

Experts and evidence in public decision making

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Summary

Experts hold a prominent position in guiding and shaping policy making and often work closely with governments. The nature of expert input to decision making has recently become a topic of public debate. The particular saliency of debates about the role of experts can be set against what we already know about how people form opinions on complex topics – views can be shaped by many factors, including the perspectives and arguments put forward by others. In light of this, we have looked at how experts and evidence are used in deliberative public forums, with a focus on the citizens' jury model, to draw out lessons for practitioners and organisers of such 'mini publics' on how to best manage the contributions of experts.

During a citizens' jury, participants are supported to learn more about the topic at hand before they go on to deliberate the issue and agree collective recommendations. Citizens' juries are one of several deliberative processes, which are a useful 'tool' in the toolbox of policy practitioners. Such processes have been used in a variety of ways to support decision making processes.

A key aspect of citizens' juries is the provision of information to participants. Although this is done by a variety of means, the opportunity to hear from and question experts or 'lay' witnesses is usually a significant element. This raises a number of issues that organisers and advocates of citizens' juries must reckon with, including issues around witness selection, the format of evidence provision, the evidence itself, and how the witnesses themselves are supported. Ultimately, evidence must be put forward in a way that is informative to participants, and fair to the witnesses presenting the evidence.

We reviewed ten deliberative processes, with an emphasis on citizens' juries¹ on topics relating to energy and environment. From these case studies we draw the following conclusions on how to maximise the value - for participants and witnesses - of involving witnesses in a citizens' jury:

¹One of these was the 2014/15 ClimateXChange project, where citizens' juries were run in three locations in Scotland on onshore wind farm policy. The authors were part of the project team and have used access to detailed project data in combination with follow-up interviews with five of the seven witnesses in that project to inform the current study. We also reviewed available literature from other projects and where possible, contacted the organisers. The projects are described in Appendix I.

- **The Oversight Panel² plays a crucial role** in setting the evidence scope. The composition of the Panel is therefore critical, and must include representatives of a range of positions.
- There are lots of **options for how evidence provision can be organised** (e.g. the number of witnesses, number of witness sessions, means of selecting the witnesses, time allowed for presentation and discussion, whether a 'debate' format is adopted, and the degree of interaction between the witnesses). While there is no 'correct' format, there are some key elements that promote a fairer process. It is important that the witnesses represent the full diversity of views on a topic, and that there is ample time for Q&A. Allowing jurors to have some choice about the witnesses and the range of evidence to be heard is valuable. Allowing several witnesses to answer questions as a panel can help to tease apart some of the complexities or apparent conflicts in the evidence. Similarly, for contested topics, it might be preferable to organise for a range of perspectives, including those who are undecided.
- It is important to **include a range of witness perspectives**. The witnesses should represent the diversity of views on the issue at hand, and a range of stakeholders. Failing to do so might jeopardise the integrity of the jury's decision. 'Undecided' or 'neutral³' witnesses can have a role in exploring relationships between values, priorities and evidence, and examples of trade-offs when making decisions. Non-technical experts can help to articulate or bring out normative aspects of an issue. Ideally, the jury should allow for some flexibility; if jurors identify further issues that they would like information on to inform their task, suitable witnesses can be recruited for future jury days.
- **Witnesses should be well briefed**. To be most effective, witnesses must understand their role, prepare for sustained involvement, and consider the pitch of their information. At a minimum therefore, the witnesses' brief should make clear the context of the deliberative process, what is expected of the witnesses, what role that witness is expected to play (e.g. to impart knowledge, present a certain position, discuss, challenge or critique information, other witnesses or the jurors), how witnesses have been identified or selected, and how the experience might differ from their previous experiences of public engagement. The organisers should seek to manage the expectations of the witnesses, and also make clear how the witnesses should behave during the deliberations (e.g during the Q&A and more informal refreshment breaks). A witness-briefing workshop before the jury commences may be time well spent, and continued engagement following the project close is recommended.
- **Witnesses have different communication styles**. This is not something that can – or should – be managed. Witness affiliation and communication style can affect how participants receive the witnesses evidence, but deliberation and support from facilitators should allow participants to see beyond these qualities to the information beneath. This might be aided by allowing rapport between the witnesses and the

²Oversight Panel or equivalent. This might be the Oversight, Stewarding, Steering, Working or Advisory Panel, Group, Committee, or Board. The specific role of the Panel will vary, and the terms of reference should be agreed between the members and the organisers.

³ While we recognise that 'neutral' or 'impartial' perspectives are difficult to define and even more difficult to identify, here, we mean those who are well-informed but are undecided about the issue at hand, and so do not advocate a particular position.

participants to be rapidly developed via the format and facilitation style. The content of the presented information could be managed also, in terms of the claims made and information sources used – this could be a role for the Oversight Panel. However the independence and agency of the witness cannot be undermined; ultimately it is up to them, and their judgement, to determine what information is important to present.

- **The jurors should be supported to critique evidence.** Participants tend to find the nature of conflicting information puzzling. This can lead them to concentrate their discussions on the competing claims and potentially distract them from their task. Participants can be supported to make sense of these conflicts - for example by including activities towards the start of the jury process that encourage thinking about how to critically interpret evidence, place it in its (political) context, and assess what makes evidence robust and persuasive. Group discussion following witness testimonies might also allow the jurors to share reflections and feelings. Appropriate Q&A discussions with the witnesses and the involvement of ‘neutral’ witnesses or ‘technical friends’ can help to pull apart conflicting claims, translate complexities and offer new information, which is particularly valuable given the time limitations of the process.
- **Factual evidence and emotional argument cannot be separated.** The nature of conflicting positions, and the reason or motivation for agreeing to be a witness, can encourage emotional expression in the witnesses’ testimonies – particularly where the witness holds a strong view on the issue. Emotion is a natural form of communication, and can be important in stimulating discussion. The diversity of the jurors and the nature of deliberation can unpack underlying tensions, and the jurors can be supported to do so through critical thinking skills development and skilled facilitation. However, in their brief, the witnesses should be made aware of the sorts of approaches and language that best encourage rational discourse and reflection, so as to encourage the deliberative process.
- **The witnesses may be highly sceptical of one another,** and may question one another’s evidence, qualifications, affiliations and motivation for taking part - particularly if the topic is highly contested. This cannot be avoided. However, explaining the process of identifying and selecting witnesses, ensuring that the witnesses’ expectations and aspirations are realistic, and vetting the witnesses’ information (by the Oversight Panel) can help to manage some of these issues. It might also be valuable to encourage and support the witnesses to consider the uncertainty in their own evidence and perspectives.
- **The needs of the witnesses must be managed,** as the role is highly demanding. Witnesses are likely only to participate in a short section of the jury and may therefore get little satisfaction from the experience. Witnesses’ needs must be attended to and effort should be made to keep the environment lively and enjoyable for them. Projects should build in an evaluation of the impact of participation on witnesses from the start. Witnesses who support democratic innovation and/or the intended outcomes of the deliberative process are likely to gain more from the experience. Continued engagement with the witnesses should be offered after the jury, allowing the witnesses to reflect on their experience, and informing them of the outcomes and policy impact of the process.

Background

The aim of providing information in citizens' juries is to deepen the jurors' understanding of topic, and so illuminate the different perspectives and relevant complexities. The jurors' task is not to find a definitive answer on an issue, but to consider the range of views and, with these in mind, make prioritised recommendations about the issue at hand.

Witnesses are very commonly involved in the process to provide evidence, advocate particular positions, and be cross-examined by the jury (Fishkin and Luskin, 2000). These witnesses might have specialist expertise on some aspect of the topic, hold a certain perspective on the issue, or have some personal experience that they can share. Lansdell (2011) identifies four different categories of witness:

- *Knowledge experts*: individuals with specialist scientific, technical or legal knowledge to provide information.
- *Stakeholders*: representatives from interested parties (lobbying or interest groups) that usually provide evidence advocating a certain perspective.
- *Experiential publics*: members of the public who have knowledge about an issue as a result of direct experience, and so who can share their personal insights.
- *Representative publics*: members of the public who may have no particular knowledge or first-hand experience of the issue, but who might reflect some aspect of the wider public.

The role and value of experts (and of the evidence they provide) in deliberative processes is a subject of debate amongst theorists and practitioners. Some deliberative democrats feel that citizens should share perspectives in isolation from experts (Fung, 2003). Others argue that expert knowledge is necessary to explain complexities, highlight crucial issues and describe the limits of current knowledge (Brown, 2014).

Where experts are involved, the nature of the experts and their affiliations can affect the reputability of the process outcomes. However, there is a dearth of information available to organisers of citizens' juries on how to involve expert witnesses. For example, there is little literature or practical guidance on: the number of witnesses that the juries might hear from; how witnesses can be selected, and by whom; whom the witnesses might represent; and the nature of the expertise that they ought to have (technical, personal testimony, and so forth). Nor is there an established format for how opposing or conflicting perspectives should be presented and managed, or for how (and indeed whether) the differing communication styles and affiliations should be accounted for. These are all important aspects to understand and get right if we want to ensure the success of deliberative forums.

Empirical case studies of the witness element in practice

We reviewed ten citizens' jury projects to understand how witnesses are being involved in practice, including our own Scottish project on onshore wind farms (Roberts and Escobar, 2015). Our review highlighted the following issues:

Scope and selection – For the majority of the case studies we examined, the Oversight Panel identified the themes that should be covered and/or the range of perspectives that should be heard, and in several cases identified potentially suitable witnesses. The presence

and composition of the Oversight Panel is therefore crucial to ensure a credible process⁴. Options that more actively involve jurors themselves include: jurors choose witnesses from a 'menu' of candidates (these individuals having agreed to being put forward as a witness); and, jurors define the criteria for how witnesses should be identified and selected.

Recruitment – Our case studies show a range of recruitment challenges, but in summary, witnesses can be difficult to recruit. In the Scottish wind farms project, significant effort and forward planning was required for recruitment, and the witnesses were approached months before the juries were held. Overall for our case studies, the success rate for recruitment was higher for projects where the jurors themselves identified which witnesses they wished to hear from. There was a lack of witness diversity in the case studies in terms of demographics and affiliations. Specifically, female witnesses were underrepresented in **all** of the case studies we reviewed (in some cases very significantly), suggesting a particular recruitment challenge here.

Role – This varied across our case studies, but witnesses were mostly drawn in to set the context (i.e. provide background information or take a neutral stance); impart knowledge from their experience in a specific area or field of work; to represent a certain stakeholder; or because of their view on an issue. Witnesses may have differing conceptions of their role, and these may differ from those of the organisers. In the Scottish project, many witnesses felt their purpose was to educate the jurors.

Number – The number of witnesses involved in each case study varied, but the minimum and most common number seemed to be five witnesses. Projects with deliberative juries of longer than three days tend to have the flexibility (and perhaps budget) to include more witnesses.

'Charisma', affiliation and communication style – We know that jurors tend in their deliberations to focus on factual knowledge and clarifying understanding rather than emotional reactions (Johnson et al., 2016; Roberts and Escobar, 2015). Nevertheless, the affiliations of the witnesses, and their communication and delivery style are influential in creating a sense of the veracity of claims they make. Pitching information at the right level for a jury can be challenging for witnesses. In the Scottish project, witnesses' presentations were not always appropriately pitched (e.g. use of dense charts and graphs, text-heavy slides and technical language) and information was not always appropriately sourced or reference⁵. The opportunity for jurors to cross-examine witnesses and deliberate extensively are therefore important.

Diversity of perspectives – Presenting a range of views enhances trust in the process, stimulates debate and discussion, and encourages an open forum since all perspectives are 'permitted' (Warburton, 2008). Witnesses should represent the diversity of perspectives on

⁴The jurors themselves should ideally be able to define the scope of the information that they desire on the topic, and the people or organisations they wish to provide that information or perspective. Allowing the participants to sculpt the agenda in this way preserves the autonomy of the citizens' outcomes. We found that this ideal was generally not achieved, due to time and resource constraints.

⁵ Though, interestingly, each witness felt they themselves had offered non-biased and properly referenced information.

the issue at hand. The views of informed but undecided individuals can also be valuable for jurors to hear.

Conflicting evidence – Our case studies show that it can be hard for participants to make sense of contested evidence. In the Scottish project, the jurors responded to contested evidence with concern about the need for ‘facts’ and ‘truth’. We found that the jurors were very responsive to anecdotal and emotionally compelling narratives from the witnesses. The ways in which witnesses interacted in the case studies varied. Some had no overlap of witness presentations at all. One allowed all witnesses to observe all testimonies (and indeed the full deliberative process). In another project, a neutral or ‘background’ witness helped jurors to digest information provided by advocates. In several cases, allowing the witnesses to answer questions as part of a panel helped the jurors to unpack the sources of conflict.

Supporting the witnesses – Our case studies show the considerable time committed by witnesses. In the Scottish project, the witnesses invested time and energy in preparation and providing written follow-up to questions from the jurors, and the events themselves were demanding and entailed travel. This was perhaps most problematic for those acting in a voluntary capacity, though all witnesses gave their time freely. Few of the Scottish project witnesses said that they would take part as a witness in a similar future project (although it is unclear whether they would reconsider if this was a decision-making process instead of a research project) and few felt positively about the citizens’ jury process, the capabilities of the citizens, and their potential to inform decision-making – a perspective that contrasts starkly with that of the jurors themselves⁶. We did not find evidence that witnesses were compensated for their time in projects (though their expenses were covered).

Table 1 contains further details from our case study review, particularly on the evidence-giving format of each of the case studies.

Conclusions

We have touched on some of the sensitivities around evidence, evidence-giving, and evidence-giver in citizens’ juries. There remains great opportunity for further work around these themes, however this report presents a useful step forward in understanding the processes or approaches that might encourage a productive, enjoyable and fair environment for all involved in citizens’ juries.

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⁶Note that in the project discussed above where all witnesses were able to stay on and observe the wider jury process, witness satisfaction with the deliberations was high.

regarding the process design, successes and challenges. Their insights have helped to shape this work.

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Table 1: Case studies of citizens' juries on topics related to energy and the environment

Summary of case study citizens' juries (or similar deliberative approaches) on the topic of energy and environment, arranged in chronologically. The table in in two parts; the second part provides more information on the evidence-giving process, including where possible how the witnesses were identified and selected (for consistency we refer to a project steering group, stewarding board and so on as the project 'oversight panel').

No.	Case Study	Location / date	Length	Purpose	No. Citizens	No. Witnesses
1	Wind Farm development in Scotland	Three locations across Scotland (UK); Coldstream, Helensburgh and Aberfeldy. Autumn-Winter 2013/14	2 days (Saturdays, 2-3 weeks apart)	Research project to trial the method, and to find out what people feel about wind farm development in Scotland.	47 (total)	5 in each (1 neutral, 2 pro, 2 anti) 7 in total across all juries.
2a	Get to Know Nuclear (Jury 1)	Adelaide, South Australia (Australia) June-July 2016	4 days (two weekends)	To identify key issues from the Nuclear Fuel Cycle Royal Commission* findings to set the agenda for the state-wide consultation.	50	23
2b	Get to Know Nuclear (Jury 2)	Adelaide, South Australia (Australia) Oct - Nov 2016	5.5 days (three weekends)	To evaluate the feedback from the state-wide consultation and weigh up the choices and options on the important issues raised by the Royal Commission*.	350 (including the 50 from the first jury)	31
3	Infrastructure Victoria 30-year plan	Melbourne (Metropolitan) and Shepparton (Regional), Victoria (Australia) April – July 2016	6 days (over 3 months)	To explore different ways to address infrastructure challenges facing the Victoria, and inform the state's 30-year plan.	43 (each)	17 (Melbourne) 8 (Shepparton)
4	Fracking: A citizen deliberation	Preston, Lancashire (UK) June 2016	5 evenings	Research project to understand how the public feel about fracking.	15	5 (2 set the context, 1 pro/against, 1 about the process)
5	Oregon Citizens' Initiative Review**	Jackson County, Oregon (USA) April 2014	4 days (consecutive)	To provide information to the electorate to help them make informed choices on ballot measures (in this example, GMO)	20	5 (3 in favour, 2 against). [Some of the CIR processes included a neutral witness also]

No.	Case Study	Location / date	Length	Purpose	No. Citizens	No. Witnesses
6	Electrical Energy Futures	New Brunswick, (Canada) October 2015	2.5 days	Research project to develop a 25-year electrical energy vision for the province.	12	7
7	New South Wales Energy Enquiry	Sydney (urban) and Tamworth (rural) June – August 2012	4 days (+ debrief) each several weeks apart	To advise Energy Economics and Security in New South Wales.	54 (in each group)	6-9
8	Climate Change Citizens' Summit	Workshops in 6 locations around England. Summit in London. March/April 2007	1.5 days	Intended to feed into the future development of DEFRA's work on climate change, and part of the draft (2008) Climate Change Bill consultation.	28/29 in each workshop (174 total) 152 at summit	5
9	Southern Uplands Initiative	Scottish Borders (Scotland) December 1998	3.5 days	To advise environmental policy and planning in the region	11	10
10	Air Quality in Edinburgh City	Edinburgh (Scotland) January 1999	3.5 days	To advise Edinburgh City Council about how to reduce air pollution in the city.	14	9

* The Nuclear Fuel Cycle Royal Commission was established to consider the practical, economic and ethical issues raised by South Australia's deeper potential involvement in nuclear mining, enrichment, energy and storage.

**The Citizens' Initiative Review is an adaptation of the Citizen Jury process, and is an official part of the state of Oregon's initiative process, where citizens are engaged in citizens' jury like process to prepare information to inform voters before an election. The specific CIR detailed here informed the vote on Measure 15-119 "Ordinance to Ban Growing of Some 'Genetically – Engineered' Plants".

Table 1 [continued]

No.	Case Study	Description of evidence giving process	Other information provided	Key Reference
1	Wind Farm development in Scotland	Witnesses were called 'expert witnesses'. They were identified and selected by the Oversight Panel. Witnesses presented in three sessions on the first day, giving 10-15 minute presentations followed by 20-minute Q&A. They also provided written responses to left over questions before the second day.	Other information provided in a Handbook prepared by the organisers.	Roberts and Escobar (2015).
2a	Get to Know Nuclear (Jury 1)	Witnesses were called 'experts'. They were selected by the jurors, from a list of 85 of the people who made a submission to the Royal Commission report (on the nuclear fuel cycle). Witnesses presented on Day 2 and 3. There were 2 sessions on Day 2, four witnesses in each, who gave 10-minute presentations before being questioned as a panel for 45 minutes. On Day 3, 12 witnesses contributed to themed sessions (one having pre-recorded a statement). Three witnesses were unable to attend and so gave written evidence.	Baseline information was provided and there was an online forum. All jurors had access to video recordings of the experts and the discussions.	yourSay (a) newDemocracy (2016 a)
2b	Get to Know Nuclear (Jury 2)	Witnesses were called 'experts'. They were selected by the jurors, from a list of 200 candidates. The Stakeholder Reference Group suggested 160, and the jurors added a further 40 to the list.	Baseline information was provided and there was an online forum. All jurors had access to video recordings of the experts and the discussions.	yourSay (a)
3	Infrastructure Victoria 30-year plan	The witnesses were called 'experts'. There were 3 evidence-giving days in total. The Oversight Panel chose witnesses on day 1, but the jurors decided future witnesses.	Baseline information was provided and there was an online forum. All jurors had access to audio recordings of the experts.	yourSay (b) newDemocracy (2016 b)
4	Fracking: A citizen deliberation	The witnesses were called 'commentators'. They were identified and selected by the Oversight Panel. The witnesses gave 15 minute presentations, followed by 25 minutes Q&A.		Bryant et al (2015)
5	Oregon Citizens' Initiative Review	The witnesses were called 'advocates' (either in favour or against the measure). Proponents participated in their official campaign capacity. Opponents were identified by the organisers. In some of the CIRs the advocates had chosen additional witnesses. The witnesses presented to the jury on the second and third day and answered questions as a panel.		Healthy Democracy (2014)

No.	Case Study	Description of evidence giving process	Other information provided	Key Reference
6	Electrical Energy Futures	The witnesses were called 'experts'. They were identified and selected by the organisers to represent a range of stakeholders. They gave 20 minute presentations (in-person or via Skype) followed by 20 minutes Q&A. There were some opposing views.		Energy transitions Canada (2016)
7	New South Wales Energy Enquiry	The witnesses were called 'expert speakers'. The organisers identified and selected the witnesses for Day 1 (driven by the online discussions) whereas the jurors selected those on Day 2. The first jury day involved 2-3 witnesses, and the second day jurors involved 4-6 expert speakers (in-person or via Skype). Presentations were followed by an open Q&A.	The juries also had their own online forum where they engaged in discussions and could download information.	newDemocracy (2013)
8	Climate Change Citizens' Summit	The witnesses were called 'expert speakers'. They were identified by the organisers, and represented government (20 mins), business, trade unions, a consumer body and academia (5 mins). There was no opposing argument.	After the workshop (and prior to the summit), the participants were given information packs, the Al Gore DVD 'An Inconvenient Truth', and some activities. There was also an online blog.	Warburton (2008)
9	Southern Uplands Initiative	Witnesses were called 'expert witnesses'. They represented a range of stakeholders including a member of the affected community. On the first day, the witnesses gave 10-15 minute presentations to the jury, followed by a discussion session lasting 30-40 minutes.		Kenyon et al. (2001)
10	Air Quality in Edinburgh City	Witnesses were called 'expert witnesses'. They represented a mix of specialists. On the first day, witnesses gave 10-15 minute presentations, presenting evidence on the five measures of the Council's strategy to enhance air quality in the city, and responded to questions and comments from jurors. Four of the witnesses returned to take part in a panel discussion at the start of the final day of the jury.		Kenyon et al. (2001)

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