

# Citizens' juries: "government of the people for the people by the people?"

Roy Lilley wonders whether citizens' juries live up to Abraham Lincoln's concept of democracy, and are the means to head off judicial review of Sustainability and Transformation Plans. [Dr. Malcolm Oswald](#), Director of Citizens' Juries c.i.c., explores whether he is right?

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### Analysis

In his recent [email](#), Roy Lilley asks:

*"Sustainability and Transformation Plans are starting to emerge... Services will merge, specialties coalesce, maternity units amalgamate, practices close, A&Es downgraded and others expanded... A new NHS will be tripped and dragged through consultation and judicial review...Is there another way?"*

Roy has an answer...

*"Back in 2007 there was talk of Citizens' Juries. An idea, I think, has great merit and was later adopted by NICE as a mechanism to involve the public in tricky decisions. They seem to have fizzled out? A citizens' jury is a group of 12 to 20 people, chosen to represent the communities from which they come. They are chosen scientifically and independently and are not experts on the topic under discussion, nor members of interest groups. They're asked to look at issues, in the same way a jury does in a courtroom; giving ordinary people a bigger role in democratic decision making. Juries spend several days, considering the subject. They are given facts and figures that have been independently verified and will hear 'evidence' from a range of experts."*

I can confirm that citizens' juries have not fizzled out. Indeed, they are having something of a revival. But first let me declare an interest.

I believe in citizens' juries and have set up a [social enterprise](#), to design and run juries in partnership with the [Jefferson Center](#), the US charity which developed the citizens' juries methodology over 40 years ago. [Two juries in January](#) fed into

[Dame Fiona Caldicott's review](#) of data security, consent and opt outs.

[Two more this month](#) are testing public acceptability of [Connected Health Cities'](#) plans to share anonymised patient data from across the North of England.

Would a citizens' jury be a good way to consult the public about an STP?

Yes. The citizens of course may not agree with the plan, and might recommend

something different. But juries are a good way to discover what a cross-section of the public - not empassioned lobbyists - think about a complex and contentious public policy question. And STPs, like most other policy questions, are complex and contentious.

Are there alternatives? Yes, of course. Surveys and focus groups have their place, but only ask for views and do not inform participants. "Town hall meetings" allow citizens to voice their concerns, but tend therefore to attract those with the most concern, and often the strongest views.

Whilst [online email petitions](#) can bring an important political issue to thousands or even millions of people and voice their concerns, the emails are sent to a non-representative population, [could be hijacked](#) and are usually designed to provoke an instant, one-sided response. Or a referendum could be called.

But... a referendum is very expensive, and too often suffers from polarised debate and a dearth of relevant impartial information.

Would citizens' juries prevent judicial reviews of STPs? Perhaps.

They would provide important evidence of engagement with local people. Citizens' juries can provide legitimacy to the decisions of public bodies of unelected officials, who typically do not represent the local community.

However, a wider open public consultation, using other forums like town hall meetings, would also be needed.

Furthermore, as lawyer David Hill warns in his "elephant trap alert" about legal challenges to STPs in last week's HSJ, STP areas are not statutory bodies, and must consult with and seek the consent of all statutory local organisations.

Should the citizens on the juries be the decision-makers? Not in my view. The juries' citizens are unelected and unaccountable.

A jury's recommendations can be "owned" and implemented by publicly-accountable officials though. They did this in [Melbourne to prioritise a A\\$5billion, 10 year council spending plan](#). Australians like citizens' juries/panels/councils.

Bias is an important critique. It's important to monitor, minimise and publish perceived bias identified by the independent oversight panel who review all the design materials, including the choice of expert witnesses and their slides, and from jurors themselves.

And to let the customer set the jury questions but not interfere with the integrity of the process or published outputs.

So a citizens' jury alone is not a panacea for plugging the democratic deficit. But juries would be a good tool for exploring STP proposals with the public. Or options for solving the funding crises that plague health and social care...