Experts, publics and open policy-making: Opening the windows and doors of Whitehall

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1 Open policy-making

Whether it intends it or not, Government is becoming increasingly porous.

On the one hand, the ubiquity of web 2.0, especially social media, has made it increasingly easy for Government to engage with citizens via the Internet. On the other, it has also presented a new means through which citizens can organise themselves and mobilise others, as well as scrutinise, respond to, and/or subvert the decisions and workings of Government (e.g. the #riotcleanup Twitter hashtag in the aftermath of the 2011 riots[1], FixMyStreet[2] The Spartacus Report[3] or the Big City Plan Talk in Birmingham[4]).

The use of digital technologies to open up Government has arguably accelerated since the election of the Coalition Government in 2010. This has been seen particularly with the emphasis on opening up Government datasets[5], but also with large scale attempts to engage across the UK population, such as the Spending Challenge[6].

Indeed, openness is not just a case of simply doing things more transparently, or releasing large numbers of Government datasets. It also requires Government to identify and involve organisations, individuals and citizens with expertise and knowledge, which Government does not have in all areas of its work.

The addition of 'open policy-making' as a key element of Civil Service reform is, therefore, another important step in the direction of open Government. The Coalition Government's Civil Service Reform Plan[7] makes a commitment to open policy-making becoming 'the default' and, to underline this commitment, there is now an Open Policy-making Team within the Cabinet Office.

However, open policy-making is not yet a clearly defined concept, or an agreed set of institutional changes and Governmental processes. The Civil Service Reform Plan represents the start of a debate. It is the beginning of a process of learning and exploration by Government into how to make policy and deliver services more effectively and efficiently. The commitment by the Government to open policy-making represents an aspiration that policy could be better made.

But beyond this, open policy-making is the explicit articulation of an inescapable trend in the future direction of policy-making and Civil Service reform. This is partly a result of changes in the expectations of citizens, and partly the result of technological changes, both of which mean that institutions are being scrutinised ever more closely.

These themes were explored in a Sciencewise seminar earlier this year. This seminar explored a range of questions raised by the Government's moves to open up policy-making.

This paper draws on the presentations and participants' contributions during the seminar to explore the potential for, and barriers to, more public voice within policy-making[8]. The section immediately below explores in more detail what open policy-making means. The second section looks at the relationship between public dialogue, of the type supported by Sciencewise, and open policy. The third section considers the limits of knowledge and expertise within the policy process. It highlights that the value of opening up policy-making to different views and areas of expertise is in improving the policy process by highlighting and clarifying uncertainty, as opposed to hiding it. The conclusion briefly explores the implications of taking this approach to policy-making for our institutions of Government.

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[1] See for example, www.bbc.co.uk/news/magazine-14475741
[2] www.fixmystreet.com/
[3] http://wearespartacus.org.uk/spartacus-report/
[4] Local activists created their own webpage to allow comment and discussion on the draft city plan when the local authority failed to do so. See In the Goldfish Bowl (2013), Sciencewise for more detail.
[5] Nearly 9,000 are available at the time of writing on http://data.gov.uk/
[6] www.hm-treasury.gov.uk/spend_spendingchallenge.htm
[7] www.civilservice.gov.uk/reform
[8] This seminar, *Experts, publics and open policy-making*, was the third in a series of four organised in collaboration with the Institute for Government (IfG); The Alliance for Useful Evidence; The University of Cambridge Centre for Science and Policy (CSaP); SPRU and the ESRC STEPS Centre at Sussex University. www.csap.cam.ac.uk/events/experts-publics-and-open-policy/

1.1 What is open policy-making?

'Open policy-making' does not have a widely agreed upon definition and, as with all such terms, there is a danger of it meaning everything and nothing at once. Indeed, the Civil Service Reform Plan itself does not provide a precise definition, but sets out an aspiration to *'Establish a clear model of open policy-making.'*

Therefore, the conception of open policy-making that is hinted at in the reform plan should be taken as a) just one possible conception of what open policy-making could mean, and b) the starting point of the Cabinet Office's thinking on the subject.

In making the case for open policy-making, the reform plan focuses on the need for including other sources of expertise in policy development, stating that:

'Whitehall does not have a monopoly on policy-making expertise … [but that] Whitehall has a virtual monopoly on policy development, which means that policy is often drawn up on the basis of too narrow a range of inputs and is not subject to rigorous external challenge prior to announcement.'[9]

The recognition of this substantive rationale for opening up policy-making is important. In the past, as we will discuss in this paper, instrumental reasons for engagement have tended to trump substantive ones. There are arguably other important drivers that the reform plan does not mention, such as increasing democratic legitimacy and accountability. A renewed appreciation of the limits of Government in defining, framing and shaping policy is an invitation to a new model of open policy-making, but what this means in practice is an open question.

Whitehall's monopoly on policy-making, if it ever existed, has been under attack for decades. The authority of top-down policy has waned as the world has globalised, media have become pluralised and new social movements have emerged. Governments are increasingly likely to be faced with issues that cross national borders, and require engagement with multiple stakeholders, powerful multi-national companies and sceptical publics. The search for authority in finding new ways of governing the seemingly ungovernable has become a key issue for policy makers[10].

Looking more narrowly, the Civil Service's privileged position in providing policy advice to Ministers has also been eroded, for better or worse, quite considerably in recent decades, particularly by the proliferation of special advisors and think tanks. Regardless, the dominant model of policy development has certainly included too narrow a range of inputs and not enough external challenge. This does, however, point to the fact that opening up policy-making a little (i.e. to supportive advisors or think tanks) does not equate to open policy-making.

The Civil Service Reform Plan suggests a number of different ways in which policy-making could be made more open. This ranges from opening up to a wider, but probably still tightly defined range of experts all the way through to doing so in a way that is synonymous with collaborative policy-making. For example, it states that the *'Civil Service can go further in finding the most collaborative approaches to its policy-making'* and suggests the use of 'crowdsourcing', 'policy labs', involving delivery experts, cross-departmental teams, web-based tools, platforms and new media, and open data to make the policy process more open/collaborative. The plan also highlights the opportunities to be found from 'contestable policy-making' in order to bring more competition into the policy development process. In practice this will mean outsourcing particular policy questions to external organisations.

The reform plan also sets out a number of components of open policy-making, providing a 'least collaborative approach' and 'most collaborative approach' dichotomy for each (see Figure 1 below).

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[9] HM Government (2012) The Civil Service Reform Plan (P14): http://resources.civilservice.gov.uk/wp-content/uploads/2012/06/Civil-Service-Reform-Plan-acc-final.pdf
[10] For a recent book on the importance of these trends, see Hajer, M, Authoritative Governance: Policy-making In The Age Of Mediatization, Oxford University Press, 2009

1.2 Open as opposed to closed policy-making

Perhaps the easiest way to think about open policy-making is by splitting openness into two strands – transparency and participation – and placing it in direct opposition to the predominant model of closed policy-making. The default position of this model, at every stage of the policy process, is insularity and secrecy, both in terms of transparency and participation. Closed policy-making prevents those on the outside from knowing, among other things, what policy options are being formulated, whom policy is being influenced by and how, what evidence is being used (or ignored) in policy and why, what policy advice decision makers are receiving, and what impact a policy has. At the same time, input into the policy-making process, from problem identification, through the formulation of policy, the decision-making process and implementation, to the evaluation of a policy, is typically restricted to as small a group of people with as limited a scope as possible.

So, given the drive to move away from this default position, what might the opposite of this look like? For each policy-making stage there are a range of possible degrees of openness. There will, of course, be legitimate reasons and considerations that mean a policy-making process cannot be open in its entirety, but the endorsement of open policy-making might at least suggest a switch from a presumption of being closed to one of being open.

One approach would be to explore what a completely open policy-making process would look like at each stage, in terms of transparency and participation, as a starting point to considering what the intermediate steps could look like. In the next section we explore what role public dialogues of the kind supported by Sciencewise might play in the open policy-making process.

Figure 1: Components of open policy-making[11]

	Least collaborative approach	Most collaborative approach
Shared power	Top-down levers and authority for policy-making	True co-design, in which Government relies on ideas, argument and persuasion to help form policy together
Cross-boundary teams	Single organisation internal team of those in fixed long-term roles	Team drawn across organisations and even sectors, on basis of skill rather than organisational status
Joint accountability	Those in a policy network blaming others for inaction/lack of progress	Clear and mutually police-able roles and expectations for constructive engagement
Transparency	Restricted or redacted underlying data for policy decisions	Shared, transparent evidence base from all sources in accessible format for all to interpret
Direct access to Ministers	Civil Service as filter/blocker of policy advice from others	Unmediated direct routes to Ministers
Real world testing	Policy developed in isolation which turns out to be un-implementable	Policies tested/prototyped by users/frontline for practical viability
Iteration	Government controls what is on/off the agenda, fixed process from green paper to legislation	Anybody can initiate policy review/adaptation/evolution

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[11] HM Government Components of Open Policy Making http://my.civilservice.gov.uk/reform/the-reform-plan/improving-policy-making/

2 Dialogue and open Government

2.1 Public dialogue[12]

Sciencewise describes public dialogue as an approach to involving members of the public in decision-making which brings together a diverse mix of citizens with a range of views and values, and relevant policy makers and experts, to discuss and reflect on complex and/or controversial issues likely to be important in future policies. While dialogues can lead to participants drawing conclusions and reaching consensus about particular policy options, they are just as likely to raise new issues and even lead to the situation where it becomes clear that the conclusions drawn by scientists are in opposition to the views and values of the public at that moment. In this way, while public dialogue can sometimes provide answers, it can just as often open up new questions in ways which help policy makers to gain a deeper appreciation of public values and perspectives.

Over twenty Sciencewise dialogue projects have been completed since the programme began[13]. These have ranged across a wide variety of policy areas involving science and technology, but all have involved face-to-face deliberations between members of the British public, with the involvement of policy makers, scientists and other groups, and all have aimed to influence a policy under development at the time of the dialogue.

2.2 Open policy-making and public dialogue

Both open policy-making and public dialogue share many of the same drivers, such as a shifting relationship between citizens and the State, and a changing role for Government in the 21st Century context.

They both recognise, to a certain extent, that a top-down model of policy through central diktat is no longer sufficient and/or acceptable; both start from a similar position that policy and governance would be strengthened by the inclusion of a greater diversity of inputs and challenge into the process; and both are responding in part to the increasing complexity of society and the questions and issues that need to be addressed.

Both are also arguably linked to the idea of democratised knowledge in that they recognise that a) relevant evidence and knowledge exists in many different forms and are held by those not previously credited with having something to offer, and b) knowledge, insight and evidence is much more readily available to everyone in a networked and globalised world.

Open policy-making is a much broader idea than public dialogue, but it potentially presents a useful framework under which public dialogue can sit.

Public dialogue, when done well, is an example of open policy-making in action at the policy formulation stage of the process. If one element of open policy-making is including the widest possible range of inputs in a process, then the views and values of the public is certainly a part of this.

Public dialogue also fits well with a concept of open policy-making as collaborative policy-making, whereby policy makers draw upon a range of different forms of expertise (including that of citizens) to inform and develop policy.

Public dialogue has a number of features that seem to fit well with an open policy-making approach to policy development, as we outline in figure 2[14].

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[12] For more information about what public dialogue is, the role it can play and its impact see: www.sciencewise-erc.org.uk/cms/faqs-2/www.sciencewise-erc.org.uk/cms/faqs-2/
[13] See www.sciencewise-erc.org.uk/cms/completed-dialogue-projects/
[14] Adapted from www.sciencewise-erc.org.uk/cms/faq-1-what-is-public-dialogue

Figure 2: Features of public dialogue

Informed – participants are provided with information and access to experts

Two way – participants, policy makers and experts all give something to, and take something away from, the process; dialogue is neither solely about informing the public nor extracting information from them

Facilitated – the process is carefully structured to ensure that participants receive the right amount and detail of information, a diverse range of views are heard and taken into account and the discussion is not dominated by particular individuals or issues

Deliberative – participants develop their views on an issue through conversation with other participants, policy makers and experts

Diverse – participants tend to be recruited to ensure they represent a diverse range of backgrounds and views (participants are not self-selecting)

Purposeful – dialogue engages the public at a stage in a decision-making process where the policy can be affected

Impartial – public dialogues are often convened, designed, delivered and facilitated by independent individuals or organisations to help ensure the process is not biased in favour of a particular outcome

Expansive – public dialogue opens up conversations rather than closing them down

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However, current public dialogue usually involves a relatively small number of people at a particular moment in the development of a policy. At the same time as the dialogue is taking place, Government is collecting evidence to feed into the policy using a wide variety of methodologies and information sources. The challenge for the policy maker is to absorb and synthesise the vastly different forms of inputs that are required to make a more informed decision. To better understand the role of public dialogue in open policy-making, we therefore need to look at moves towards openness in a more conventional advisory setting.

3 Knowledge, expertise and policy

3.1 Openness or open-mindedness?

The drive for open policy, described in its latest form, has a long history. One moment in particular marked a watershed for the rethinking of conventions of expert advice. More than two decades on, the shadow of Mad Cow Disease still looms over discussions of expertise and policy-making. In 1990, the then Environment Minister John Gummer infamously dismissed uncertainties about a new disease in cattle. Four years earlier, Bovine Spongiform Encephalopathy (BSE) had begun to strike cattle, raising the question of whether this unknown disease might be transmissible to humans. Gummer, seeking to reassure the British public, farmers and the food industry that beef was safe, fed his four-year old daughter a burger for the benefit of the national media.

The previous Conservative Government admitted its mistake in its final months, confessing that BSE was linked to the fatal variant Creutzfeldt–Jakob Disease. The Phillips Inquiry of 2000 condemned the structures and cultures of advice and decision-making that had allowed for what Erik Millstone calls 'the most serious failure of UK public policy since the Suez invasion of 1956'[15]. The Phillips report, in 16 thick volumes, remains the most important, forensic analysis of expert advice to Government[16]. It is required reading (in its abridged form) for any Chief Scientific Adviser (CSA) and its insights have informed the various iterations of CSA Guidelines which include placing a requirement on policy makers to draw on a wide range of expert advice, as well as identifying when public engagement

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[15] E Millstone and P van Zwanenberg, Mad Cows and Englishmen: BSE: risk, science and governance (Oxford: Oxford University Press, 2005).
[16] N Phillips (Lord), J Bridgeman and M Ferguson-Smith, The BSE Inquiry: Report: Evidence and supporting papers of the inquiry into the emergence and identification of Bovine Spongiform Encephalopathy (BSE) and variant Creutzfeldt–Jakob Disease (vCJD) and the action taken in response to it up to 20 March 1996 (London: HMSO, 2000), see http://webarchive.nationalarchives.gov.uk/20060715141954/bseinquiry.gov.uk/

might be appropriate[17]. In figure 3, we summarise the most important conclusions as they relate to the question of openness:

Figure 3: Conclusions from the Phillips Inquiry

'Trust can only be generated by openness'
'Openness requires recognition of uncertainty, where it exists'
'The public should be trusted to respond rationally to openness'
'Scientific investigation of risk should be open and transparent'
'The advice and reasoning of advisory committees should be made public'

Openness according to Phillips is not just about transparency. It is not just about replacing smoke-filled rooms with greenhouses. It is also, crucially, about being open-minded. Opening up expert advice means paying attention to, rather than obscuring uncertainty. It means opening up the inputs to scientific advice (who is allowed to contribute, how and on what terms?). It also means changing the outputs from advice, such that they do not offer single prescriptions but rather help to inform the range of available policy options.

The reality is that, in the UK, we have confidently left behind one model of expertise, but not yet landed on a satisfying and coherent alternative. We sit between two models of expertise (see table 1). The old model is profoundly undemocratic. Science and expertise are seen as trumping the values, preferences and knowledge of publics. We have moved rapidly from having one of the world's more technocratic approaches to issues involving science, but the current state is rather confused. When we talk about being 'open', what do we mean? Are decision makers really interested in diversifying their sources of advice and expertise or are they more concerned with whether people trust them? Is it a case of, as one commentator put it, "give 'em bread, circuses and a bit of open Government"?[18]

Table 1: Forms of expertise[19]

Old model of expertise	New model of expertise
• Closed	• Open
• Homogenous	• Diverse
• Hubristic	• Humble
• Demanding public trust	• Trusting the public
• Expecting expert consensus and prescription	• Expecting plural and conditional advice
• Managerial control	• Distributed control
• Presenting the evidence	• Presenting evidence, judgement and uncertainty

We must not forget that Phillips's call for openness was not following a political fashion for transparency. This was not about moving from smoke-filled rooms into conservatories and carrying on as before, albeit with minutes published online. The realisation by the Government, post-BSE, was that openness must also be about open-mindedness – realising the limits of conventional systems and engaging with new perspectives.

Daniel Fiorino gives three main reasons for public engagement with policy: the first is normative – that democracy is a good thing in itself; the second is instrumental – that engagement might lead to greater trust and expedite particular policy measures; the third is substantive – that engagement, done well, makes for better decision-making. It is easy for policy makers to fall back on the first two rationales in the heat of the moment. But they should not forget that public engagement is only worth doing if it has substantive benefits. Nothing looks more untrustworthy than the effort to build trust.

[17] www.bis.gov.uk/assets/goscience/docs/g/10-669-gcsa-guidelines-scientific-engineering-advice-policy-making.pdf
[18] Stephen Ball, 'The new politics of the open', paper presented to the annual conference of the Political Studies Association, University of Reading, April 2006
[19] Taken from Stilgoe, J, Irwin, A and Jones, K, 2006, The Received Wisdom – Opening up Expert Advice, London Demos, www.demos.co.uk/files/receivedwisdom.pdf

3.2 Institutions of openness

Much of the new institutional machinery that was created in response to the Phillips Inquiry – including the Agricultural and Environmental Biotechnology Commission, the Human Genetics Commission and the Food Standards Agency – has been scrapped or downsized. These bodies all blended science with other inputs – from ethics, social science, interest groups and members of the public – in order to help build more credible policy. There is a danger that, as crises fade, administrations forget not just the importance of genuine openness, but also the complexity of building conversations between science and policy. Usable, relevant, credible evidence for policy is very different from just expecting our scientists to deliver the goods when policy makers come knocking. Where we once relied on systems of national laboratories, intimately linked with Government, most science is now devolved to our universities, making the conversations with policy makers stilted and making the job of intermediaries ever more important. There is a policy confusion, highlighted by the Council for Science and Technology with respect to nanotechnology[20], between 'the science that we want' – Nobel Prizes and papers in Nature – and 'the science we need' – locally-relevant and commissioned for particular purposes.

The new enthusiasm for openness has however coincided with interest in 'evidence-based policy'. Democratic developments are tempered by a technocratic reflex. Few would argue against being 'evidence-based'. As with medicine, from where the term was inherited, it is better for practice to be informed by objective evidence of what works than by personal whim or force of habit. But policy is rarely like medicine. Medical research is driven largely by the need to improve health and wellbeing. The majority of scientific research is not directed at immediate policy problems and, even when it is, issues take policy makers and scientists by surprise.

3.3 Facts and values

The assumption behind 'evidence-based policy' is that there are 'hard facts' and 'soft values'. But all too often policy reality gives us the opposite. When BSE, SARS or avian flu arrived, there was scant evidence on which to build a watertight policy. There was a clear need for regulatory certainty, but the science was riven with uncertainty. The facts looked flimsy and the values, interests and politics were hard-fought[21]. The job of the experts in such situations is to help policy makers navigate these uncertainties. But as we saw with BSE, it is rarely clear who the most relevant experts are. Policy remains filled with politics, values and difficult choices. In such situations, 'evidence-based' can provide a robust, decision-making process but it can also become a shield against criticism, shutting off important perspectives and ultimately damaging credibility.

Supporters of public dialogue and other forms of opening up, such as lay membership of previously expert committees, have felt obliged to position their arguments in 'evidence-based terms'. So they contribute their 'public evidence' to the pile through which policy makers sift. There may be examples where 'what science says' and 'what the public says' are clearly at odds, but this model feels unsatisfactory. Balancing scientific evidence against public dialogue is like comparing apples with oranges. They often point in different directions, revealing the multidimensionality of issues. For people who have been involved in public dialogue on emerging policy issues, the important contribution is not to the evidence, but to the framing of the issue itself. Public dialogue can sometimes provide answers but, more often than not, its value is in the questions that it puts on the table.

If we take a contentious issue like Genetically Modified (GM) foods, we can look back on a string of attempts to engage members of the public on questions of whether GM would or would not be acceptable. But each was hampered by a narrow framing of the relevant question. If policy makers treat members of the public as a jury for particular technologies, they are likely to find that sometimes the answers that emerge are uncomfortable. If, however, we allow members of the public to help frame issues, we can build constructive conversations. So, rather than talking about GM, we can talk about the problem to which GM might contribute – food security – and assess the merits of a range of

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[20] Council for Science and Technology, 2007, Nanoscience and Nanotechnologies: A Review of Government's Progress on its Policy Commitments, HMSO: London
[21] See Funtowicz, S. O., & Ravetz, J. R. (1993). Science for the post-normal age. Futures, 25(7), 739-755 for the conceptual explanation of this dynamic.

alternative options[22]. The multi-agency UK Global Food Security programme is aiming to do just this, drawing on a range of inputs from experts and publics.

4 Conclusion – doors or windows?

In assessing the potential for public dialogue to contribute to the new enthusiasm for open policy-making, we can see that there are opportunities and uncertainties. Over the last thirty years, policy makers in general, and UK policy makers in particular, have rethought the contribution that both publics and experts can make to policy-making. The renewed emphasis that Government is placing on this is to be welcomed as we see, from Sciencewise's experience at least, the positive and significant impact that opening up to the public can have on the policy-making process. Opening up to a wider range of views undoubtedly strengthens the final policy, making it ultimately more effective and efficient.

However, it is also clear that when thinking about opening up to both experts and the public, we can see that the word 'open' is not straightforwardly defined. Are we talking about open doors where new perspectives are welcomed, open minds which reflect on the limits of centralised control and predictability, or transparent but closed windows which reveal policy but maintain strict control of its contributors?

If we adopt the instrumental rationality of 'evidence-based policy', we can tie ourselves in knots trying to work out how expertise, evidence and public inputs should all be 'balanced' as we assemble a justification for policy action. If however, we relax this view, and recognise that policy is often messy, surprising and responsive – what Charles Lindblom memorably called 'muddling through'[23] – then we can see more constructive, sympathetic roles for these plural inputs. They all, in their way, help us make sense of the many dimensions of issues.

That said, understanding the complexity and multiple possible framings for policy issues is not easy. Here, the multiple motivations for open policy-making, as currently expressed, will be in tension. Opening up policy development, and ensuring that much wider perspectives are taken into account will be challenging against a need to cut costs at the centre of Government. The assumption is that sharing policy responsibility could involve outsourcing and therefore generates new efficiencies. The inconvenient lesson from BSE onwards is that new sorts of institutions may be required in order to build socially-robust, credible policy. Sciencewise, with its strong body of case studies, expertise and growing community of practice, provides one location for vital policy learning across various domains of science and technology. But others are also required if we are to avoid further surprises.

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[22] See the report of the Sciencewise sub-group on GM crops, 'Talking about GM: approaches to public and stakeholder engagement' www.sciencewise-erc.org.uk/cms/assets/Uploads/Talking-about-GM.pdf
[23] Lindblom, Charles. 1959. The Science Of 'Muddling Through'. *Public Administration Review* 19: 79–88