

# **Scotland's Open Government Action Plan for 2018-20**

**Commitments in detail**

**February 2019**



## Scotland's Open Government Action Plan for 2018-20

### Commitments in detail

This document gives the full detail, background and milestones for all five of the commitments in the Open Government Action Plan. Read the summary document for a quick overview in Plain English, also published on the Scottish Government website [here](#).

#### The five Open Government Action Plan for 2018-2020 commitments are:

1. Provide financial and performance transparency (help you to understand how our finances work); **page 2**
2. Providing a framework that supports systemic change in Scottish Government to improve the way people are able to take part in open policy-making and service delivery; **page 6**
3. Improve the way we share information; **page 13**
4. Be more accountable for public services; **page 16**
5. Aim for transparency and public involvement in Scotland as the UK leaves the European Union. **page 19**



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**Commitment 1:** Provide financial and performance transparency (help you to understand how our finances work)

**Timeline:** December 2018 – 2020

**Lead:** Scottish Exchequer (Scottish Government) and related Scottish Government teams including: Public Spending, Infrastructure and Investment, Financial Management Directorate, Performance and Strategic Outcomes, Tax, Scottish National Investment Bank and Economy.

**What problem are we trying to solve?**

New powers were devolved to Scotland through the 2012 and 2016 Scotland Acts. These provided significant additional tax, spending and borrowing responsibilities for the Scottish Government.

In addition, there is growing public and Parliamentary interest in financial transparency and how financial management relates to performance against the National Performance Framework and Sustainable Development Goals. This includes tax policy, including how it compares to international comparators and to other parts of the UK, in economic performance which influences tax revenues and demand for public services, in borrowing decisions, and in contractual and spending patterns all of which support public services in Scotland.

The establishment of a [Scottish National Investment Bank](#) provides an opportunity to establish trusted governance from the outset. Similarly, this applies to the newly-established [Scottish Exchequer](#).

**What are we going to do?**

This Scottish Government commitment is:

- To apply open government policies and practice to the further design and implementation of the newly established Scottish Exchequer and the development of the Scottish National Investment Bank to ensure they develop in line with international good practice on open government. It is proposed that the Scottish National Investment Bank’s operations include an Ethical Statement, and a role for citizen involvement in an Advisory Group. Both of these proposed approaches have the potential and intent to inform thinking around the Bank’s governance and wider accountability as well as improving citizen participation.
- To seek the views of stakeholders and the wider public about how to make Scotland’s public finances more transparent and accessible in order to promote public discussion, debate and participation in financial and policy decision making. This will include learning from young people, primarily through working with YoungScot. The Scottish Government will work with partners and expert civil society actors to review and incorporate good practice on transparency, accountability and citizen engagement into the work of the Scottish Exchequer. This will include a number of round table events to bring together experts on fiscal transparency to share learning and understanding.
- To build on the work of the first Open Government Partnership Action Plan, in order to improve the effectiveness of budgetary information in communicating with external audiences.

This commitment will also include building on the work that is ongoing to deliver the recommendations of the recent [Budget Process Review Group \(BPRG\) Report 2017](#). The report proposed that the Scottish Parliament's budget process should have the following four core objectives:

- to have a greater influence on the formulation of the Scottish Government's budget proposals
- to improve transparency and raise public understanding and awareness of the budget
- to respond effectively to new fiscal and wider policy challenges
- to lead to better outputs and outcomes as measured against benchmarks and stated objectives.

We, the Scottish Government, will begin with developing accessible financial information for young people, as we know from feedback that they do not find current information on public finances informative. So, taking action to build understanding now will be an important foundation for future citizenship.

The first stage will involve project working with young people in deliberative workshops over the coming 6 months to provide insights into the questions they wish to see addressed.

One key aim of work to implement the [BPRG recommendations](#) (outlined above) will be to find ways of making clearer links between public finance decisions and the National Performance Framework and Sustainable Development Goals.

This commitment will also include:

- consideration of how budget information could complement participatory budgeting
- consideration of how the strategy and processes of the Scottish National Investment Bank are able to be understood and influenced by citizens
- improving transparency on what government spends and the contracts and services it procures.

We will explore if and how the existing data can be shared to help citizens understand how public funds are spent and making this information more accessible – using more visual presentations of the information, and plain language.

### **How will this help solve the public problem?**

Those in Scottish Government who hold the financial information and support the decision-taking processes will understand from others – initially, from young people and also from experts – the questions they have about public finances. They should then be able to use that understanding to improve financial information that is made publicly available.

Importantly this work will support the aim for the Scottish National Investment Bank to fulfil a leadership role in terms of building public trust, diversity, equality, transparency and accountability.

Publishing better information on procurement processes and spend should help people better understand how the money is used and accounted for, and more easily be able to understand information that is published.

In delivering this commitment the Scottish Government will advance its commitment to all four Open Government Partnership values of Transparency, Accountability, Participation and Technology and Innovation. The delivery of this commitment will build on the new financial information produced by the Scottish Government through its new Medium Term Financial Strategy, its new Fiscal Framework Outturn Report, the Scotland's Finances publication and the redesigned Scottish Budget document, which aim to increase the clarity, format and range of publicly available information on how Scotland's Budget is agreed and spent.

This commitment is core to the values in Scotland's National Performance Framework and supports the delivery of the Sustainable Development Goals by seeking to articulate more clearly the link between performance information and fiscal decisions. It is a fundamental part of the Scottish Government's commitment to delivery of new devolved powers in Scotland in a ways that are transparent and open.

### **Activities**

1. Scottish National Investment Bank adopts Open Government principles and culture and explores setting up the following:
  - Citizen Advisory Group
  - Develops Ethical Statement with public participation and input
2. Young people's understanding of Public Finances Report – with YoungScot – will be published
3. The Spending Review will be completed by December 2019 in time for Budget 2020-21. A new development in transparency for the Spending Review will be the publication of a Spending Review Framework by June 2019, which will set out the economic and political context, the criteria which will govern the assessment of budgets and the process and timetable for the review. This is in line with the Budget Process Review Group Report (recommendation 4), and is intended to amongst other things to support Parliamentary Committees in undertaking 'a constructive dialogue with the Government, public bodies and stakeholders... in order to influence the outcome of the spending review'.
4. We have committed to progress on making closer links with outcomes and the budget over the years ahead. Key milestones are each successive Scottish Budget, which would usually be published in December each year for the forthcoming financial year.  
Indicators of progress would be:
  - commentary and analysis in the Budget document showing how spending contributes to intermediate outputs, measures and milestones set for new policies – with the outcomes those policies we are aiming to achieve set out clearly at the time they were announced;
  - a clearer link between policies and plans and the Budget document to show how the allocation of resources contributes to priorities, long-term aims and outcomes.

5. Make links between budget and outcomes: Publish more information about Scotland's progress in relation to the National Performance Framework and Sustainable Development Goals.
6. Publish Scottish Government procurement-related spend information.
7. Publish Scottish Government contract documentation, starting with large collaborative frameworks.
  
8. Consult with civil society on how best to make published procurement information useful and accessible to a wide audience.

State actors could include: Scottish Parliament, Scottish Fiscal Commission, Revenue Scotland.

Active Partners could include: Scottish Open Government Partnership network, Young Scot, Transparency International, Global Institute of Fiscal Transparency, OECD.

**Commitment 2:** Providing a framework to support systemic change in Scottish Government to improve the way people are able to participate in open policy making and service delivery

**Timeline:** December 2018 – 2020

**Lead:** Scottish Government, Ingage Team

**What problem are we trying to solve?**

The Scottish Government is committed to working with people in Scotland to deliver policies and services that are designed to meet their needs. Openness is an outcome in Scotland’s refreshed [National Performance Framework](#) which Scottish Government wants to achieve by being open and participatory in how we work. While there is good progress and excellent examples of listening to, involving and working with citizens, communities and people across Scotland, improving participation was the highest priority to emerge from the public engagement on open government. This evidence clearly shows that concerns still exist about the processes of engagement and consultation used by Government, and wider public services. The result of this is a growing mistrust of both the processes and the outcomes.

[We heard](#) concerns about all types of engagement. Issues include:

- inconsistency of approach and lack of feedback; leaving people unsure what is done with their input
- too much reliance on a small number of stakeholders, rather than seeking to involve the wider public (and causing consultation fatigue in a few)
- too great a reliance on formal consultation mechanisms, and too often at a point where the options have been narrowed or all-but fixed
- consultation documents often being complex and long, making them unsuitable for respondents unfamiliar with the arguments, the type of language or the actions – so excluding many
- insufficient use of participatory approaches that provide clear information and an opportunity to deliberate on options, early enough in the development of policies and services to effect the outcome
- insufficient use of technology – many people now choose to communicate using phones, tablets and computers
- insufficient accessibility support to ensure a wide range of people can participate fully and people’s time is properly valued.

This commitment will be delivered with expertise from both public service and civil society, but is deliberately focused on effective support for public servants. The expectations placed on public servants to involve people in their work has changed. As government becomes more open and accessible, many have welcomed and embraced this change, but in a world with fewer resources, support and training for public servants needs to be effectively targeted.

### **What are we going to do?**

In brief, we commit to developing a 'Participation Framework' which guides good practice across government. We will illustrate and test examples of approaches in key policy areas. We will also review practice on consultation.

A Participation Framework will be developed based on the needs of public servants to make effective decisions on how, why and when to involve people in the development of policies and services openly. A primary aim is to give those delivering public services the confidence and understanding to use the matrix of methods and processes most effectively.

Training, guidance and case studies will be developed to demonstrate progress in types of participation and in various policy settings. It will guide users through the creation of a policy through to implementation of a service.

A Participation Framework will help users to navigate options, techniques and tools (including digital) for open policy making. Including Improvement Methodology, Service Design, User Research, deliberative processes; coproduction principles among others.

### **How will this help solve the problem?**

The overall objective is to respond to the clear message from the public that there is a need for better participation. The bigger vision of this commitment is that people's views, expertise and lived experience is feeding in to the right places in government, at the right times in the development of policy and services. We hope this will contribute to changing the relationship between citizen and state to one of collaboration and partnership.

The expected result is to create guidance and identify training and process needs which can support public servants to make the meaningful involvement of people routine, effective and proportionate. It will support high quality participation tests that take into account who is participating and their contribution, as well as those who are not or cannot participate, in how this is used to improve development, design and delivery of policy, services and decision-making.

The resulting improvement to engagement and participation practices across government will help embed the [National Standards on Engagement](#). There should be a number of measurable improvements in the public experience of participating or engaging in governments work.

This is linked to the First Minister's ambition for Scotland's government to be more open and accessible, and the value of openness as a core value in the refreshed National Performance Framework.

The commitment is relevant to the Open Government Partnership value of civic participation by opening up services, policy and decision-making to include and involve the public. This commitment is working towards creating a more meaningful experience of public participation and demonstrating the value of this.



## **Activities**

The Participation Framework will be tested through a number of specific examples, as detailed below. Results will be made publicly accessible to measure success. The Participation Framework includes an exploration of participation enabled by technology. We will also include an assessment of the impact on equality.

This Framework of support will address three key elements:

- improve understanding of the benefits of involving people early in a process;
- raise awareness of the skills needed to either carry out or commission effective, proportionate and inclusive participation processes, and;
- help to equip people to use the right method, for the right reasons at the right time.

### **1. Development of a Participation Framework**

Existing advice, training and guidance will be reviewed. This will be drawn together to identify gaps and needs, before the creation of a Participation Framework for improving practice across Scottish Government. The work will be reported upon and will include the following:

#### **1.1 Guidance:**

Advice and case studies on using a variety of participation methods across the Scottish Government. This will explore the various cultural, organisational and strategic uses of participation in government and in current practice, to ensure this guidance meets current needs and challenges. The Participation Framework guidance may include:

- making sense of terminology – a participation ‘jargon buster’
- decision-making tree – when and how to use different methods
- understanding skills for participation – smart commissioning
- knowledge bank collating the wealth of good existing guidance and practice
- development and delivery of training plans
- evaluation – how successful has your participatory activity been?

The Participation Framework and associated guidance will take account of protected characteristics, including specifically race and gender equality – linking into the below mentioned work.

#### **1.2 Policy on accessibility for citizen participation**

We will develop a cross-government accessibility policy to help diminish barriers to engaging in government’s work. This could include creation of an expenses reimbursement policy for participants engaging in government work and/or guidance on different formats for producing information. People and interested organisations should be involved throughout the creation and testing of this policy.

### 1.3 Improve the formal consultation process

As part of the above work on guidance, we will specifically look at the formal consultation process commonly used in the Scottish Government as a tool in the policy-making cycle for engaging stakeholders and the wider public. A working group will be established to review practice, with the aim of helping policy-makers know when and how to use consultation, as one of many tools used in public engagement. This review will build on existing guidance specific to the consultation process. It will identify the appropriate support and advice for policy teams, across all sectors of government, which are considering seeking people's views, on using alternative methods, where appropriate, to the circumstances, content and purpose. This guidance could help policy teams to consider alternative approaches to working with people, end users, citizens or stakeholder groups, while also improving practice on consultation.

### 1.4 Develop a strategic approach to participation, specific to children and young people

Work will be carried out to link the Children and Families strategic approach to participation in the broader Framework. This action is to develop a strategic approach to participation, specific to children and young people, as part of our Action Plan 2018-21 to progress human rights of children as well as building on the [Year of Young People 2018](#) Legacy. Our aim is to mainstream the participation of children and young people in decision-making. It will demonstrate participation practice across government, share learning from specific policy-areas, such as Children and Families, and contribute to government-wide improvement on participation practices. It will be evidenced by existing research and best practice as well as specific qualitative research into what works. It will be carried out in conjunction with the research cross-sectoral working group.

## **2. Experiment with attitudes to openness**

We will host events as safe spaces to explore what 'openness' means to people in their work. We will provide some advice and training around working in the open and working in the culture of open government. It is hoped this will begin to build an understanding of the issues and concerns that may make this difficult, and will build confidence in taking an open approach. 'What does openness mean to you' discovery events could involve a broad range of government and non-government participants.

## **3. Testing citizen participation enabled by technology**

The Scottish Government is beginning to explore citizen participation enabled by online or digital means. It could be the right moment to explore these broad issues around accessibility, transparency and digital democracy. Accessibility will be at the heart of this exploration of where technology could be used to help those who face difficulty with current processes, as is being currently explored in the on-going work on e-voting pilots testing technology to bring people in, rather than exclude.

This will include:

- the progress monitoring mechanism set up for Open Government Partnership Action Plan, so that the public have online access to up-to-date delivery progress on commitments

- scoping feasibility of and appetite for a single portal for engagement and participation opportunities across the public sector (for opportunities such as participatory budgeting). This work will be in partnership with COSLA, given interest from Local Authorities and possible other parties.

With the aim of improving communication about participation opportunities, we will explore how people could more easily find out about upcoming consultations by making this available online. This will help organisations and individuals better plan and prepare for responding and engaging in Scottish Government opportunities. The result of this could be a list published and available on the Scottish Government website.

#### **4. Exploration of deliberative and participatory methods through specific examples of active work:**

The Scottish Government will test guidance and methods of participation through several live areas of work, detailed below. These test sites will use the Open Government Partnership guidance produced by the deliberative practice group. The aim of linking these pieces of work under open government is to ensure learning is shared across government and externally. The following approaches will be tested, among others:

##### 4.1 Mini-publics

The local governance review is underway, carrying out a Scotland-wide conversation on the future of local democracy ([Democracy Matters](#)). We will work alongside COSLA and our cross-sector enabling group to explore the potential of including mini public or citizen assemblies as part of the next phase of engagement. This would be an opportunity to test the use of dialogue and deliberation with citizens to progress the developing thinking on the future of local democracy in Scotland.

##### 4.2 Participatory budgeting and deliberative processes

Work has been ongoing to develop a charter for [participatory budgeting in Scotland](#) that clearly identifies the principles and values that should underpin a mainstream approach to participatory budgeting (PB) and broader participative democracy. As part of this work, a deliberative process to set out a clear expectation of mainstream participatory budgeting will be held. The purpose will be to connect to the existing [National Standards for Community Engagement](#), the requirements to carry out equality and human rights impact assessments, sustainability and environmental impact assessments as well as the use of other methods and tools such as the [Place Standard](#). This work will link directly to and be part of the broader local governance review (see above) as a practical realisation of citizens participation and involvement in local decision making that affects their life opportunities and outcomes.

##### 4.3 Co-production

The Scottish Governments seeks to deliver the actions that will deliver the change set out in the 'Homelessness and rough sleeping' action group's final report [Ending Homelessness](#). Specific elements of this action plan will be developed in partnership with homelessness organisations and will find ways to include homeless people in the co-production process.

#### 4.4 Collective Leadership

The Scottish Government is testing a new collaborative approach to solving some of society's most complex problems through [Collective Leadership](#). The Collective Leadership methodology uses highly skilled facilitation to coach a collaborative working group of leaders through difficult problems. This support is offered to cross-organisational groups which are grappling with a complex issue and are open to learning and doing things differently.

One test site is improving the provision of health and social care services in Scottish prisons. The problem here is that people in prisons typically suffer from unusually high health inequalities, and their offending behaviour is often driven by health conditions, especially drug and alcohol misuse and mental health issues. The impact of repeat offending is felt by patients, victims and their respective families, communities and the wider public services who engage with this cohort of individuals in prison and after release.

The 'Health and Social Care in Prisons Programme' will deliver national change to enable local partners to improve health and social care services to this group of patients. This includes integrating health and social care in prisons, delivering more transparent reporting on patients' outcomes, delivering better IT systems, and broader structures for improving services and supporting the workforce. The work requires the close cooperation of organisations with very distinct organisational cultures, making it an area of social policy that can only be addressed by more effective collective leadership and joint working.

Participants will be supported through the Collective Leadership for Scotland offer and the learning from this work made available through the Collective Leadership webpage, and at open learning events.

#### **5. Transparent and open policy-making**

The Scottish Government will deliver the Programme for Government (2018) commitment to work with stakeholders and interest groups to develop a common public sector approach to Online Identity Assurance and to do this in an open and transparent way following open government principles and practice. The vision is to help people to prove who they are online, in a safe, secure way, for easier access to public services. There is a National Stakeholder Group with the remit to inform the design, direction and prioritisation of the work programme from a stakeholder perspective. All Stakeholder Group meetings will continue to be as open as possible, with open invitations to interested members of the public, publication of all papers, and filming and streaming wherever possible. Papers and minutes of the Programme Board, which oversees programme governance, will also be published, contributing to transparency of decision making. Additionally, there will be blog posts, and public facing 'show and tells' to provide regular updates on the programme. The development work itself will be informed by the Scottish approach to service design, in order to design the new approach around the needs of individual people who will use those services. And a distinct citizen participation strand is planned to directly engage citizens around the programme themes of using a digital identity for online access to public services and protection of privacy and personal data.

## **6. Research and evaluation on equality of participation**

Light touch research will be done to assess how the commitments on Open Government impact on gender and other protected characteristics. This focused study will include two learning events to share progress and ensure links to on going work on gender studies and equalities. The Scottish Government will deliver this commitment with first establishing a consortium of Scottish universities in partnership/co-sponsorship and other interested parties. The research will serve as learning for future Action Plan's on open government and initiatives in considering the impact on equalities.

State Actors involved: Scottish Government, Director of Communications, Chief Social Researcher, Chief Designer, Digital Engagement, Public Service Reform, Race Equality team, COSLA.

Active partners could include: Civil Society organisations Involve, SCDC, Democratic Society, Open Government Network, Academics and Gender experts.

### **Commitment 3: Improving how information and data is shared**

**Timeline:** December 2018 – 2020

**Lead:** Chief Statistician, Scottish Government, Digital Health and Care, Scottish Government COSLA

#### **What problem are we trying to solve?**

The public sector holds much information on Scotland, its institutions and communities. The website [statistics.gov.scot](https://statistics.gov.scot) was launched in 2016 to provide free and open access to Scotland's official statistics data, and currently holds over 200 datasets covering a wide range of topics and organisations. However, much more data remains to be made easily and consistently accessible.

#### **What are we going to do?**

We will make more of our rich data public sector data open for social and economic good, and to help people understand how our country is changing.

The Scottish Government will continue to work in partnership across the public sector to expand the range of data hosted on [statistics.gov.scot](https://statistics.gov.scot).

By 2020, it will include all data underpinning our National Performance Framework and be the 'open as standard' mechanism for publishing all of Scotland's official statistics data, where appropriate. We will develop the platform further to host more types of data, including public sector management information such as financial data.

Building upon and beyond [statistics.gov.scot](https://statistics.gov.scot), we will develop innovative ways to make Scotland's data relevant and accessible to a wide range of users, including infographics and interactive apps.

To better understand Scotland's communities, we will increase the number of datasets that provide information at a local level. We will promote the use of this information in local area profiles to aid local decision-making. We will ensure open data is accompanied by the appropriate metadata and explanations to help people understand and reuse it.

We recognise that giving greater access to information alone is not sufficient. The ability to find and filter databases and datasets, identify and isolate noteworthy information from raw data, and turn this into insights to inform decision making: all remain out of reach for most citizens. Thus, data literacy must be developed in order to foster citizen empowerment through the use of data. We will work with representatives from civil society and other government agencies, to consider how we can develop wider data literacy in society. This will include workshops to discuss the idea of developing a programme of data champions or the appointment of a Scottish Data Ombudsman.

#### Access to information – Public Health and Care

Scotland's [Digital Health & Care Strategy](#), published in April 2018, has a vision of the people of Scotland having access to their information to help maintain and improve their health and wellbeing, and that frontline staff and carers can also access the information they need to deliver high quality care and support. To enable this, the Scottish Government and COSLA have committed in the Strategy to involve the

public in developing a consistent national approach to the use of health and care information, including clear and appropriate choices for individuals about how their information will be used and how and when it will be shared. The strategy makes it clear that people expect *their* information to be available to them. The Strategy further recognises the need to build and maintain trust with greater transparency over how and why such information is used for wider public or societal benefit.

The technical delivery of this ambition is being taken forward through the [development of a national digital health & care platform](#), which is in part designed to 'deliver the digital capability for citizens to access and update information about their health & wellbeing, including their records and from personal monitoring, and to interact with services.' Participative engagement (involving all potential users) is a key requirement, with the Scottish Approach to Service Design being embedded to ensure true co-design of the platform. Alongside that, there is a need to effectively engage with the public to build the necessary trust and to explore the opportunities for greater citizen-led data sharing. To this end, we are launching two innovation challenge with NESTA in 2018/19 around building trust, including understanding what gaining trust means and generating an understanding of the value of sharing data, and on making (any) data useful to citizens for their health and wellbeing.

### **How will this help solve the problem?**

The actions described in this commitment will:

- increase the amount of Scotland's official statistics published as open data
- increase the amount of data published at a geographic level that describes communities
- make data more easily findable, understandable, and reusable
- communicate the insights from this data to a non-technical audience
- plan potential future work on data literacy

This commitment deals primarily with improving public access to information:

- by increasing the amount of data in the public domain, particularly geographically disaggregated data
- by improving the accessibility of data that is already in the public domain
- by making it easier for anyone to combine and reuse statistical information

The specific details of the commitment largely focus on the release of data. However, we recognise that a lack of data literacy skills is often a barrier to accessing insights contained in datasets. To mitigate this, and thus broaden access to information, we will use publicly available data to power apps, infographics, and area profiles, which can be accessed by a wider audience.

The Scottish Government's [Digital Strategy](#) describes how we will support change and innovation through the effective use of data.

## **Activities**

1. Publish all datasets underpinning the National Performance Framework on [statistics.gov.scot](https://statistics.gov.scot)
2. Assess the suitability of all official statistics in the Scottish Government's publication schedule for publication on [statistics.gov.scot](https://statistics.gov.scot)
3. Increase the number of datasets available for small areas (such as data zone and intermediate zone levels)
4. Develop [statistics.gov.scot](https://statistics.gov.scot) as a tool for publishing public sector management information
5. Use open data to create publicly available infographics and interactive apps.
6. Use small area data to produce publicly available local area profiles.
7. Review and improve metadata associated with all open datasets
8. Workshops to consider developing wider data literacy in society
9. In line with the Digital Health and Care Strategy, we will develop an approach with the people of Scotland to ensure their health and care information is accessed and shared in an open and transparent manner in the pursuit of excellent care at the point of contact, further building trust in our health and care services.

State Actors involved: Scottish Government, National Records of Scotland, NHS ISD other public sector data producers. Other partners could be included as this work evolves.

Active partners could include: Open Government Network. Other partners to be included as this work evolves.



**Commitment 4:** Improving the accountability of public services – the citizen’s journey

**Timeline:** December 2018 – 2020

**Lead:** DG Economy, Scottish Government will work collaboratively with scrutiny bodies, regulators, Citizens Advice Scotland and other civil society organisations

**What problem are we trying to solve?**

How public services are held to account in Scotland is complex. It can be challenging for people to know how to navigate this landscape whether to share their views, resolve a problem or hold public services to account at an individual, organisational, sectoral or national level.

From the public consultation, we heard that people wanted to know:

- how to make their voices heard;
- how they can have a say in, and contribute to, public sector improvement and accountability; and
- who makes decisions about public service design and delivery, how and under what authority.

A lack of understanding and certainty around how public services are held to account can make individuals feel powerless, frustrated or disengaged.

**What are we going to do?**

This commitment is split into two distinct parts: Part 1 is led by a collaboration of scrutiny bodies and regulators. Part 2 is led by the Scottish Government.

Part 1 – Understanding accountability and improving citizens’ access

We commit to work collaboratively within the current regulatory framework to improve the citizen’s understanding of and access to accountability mechanisms. This means improving people’s understanding of accountability and how Scottish public services are held to account; and how they can exercise their right to seek scrutiny of public services.

We will work together to examine what accountability means to different groups of people. This will include mapping the current landscape of public service scrutiny and regulatory bodies, identifying what sort of decisions they take, what and how they scrutinise and regulate, how they drive improvement and how citizens can access this.

Our approach will include the milestones under Part 1 below.

Part 2 – A citizen-focused approach to public services

Accountability isn’t just about reacting when things go wrong. It must be embedded throughout public service design – starting with policy and decision makers hearing people’s views and experiences, learning from past experience when designing new services, and tackling the issues that matter to people in a way that works for them.

The Scottish Government is committed to working collaboratively to put these principles into practice by progressing a transformational approach that puts people

at the heart of policy making. The Scottish Government will continue its work with a range of partners (taking account of the work of Part 1 of this commitment) to deliver the following milestones under Part 2 below.

Consumer Scotland will establish an investigatory body to tackle issues where there is a high level of consumer detriment. It will provide an important vehicle to build trust and transparency in government by ensuring that those responsible for poor decisions and practices are held to account.

### **How will this help solve the problem?**

The commitment will improve the citizen's journey around public services accountability. It will empower and enable citizens' participation and ability to hold public services to account. We envisage this commitment will deliver the following outcomes:

- amplify the work of scrutiny bodies and regulators to hold public services to account and make it more visible to people
- people know how they can hold public services to account and are supported to do this
- scrutiny bodies, regulators, civil society and government work effectively together and share good practice.

In delivering this commitment we will:

- enable greater transparency by increasing the accessibility, usability and quality of information on public service accountability for people
- enhance and strengthen the citizen voice and citizens' ability to inform public services by helping people navigate the scrutiny and regulatory landscape
- promote people-focused scrutiny mechanisms that strengthen citizens' ability to challenge how public services are delivered, including through complaints and appeals processes

This work will aid the delivery of the:

- Openness commitment within the National Performance Framework
- Community Empowerment
- The Duty of User Focus in Public Services Reform (Scotland) Act 2010
- Potential new Consumer Duty as consulted upon in the Consumer Scotland consultation in July 2018

## **Activities**

### **Part 1 - Understanding accountability and improving citizens' access**

- analysing relevant data to identify what public services people seek advice on and the root causes of their concerns;
- working with regulators and scrutiny bodies to identify and share information about their remits, links and perceived challenges;
- holding conversations between citizens, regulators, scrutiny bodies and government to identify how citizens would like to exercise their rights to complain, appeal or seek scrutiny of public bodies, and what the barriers are;

- working with regulators and scrutiny bodies to understand how to share learning and good practice on ensuring citizens are able to help shape their services going forward; and
- identifying ways to improve access to and strengthen citizens' ability to hold public services to account within the current landscape, to amplify the impact of the scrutiny bodies and their distinct duties.

## Part 2 – A citizen-focused approach to public services

- Develop an approach to consider the impacts of public policy and decision making on people in a systematic and coherent way, and to recognise the importance of citizens in driving high quality public services;
  - Develop a new narrative on the importance of citizens in policy-making
  - Assess methods for representing the citizen voice in policy-making
  - Develop and trial different ways of supporting policy makers to consider citizens
- Review the provision of and access to advice services in a way that adopts the spirit and principles of the Open Government Partnership to uphold the rights of people in accessing advice; and
- Develop and implement a statutory consumer body for Scotland - Consumer Scotland - in a way that adopts the spirit and principles of Open Government Partnership.
- Complete and publish impact assessments
- Consumer Scotland Bill laid in Scottish Parliament
- Establish delivery mechanisms for Consumer Scotland

State Actors involved: Audit Scotland, Cosla, Scottish Care Commission, Scottish Government, Scottish Information Commissioner, Scottish Public Services Ombudsman  
Others to be added as we engage further.

Active partners could include: Citizens Advice Network, Open Government Network.  
Others to be added as we engage further.

## **Commitment 5: Transparency and participation in Scotland as the UK exits the European Union**

**Timeline:** December 2018 – 2020

**Lead:** Organisational Readiness in Exiting the EU, Scottish Government

### **What problem are we trying to solve?**

Since the UK-wide vote to leave the European Union in 2016, the UK, as the member state negotiating with the EU, has not provided objective information on the process, outcomes and potential implications of leaving the European Union.

From discussions with stakeholders in Scotland, there is a perception that the public are confused and do not trust information surrounding Brexit, with a wide range of conflicting information regarding the possible terms of the UK's future relationship with the EU, and what this means for individuals and businesses in Scotland and the EU, and other EU nationals living in Scotland.

This was also recognised by the Open Government Partnership. The Independent Reporting Mechanism (IRM) Interim Progress Report for the United Kingdom 2016-2018 National Action Plan recommended:

*The government must ensure citizens have access to information on how the Brexit process will impact their lives, given the major institutional changes that will take place in the UK as a result. Moving forward, the IRM researcher recommends that the government and CSOs (Civil Society Organisations) continue experimenting with new ways of engaging with a wider range of civil society stakeholders and the public around this and other key issues.*

Whilst this recommendation was made to the UK Government, the impact of Brexit will be felt as strongly, and even more so in some areas of Scotland, where there are particular concerns from individuals and organisations around depopulation from less migration, less EU funding and lower exports to the EU.

This is in the context of the majority of citizens voting to remain in the EU, and where devolution means the policy and legal implications of decisions made by the UK Government will have different implications and impacts on Scotland.

### **What are we going to do?**

The Scottish Government is committed to proactively publishing information on the potential impacts of Brexit and actual impacts as these are realised. Where research and analysis is commissioned, we will seek to publish results where possible. To support and encourage involvement of people and communities so we can hear their views and they can understand the information, implications and impacts of the decisions taken by the UK Government. The Scottish Government will make public its preferred approach to leaving the European Union, and the supporting evidence for that approach. We will engage with stakeholders, including the Scottish Parliament, to provide our ongoing assessment of EU exit negotiations, the implications of the outcomes for Scotland and we will listen to views to inform the Scottish Government's response. This will help to raise understanding by policy makers about the implications and to help protect what matters to the people of Scotland as the UK leaves the EU.

This is in addition to the commitments contained within our Agreement with the Scottish Parliament on Inter-governmental Relations, which has been commended to other administrations as a model of good practice.

The Scottish Government has already published several papers including:

- In our [Scotland's Place in Europe publication](#) published in 2016 and updated in 2018, we clearly set out potential implications of Brexit and our position to remain in the EU.
- [What's at Stake for Individuals](#) and [What's at Stake for Businesses](#) highlights what stakeholders in Scotland are concerned about .

All our publications relating to Brexit are [collated here](#).

### **How will this help solve the problem?**

Publishing a clear position, based on evidence and analysis, at an early stage helped ensure that people were informed as negotiations began.

By continuing dialogue across and within communities we will continue to improve understanding of all of the issues people are facing in regard to the impacts of Brexit; increase understanding of and influence the Scottish Government's policy with regards to negotiations with the UK Government and help build consensus in Scotland for mitigation of the impacts of Brexit on people's lives and wellbeing.

This commitment supports the Open Government Partnership values of openness, accountability and participation in relation to arguably the biggest policy impact for a generation or more, which will change not only the policy environment but the legal basis and basic rights of all those resident in Scotland and Scots resident in EU countries.

At the time of developing the 2018-2020 Scottish National Action Plan the shape of the Brexit agreement and therefore the potential impacts on Scotland are not known. We are therefore keen to build on flexibility to this commitment to enable us to respond appropriately to this fast moving environment which is largely outwith the control of the Scottish Government.

### **Activities**

1. To hold 3 roundtable discussions with citizens and interest groups in the run up to Brexit
2. To engage rural communities and work with Scottish Rural Parliament and potentially others, to deliver a discussion on the impacts of Brexit on rural communities
3. To work with Children in Scotland to deliver a young people's advisory panel on Brexit and MyLifeMySay to deliver Brexit Cafes for young people to understand their concerns and views on the future UK-EU relationship with a report due in December, 2018
4. As set out in the Scottish Government's Programme for Government, we are making provision for a service that will provide practical advice, information and support for EU citizens in Scotland. We envisage a service that will improve awareness and understanding of rights, entitlements and

requirements, and we will set out more details of the service in the coming weeks.

5. We will make provision for an advice and support service for those 235,000 EU citizens resident in Scotland. This will seek to offer information on the new settled status scheme and provide support to EU citizens in understanding the impact Brexit will have on them.

State Actors involved: Other partners could be included as this work evolves.

Active partners could include: Open Government Network, Rural Parliament, YoungScot. Other partners could be included as this work evolves.

## **Conclusion**

Thank you for reading Scotland's Second Action Plan on Open Government.

This Action Plan will be delivered over 2018-20, and we will provide a way to make it possible to track progress of the commitments which will be publicly available and updated regularly.

We will officially launch this Action Plan in January 2019 as a summary document in Plain English for increased accessibility.

We will be working closely with the Open Government Network to deliver the commitments outlined over the next two years so there are plenty of opportunities to get involved. Anyone with an interest can join the Open Government Network. [Visit here](#) to become a member. It's free and you can be involved as much or as little as you like. We welcome involvement with interested individuals and civil society organisations throughout the course of delivering this Action Plan.

We will also be reflecting on the process of developing this Action Plan over the last year with those who have been involved. We will publish a report of our learning with the aim of improving the process for the next time.

This document has been produced by the Scottish Government and the Open Government Network.



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