SCOTTISH OPEN GOVERNMENT CIVIL SOCIETY NETWORK

**Notes from the 20th April 2016 workshop**

(A list of attendees can be found at the end of these notes)

Lucy McTernan (Deputy Chief Executive SCVO), Tim Hughes (UK Open Government Civil Society Network Co-ordinator from Involve) and Doreen Grove (Scottish Government) opened the workshop and provided an overview of the Open Government Partnership, Scotland’s involvement to date, the role of the Civil Society Network and the implications and opportunities of Scotland having now been selected as a sub-national pilot site as background to the discussions.

More background and information on all of these points can be found at:

<http://www.opengovernment.org.uk/>

<http://forum.opengovernment.org.uk/groups/opengovscot>

**Discussions on the draft Scottish Commitments:**

In table groups participants looked at the commitments included in the draft [**Scottish Commitments for the UK National Action Plan**](http://lumeninvolve.s3.amazonaws.com/2016/04/04/15/50/33/55014095-751e-443f-926f-d20a545a79ee/Draft%20Scottish%20Commitments%20LL%20IP.docx)with each group focusing on 2 themes.

1. Access to Information with Open Data
2. Civic Participation with Technology and Innovation
3. Anti-Corruption with Public Accountability

The purpose of these discussions was to review the existing commitments and identify any areas of concern (before they go to government for signoff post-election) and/or opportunities for strengthening or extending these commitments in the future. Key points from each group were then fed back to the room for wider comment and discussion.

**Theme 1**: Access to Information

Key points raised:

* That we need to step up our ambitions through a change to the wording of the Access to Information commitment. This should put more stress on the need to push this forward, not just protect what is already there. The new suggested wording is therefore: "Drive proactive publication, protect and enhance proactive publication in order to maximise information.”
* There needs to be more emphasis in this and the open data sections on digital inclusion and efforts to improve digital literacy so that accessible information is useable
* There is a duty to publish and respond. This should be enforced/regulated so that information is available and accessible.
* But people need to know how to access it. Support is needed for how to make data available as well as why to make it available.
* There are issues with data and IT literacy. How can people interpret the existing data?

Other points raised during the table discussions:

* Who benefits from data being available and accessible?
* Citizens need to better understand what data is available, why it's there, how it can be used, why that is significant, why it is powerful.

**Theme 2**: Anti- Corruption (Transparency as Regulation)

Key points raised:

* There is a need to widen the way corruption is presented in the context to include a focus on systems, behaviours and practices that, while not necessarily illegal, undermine the integrity of public governance.
	+ Needs to encompass the types of practices that, like a ‘computer virus’, gets into the system and creates outcomes that are not beneficial – causing decay and potentially leading to system breakdown.

Other points raised during the table discussions:

* A need to look further at proceeds of crime in compliment to the cashback for communities programme to look at widening social benefits
* The current PFI scandal has highlighted the need for greater transparency re beneficiaries and accountability and how commercial confidentiality can be used to restrict information. There should be a way of demanding that companies ‘open their books’
* Should there be a reference here to the Scottish government’s new tax and social security powers?

**Theme 3**: Civic Participation (Citizen Engagement & Participatory Democracy)

Key points raised:

* Action 6 – regarding the implementation of the Community Empowerment Act. The group felt there was a need to reflect not just the implementation of the Act but also the ambition and impact of the Act in the action.
	+ There was also a question of whether it should be included as an action if as it was already happening. What did having it here add?
	+ There was a suggestion to widen the wording of the action to include scrutiny of the impact and outcomes from the act
* Actions 10 and 11 – regarding widening the approach and range of tools used for support consultation and engagement and embedding this within practice. While the group was very positive that these actions were in the plan – particularly in the emphasis placed on demonstrating people’s influence on policy outcomes - there was agreement that they needed to be strengthened and made more specific
	+ Needed to reflect the fact that consultation and engagement not only needs to be embedded into processes but needs to be done well
	+ Also that doing it well needs to be effectively resourced
	+ There were some calls for more consistency in the design and delivery of programmes. What would this look like? Is it a standardised approach? A model we work with?
	+ Accessibility – both in language and ability to participate – were also highlighted as key factors

Other points raised during the table discussions:

* Overall comment - Very central government focused and doesn’t include other organisations (parliament, local govt etc.). There are other actors out there, so as a next step there needs to be the connection between the different governmental actors in this field.
* Questions raised about Why the focus on children’s rights in Action 9\* - shouldn’t it be wider human rights?

\*It was clarified that this was because the action related specifically to the implementation of the duties of the Children and Young People (Scotland) Act 2014 and further reference to our Human Rights obligations is picked up in Action 23.

* Questioned the use of ‘co-production’ in Action 11 noting that while Co-production is a popular word, no one is really willing to take responsibility with that. We need co-production to be resourced if we want it to be successful.

**Theme 4**: Open Data

Key points raised:

* Are there too many action points? Would fewer and more succinct action points could be more realistic to deliver?
* It was clarified that each of the discreet actions are currently being worked up in different parts of government and as such are believed to be deliverable
* noted that there is value in targeting different plats of government to make specific changes as this keeps Open Government live on the agenda across departments
* acknowledged however that there is a need to consider the balance and trade-offs between breadth and depth of impact as we move forward.
* Is there a need for a national (UK or Scottish) leading "*driving body*" for open data commitments?
	+ To provide leadership
	+ To ensure commitments are delivered
	+ And which is resourced to fulfil these functions
	+ This need was identified in relation to the fact that there are already requirements to publish data but access, consistency and quality remain concerns.

Other points raised during the table discussions:

* That there are actions relating to personal data as well as open data included under this theme. These should be separated.
* Education is necessary about the power of data. Do people know what is held about them?
* How does Big Data fit in?
* Organisations don't know what they have and so the idea of opening data presents many unknowns to people.

**Theme 5**: Public Accountability (Government Accountability to the Public)

Key points raised:

* There was a call to investigate a new action relating to beneficial ownership / beneficiaries of decisions and contracts
	+ Acknowledged that there was something similar being investigated at a UK level
	+ Noted that there is already work underway to include a commitment on beneficial ownership in relation to land reform.
	+ Idea raised of introducing a beneficiary audit into the policy making process – in a similar way to equalities impact assessments are currently carried out

Other points raised during the table discussions:

* Action 21 – relating to progress towards the Sustainable Development Goals will be strengthened as part of the pioneer process
* Action 23 – relating our Human Rights treaty obligations – there are opportunities to strengthen this action through links with the Sustainable Development Goals
* Action 27 – regarding lobbying transparency - needs to be updated to reflect the current situation and focus on what can be achieved at the 2 year review point
* Is there is a need for a civil society body, someone the government can’t fire, to be charged with researching, monitoring and scrutinising processes (wider than the existing scrutiny of public appointments). But who is going to fund/resource this?

**Theme 6**: Technology & Innovation

Key points raised:

* Does this need to be a separate theme? Should it not cut across / be integrated into all of the others?
	+ If it is to remain a separate theme then perhaps the focus needs to be less on technology and more on digital inclusion and participation
	+ The existing actions are very transactional, and don’t reference the challenge in the text, or the very real skills gap.
	+ throwing money at the internet isn’t enough and we need people to be taken through the process
	+ Meeting the needs of the ablest of the population are going to be cost-effective, but perhaps the people who need it the most are going to be the last who are touched by this technology. Perhaps the best strategy is to look at the 17% who don’t have any access at all, since that’s the big issue.
* Action 29 - There is a need for clarity and definition of terms - What is Digital Input, Direct Digital, Enhanced Digital?

Other points raised during the table discussions:

* Local Govt: the delivery of services by 32 LAs mean that there’s differences across the country. How can we come to a united commitment on this front with this reality?

**Discussions about Strengthening the network and next steps**

Ruchir Shah (Policy Manager, SCVO) explained how the SCVO has been the key mechanism so far for bringing the voice of civil society into OGP conversations in Scotland and their role in mobilising participation. He stated that the task now is to widen, strengthen and potentially formalise the network and asked for suggestions on the way forward.

How do we get more people involved?

* + There is a good turnout here today – if everyone here identified one person or organisation that should be involved and actively approached them that would be a good start.
	+ There is a need to open up the language of Open Government so that more people, from a diverse range of civil society perspectives (both individuals and on behalf of organisations), are able to see it as meaningful and relevant to them.
	+ Suggestion that we need to start framing the Open Government agenda less as a ‘window’ and more as a ‘door’ i.e. not just a way to SEE IN (through access to information, open data, open contracting etc) but as a way to GET IN and influence change.
	+ Using the forum better – we need to get more interaction on the forum. Want it to be a genuine conversation between members where ideas can be tested out and debated.
	+ LGiU – offer to help get information out through their membership and updates/briefings
	+ ERS offer – to assist with building campaigns and coalitions around different aspects of the action plan as we move forward.

Organising ourselves: Are we at the point that we need to start formalising the network and possibly appointing a steering group?

* Value of a steering group is that is establishes a clear point of contact and a representative body with a level of accountability for the process
	+ It was agreed that establishing a steering group would be a key next step and there will be a call for nominations put out to the membership
* Appointing a steering group however should not be about restricting access to conversations / information – instead it is an organising agent. The commitment should remain to open discussion among all members.
* Once formed a Steering Group could be the mechanism through which to establish lead partners or working groups as required to focus in on specific actions/themes in more detail
* Steering group should also have an active role in building a relationship with the responsible Minister post-election.

The question of limiting access to the Forum to civil society members, as has been done in other areas, was raised.

* The strong commitment of Scottish Government at present was acknowledged
* We want to be open and operate openly - building trust between partners who are all working in the interest of the OGP was seen as central to this
	+ It was agreed that the forum group would remain open to both government and civil society partners at present
	+ It was agreed that we could always re-visit the idea of adding an additional civil society only space if members thought this would be helpful - eg to organise a campaign or coalition to wield civil society’s ‘big stick’ when required

**Actions / Next Steps:**

* If you are not already a member of the forum please join - <http://forum.opengovernment.org.uk/groups/opengovscot>
* Start a strand on the forum to update members about progress towards the publication of the UK action plan
* Start a strand on the forum to discuss and update what ‘pioneer’ status will mean in reality
* Involve/SCVO to issue an open call for nominations to establish a Steering Group to the membership

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| **Attendance Edinburgh OGP Workshop 20th April** |
| Rosemary | Agnew | Scottish Information Commissioner |  |
| Liam | Beattie | HIV Scotland |  |
| Chris | Connolly | Scot Gov |  |
| Kim | Fellows | LGIU Scotland |  |
| Katie | Gallogly-Swan | Electoral Reform Society |  |
| Doreen | Grove | Scot Gov |  |
| Andrew | Gunn | Scot Gov |  |
| Tim | Hughes | Involve |  |
| Leah | Lockhart |   |  |
| Robin | McAlpine | Common Weal |  |
| Kelly | McBride | Demsoc |  |
| Peter  | McColl | Nesta |  |
| Lucy  | McTernan | SCVO |  |
| Ivan | Minguez Guillem | PHD Student Strathclyde University |  |
| Millicent  | Scott | Demsoc |  |
| Kaela  | Scott | Involve |  |
| Ruchir | Shah | SCVO |  |
| Ben | Simmons |   |  |
| Alistair | Stoddart | Demsoc |  |
| Christian | Storstein | Digital Engagement Manager, Scottish Govt |  |
| Niamh | Webster | Demsoc |  |