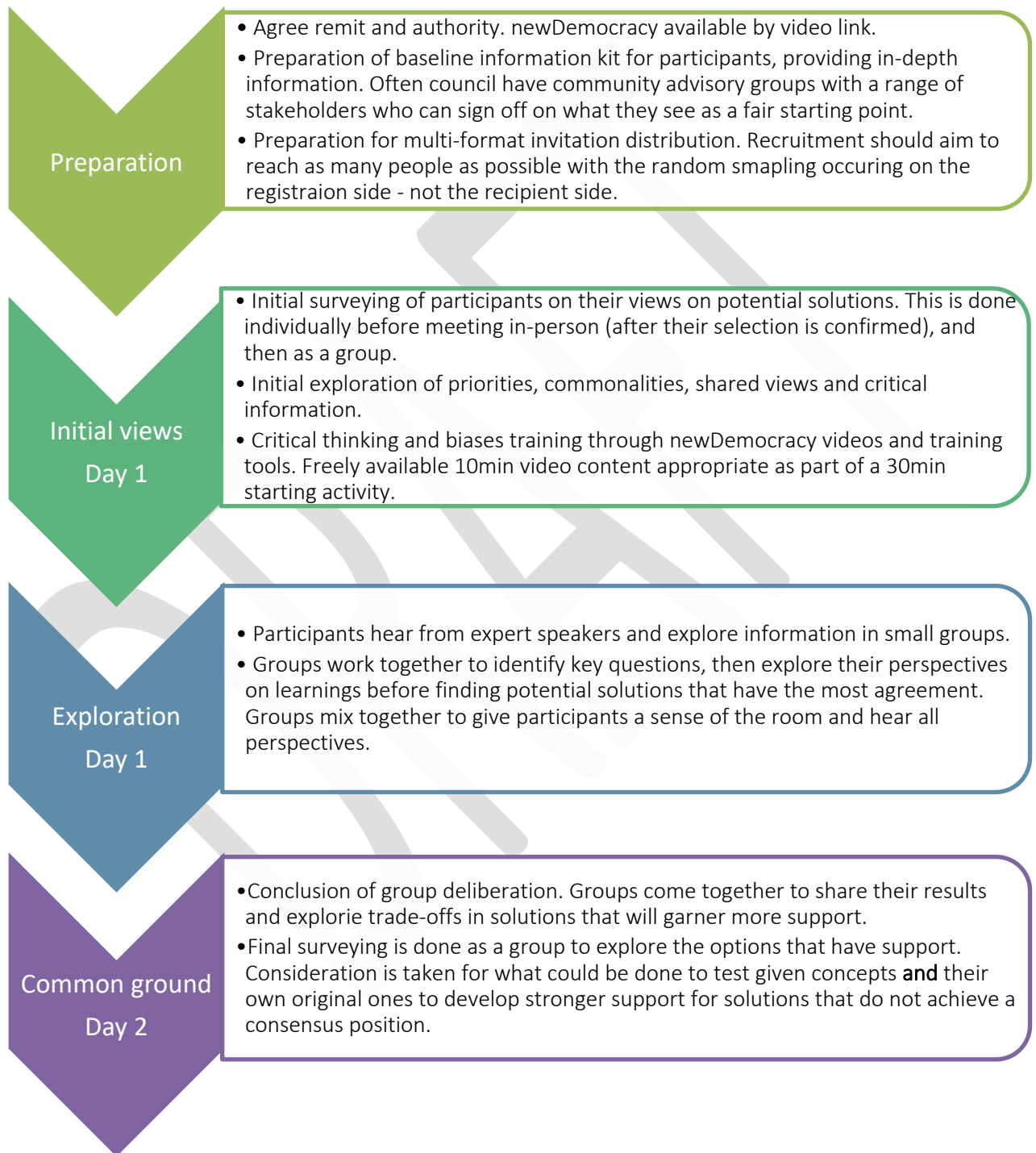
In this design, deliberative exercises focus on their tendency to reach consensus (or group consent) positions. The nature of surveying the views of the room as individuals and not as a group would capture a different **reflection of the room**. It would generate a comparison between the views of individuals in the room before they deliberated and again after they deliberated. Instead, this process will focus on discovering areas of common ground by surveying the group as a collective 'room' and not as individuals.

Participants are polled as individuals prior to the project in the recruitment phase (after their selection have been confirmed). This builds starting-point data that is useful for measuring changes in views. However, as the process unfolds further measurements of acceptance are taken in a group setting that shifts the purpose of the room toward finding common ground.

These outputs are significantly different from a consensus decision in a standard jury process because they are not blank page recommendations. However, this process will produce **a clear statement on the common ground found between a representative mix of the community when given access to information and deliberation and the freedom to propose their own recommendations**.

5. Core Methodology – One Page Project Overview

This project will operate in four key stages, each funnelling into the next. This iterative process is outlined below as a simple visual summary. A detailed activity and milestone list is attached to this Process Design as Part 2.

Preparation

- Agree remit and authority. newDemocracy available by video link.
- Preparation of baseline information kit for participants, providing in-depth information. Often council have community advisory groups with a range of stakeholders who can sign off on what they see as a fair starting point.
- Preparation for multi-format invitation distribution. Recruitment should aim to reach as many people as possible with the random smapling occuring on the registraion side - not the recipient side.

Initial views

Day 1

- Initial surveying of participants on their views on potential solutions. This is done individually before meeting in-person (after their selection is confirmed), and then as a group.
- Initial exploration of priorities, commonalities, shared views and critical information.
- Critical thinking and biases training through newDemocracy videos and training tools. Freely available 10min video content appropriate as part of a 30min starting activity.

Exploration

Day 1

- Participants hear from expert speakers and explore information in small groups.
- Groups work together to identify key questions, then explore their perspectives on learnings before finding potential solutions that have the most agreement. Groups mix together to give participants a sense of the room and hear all perspectives.

Common ground

Day 2

- Conclusion of group deliberation. Groups come together to share their results and explorie trade-offs in solutions that will garner more support.
- Final surveying is done as a group to explore the options that have support. Consideration is taken for what could be done to test given concepts **and** their own original ones to develop stronger support for solutions that do not achieve a consensus position.

6. *Action 1: Project leadership through stakeholder integration: sharing the design*

Any move to give community a bigger say through a more nuanced mechanism is at heart innovative – it is <u>not</u> what various governments have been inflicting on people for decades. It is a very different way of involving everyday people in the process of government decision-making. These projects are genuinely pioneering and each one expands the critical mass of knowledge and understanding around how citizens can best influence the decisions their governments make. They should be approached as ambitious trials which build on a tested core process.

Given the concept is new to many, it is an important part of our work, and a critical factor in each project's success, that those who will ultimately act on the recommendations support, understand and fully engage from beginning to end. To achieve this, newDemocracy will be available for video-conference meetings free to all rural councils. These meetings are **workshops with Councillors and Council leadership** that will introduce the process, develop shared understanding of deliberative methods, prepare for the potential outcomes (style and content) and lets them identify and modify the model to their context. This is a both an educational and operational element to the project and sets expectations at the outset.

It is important for council to give a major oversight role to councillors. Councillors are integral to facilitating outreach to stakeholder groups from both industry and community. This balances the need to engage with local stakeholders (community groups, business, industry and advocacy groups) while maintaining the cost-effectiveness of the process by utilising existing networks. This ensures there is a clear path from those in the community to contribute to the process. It is recommended that a Stakeholder Reference Group (SRG) that assembles some of the large industry and community groups in the area is established from the inception of the project. This involves them in process decisions, ensuring that the specific needs of the local community are incorporated into the project from the outset.

Mapping the feedback, questions, concerns and inputs the SRG gathers will assist with determining speakers for group sessions and provide guidance for useful information and data to provide to jurors. It will also be a means to encourage public submissions which participants will be able to consider as they determine appropriate (these submissions will need to be provided before the first meeting). This outreach will also help to pave the way for a strong response to the electronic invitations used to generate the selection pool.

7. Action 2: Identify appropriate recruitment and selection approach

Councils are advised to aim for representative samples of 30-50 people. Smaller numbers (below 30) lack visible 'all walks of life' diversity, while larger numbers have cost implications but can be accommodated (up to 120).

In order to achieve a descriptively representative sample, newDemocracy recommends using the four basic variables of age, gender, household type variable (owner occupier or tenant) and property type. In rural settings we suggest also using whether people's primary income is agricultural. The statistical benefit of randomisation and probability will deliver people across a range of professions, lifestyles, ethnic and cultural backgrounds without having to specifically call this out in recruitment. This stratification is not claimed as a perfect method, but it delivers a more representative sample than any other community process. In a comparatively small sample, the wider community will clearly see "people like me" in a sample drawn in this way. Descriptively, we will secure people from all walks of life.

Recruitment in rural locations presents a unique difficulty in that the population tends to be small. This uniquely small population means that the community dynamic is significantly different to that of a normal council or city process. In this way, purist recruitment processes that focus heavily on large sample pools and layers of randomisation must be modified. Instead, we intend to use the close links within community as an asset for distribution of an invitation where the randomisation element is on the invitation. A random number is on the invitation, which must be in the recipients' date of birth or phone number for them to be eligible. In this way, random sampling occurs at the selection level and not at the distribution level. In practice, this means that the invitation is spread as wide as possible, with the control for randomisation occurring after registration – compared to in an urban setting where randomisation would occur before registration. Wide reaching general invitations (that can be freely passed on) are far more cost effective than individual mail-out invitations making them more suitable to this specific process.

To achieve the appropriate level of randomness and to avoid an overemphasis on connecting with those who are traditionally likely to opt-in to Council engagement processes, it is critical that this initial invitation is **extended as far and widely as possible**. Diversity of the pool is key and with this in mind, newDemocracy will also seek the support of local newspapers to add in other recruitment channels as may be possible to achieve without comprising the purity of the process.

Interested participants will register online to indicate that they are available for the final selection. newDemocracy will provide our registration tool upon request. We are able to set it up and run the stratified random selection. The sample drawn will be contacted by email seeking a confirmation in writing from the participant. It is strongly recommended that each participant is contacted by phone prior to the first meeting to build a personal commitment to participating, noting that once underway non-attendees cannot be backfilled for.

Just as in juries, a small payment to cover costs and help with people's availability (childcare, travel, missed shift) of per diems is strongly advised so as to avoid excluding participants who may find this

a hardship: this is proposed as approximately $200 per participant in total. Invitations will clearly note that this payment will be made for time, and that meals are provided on the weekend.

8. Action 3: Preparation of baseline information and external sources

Information and judgement are required in equal parts to reach decisions, and while the judgement of randomly-selected groups has been shown to achieve very high levels of public trust it is imperative that the method of provision of information to the deliberative process does not erode that trust. Council should involve active stakeholders in the preparation of materials and in approving what is sent out. With this in mind, there will be three key sources of information to inform the group deliberations:

1. A baseline information kit provided by Council. There are numerous issues where no one ever reads but where everyone has an opinion. This process provides incentives and assistance for citizens to consider multiple, competing sources. A 12-24pg briefing book is appropriate for a short process. Critically, participants must have this information 2 weeks out from the weekend they meet. Without suitable reading time, participants will feel cynical about the structured inability for them to consume the required information.

2. Submissions from individuals and stakeholders will provide a complementary set of information to round out perspectives on the topic. The submission process should be made available to anyone in the community and should close 2 weeks out from the weekend participant meet – again – allowing for appropriate reading time.

3. Central to the integrity of trust in the process is the diversity of views in the room. We achieve this by having speakers present to the participants from all sides of the debate. Speakers should be chosen by stakeholders and councillors with an emphasis on presenting speakers from all sides of the debate.

4. Maximise time. This is a 2-day design. These days can be split or run over a single weekend, however, weekdays and short sessions should be avoided as the intent – even in a limited way – is immersion in the topic and discussion with others (ie. Especially including those who hold differing views).

9. *Action 4: Stakeholder and active community submissions*

As referenced above, throughout the operation of the process, Council should facilitate opportunity for stakeholders, community organisations and individuals to provide their input to the group. This ensures that any person or organisation with an interest in the Council has a chance to make a case to a group of everyday people who have a commitment from Council to get a direct response. This is a step outside the usual means of dealing with bureaucracy or government and instead provides an avenue to be heard by everyday people who will in turn make recommendations to Council.

newDemocracy will provide a template for the provision of submissions. This will be designed to ensure that submissions directly address the question and scoping statement the group are considering. The submission process should be available on Council websites and for distribution by Councillors when undertaking outreach activities.

It is recommended that submissions are provided to participants chronologically (as they are lodged) to remove any potential or perceived bias in prioritising one submission over another. As part of the transparency of the process, submissions should also be published online through Council's website (contact details for individuals but not for organisations will be removed). The submission process will **close two-weeks prior** to the group's meeting so that the group has time to consider their content before making recommendations to Council. Once submissions are provided to the group, it will be at participants' discretion to consider the content as they see fit.

10. _Action 5: Facilitation_

Part of the trade-off in condensing a deliberative process is the emphasis placed on the limited time available. For this reason, it is fundamental that this process includes an **independent facilitator who is familiar with deliberative democracy**.

Skilled facilitation ensures that the participants work cohesively as a group and hit the require milestones on time and together. On such tight deadlines, this is crucial.

Facilitators should be given this document – and can contact newDemocracy at
kyle.redman@newdemocracy.com.au

There are examples for free tools that will complement the facilitation process such as Poll Everywhere, that the facilitator will need to be familiar with in order to operate a room smoothly.

11. *Project Outcomes*

This project seeks to deliver to the Mayor and Councillors – and the wider community – a considered consensus view after learning and discussing the problem for 10+ hours. This includes:

- Agreement on a clear common ground solution from available options;
- Change in views throughout the process – in percentages – for each option;
- Any new solutions that group considered necessary to reach common ground;
- That they stand behind their recommendations on their own.

This collective view will be generated by a group of local residents who weigh competing viewpoints, integrate information and inputs, explore common ground and reach a clear statement of support for different options. Time permitting, they may add a handful of point providing a rationale behind a decision in the event a consensus position is identified.

Council should expect to receive **a clear statement of support for different principles and options.**

The process is public and freely available in order to clearly answer questions and concerns that the community perceives are manipulated. Community members who identify concerns are encouraged to contact newDemocracy direction (iain.walker@newdemocracy.com.au).

This process cannot be influenced by a single person, interest group, financial interest or identity. Transparency from beginning to end will be crucial and the design itself must be shared prior to the commencement of the group's deliberations. Equally, the role of newDemocracy as a non-partisan designer with no interest in the issue nor a desire for ongoing work with Council must be emphasised.

It is the aspiration of newDemocracy that Councils value an ongoing role for randomly-selected everyday people as a complementary voice in making public decisions; and that a new model of deliberative engagement suitable for use with smaller local governments can begin to emerge.