

A PEOPLE'S INQUIRY?

Deliberative Democracy and the Pandemic

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About Compass

Compass is the pressure group for a good society, a world that is much more equal, sustainable and democratic. We build alliances of ideas, parties and movements to help make systemic change happen. Our strategic focus is to understand, build, support and accelerate new forms of democratic practice and collaborative action that are taking place in civil society and the economy, and to link that up with top-down/state reforms and policy. The question we are trying to help solve, which we explore in [45 Degree Change](#), is not just what sort of society we want, but, increasingly, how to make it happen?

'For the covid-19 inquiry, perhaps its biggest challenge will be to hear the voice of all those who have suffered in this crisis. No previous inquiry can guide us here; for the covid-19 public inquiry, as with so many other aspects of life the virus has affected, we will need innovation on a previously unimaginable scale. It will certainly be a public inquiry like no other.' Una O'Brien, '[A public inquiry into the UK's response to coronavirus must begin now](#)', 7 May 2020.

Learning lessons of the pandemic

The UK is having a terrible experience with Covid-19. As of 26 May, the [Office of National Statistics](#) estimates excess deaths over the period since the pandemic caught hold at close to 60,000 people. [Comparative research](#) suggests that to date the UK's mortality is worse than other European nations, indeed on a per capita basis it is [one of the highest in the world](#). There are clearly lessons to be learned. These lessons will likely cover questions about preparation for the pandemic itself, e.g., in terms of testing and tracking, and supplies of PPE. But there are also questions about processes and structures of decision-making. Mistakes have surely been made, and these could be rooted in the way decisions have been made.

But *how* should we explore these questions so that we learn the right lessons? There are growing calls for a public inquiry. [March for Change has a petition](#) for a public inquiry that has over 100,000 signatures. But what form should an inquiry take? What other initiatives might complement an inquiry and help ensure that lessons are genuinely learned?

This short paper sets out the case for an open, inclusive and democratic approach to a public inquiry and for thinking about future policy. We begin (section 1) by reviewing the increasingly popular idea of the Citizens' Assembly and emphasising one of its rationales: that a diversity of people and perspectives, achieved by having a demographically representative sample of the population, can deepen the insights from technical expertise and thereby make for better overall decisions. We then consider (section 2) how a public inquiry (held under the 2005 Inquiry Act) could incorporate a Citizens' Assembly and related measures. We set out a model of a *People's Inquiry* into the pandemic. Finally (section 3), we look at possibilities for the UK Parliament and UK civil society to use a Citizens' Assembly to explore improvements in policy and process.

The aim here is not to give a definitive account of what needs to be done, but to help start a conversation about this, one that responds to Dame Una O'Brien's comment that a public inquiry into the Covid-19 pandemic 'will need innovation on a previously unimaginable scale'.

Citizens' Assemblies and inclusive deliberation

Recent years have seen growing interest in the use of democratic innovations such as Citizens' Assemblies (CAs) as a way of considering challenging questions. CAs are chosen on a near random basis to be representative of the population along selected dimensions such as gender, race and location. They hold carefully structured deliberations on specific questions, supported by trained facilitators, with their recommendations typically being forwarded to government. As well as successful use in the Republic of Ireland on issues such as abortion and same-sex marriage, they are being used in a range of settings in the UK, such as the [Climate Assembly](#) recently convened by six Select Committees of the UK Parliament.

One of the arguments for CAs is that their representative character – the fact that their members are a representative cross-section of the general public in terms of things like gender and race – gives them a wide range of experiences and perspectives to draw on, which can make for better informed decision-making. As the political scientist Hélène Landemore argues in her book, *Democratic Reason*, a diversity of people and perspectives can result in more knowledgeable and effective decisions than if decisions are left to a group of experts. While an expert, by definition, has more knowledge about a given subject than the average person, if a group of experts comes from the same social background it can lack crucially important perspectives on a policy issue taken as a whole, and so perform poorly. Political theorist, Udit Bhatia, has [written on the relevance of this to the pandemic](#). If decisions are informed only by those with technical expertise and who come from a narrow social background, those excluded cannot 'contribute meaningfully to deliberation over policy even when they have compelling insights to offer.' This is not only stigmatising to those who are excluded, but makes for poorer policy.

CAs make full use of relevant scientific expertise. They are absolutely not 'anti-expert'. Those with technical and professional expertise are crucial in informing the CA's deliberation on its topic. But their expertise is complemented by – deepened by – the diversity of people and perspectives within the CA itself.

When we consider the decision-making structures around Covid-19 in the UK, we see that many bodies, ranging from SAGE committees to the UK Cabinet, do not have the diversity that Landemore and Bhatia emphasise. To help ensure that we do learn the lessons of the pandemic, we should therefore consider how CAs and related initiatives might contribute to the learning process. Thinking on similar lines, Involve and Westminster University's Centre for the Study of Democracy have partnered to explore [how CAs and other forms of participatory and deliberative democracy might contribute to better decision-making during and after the pandemic](#). The recently published

[Krisis manifesto](#) also points to a key role for CAs, arguing for the UK to establish a permanent CA to develop proposals for the UK Parliament to consider. The [RSA's recent overview](#) of moving forward through the pandemic also envisages a key role for CAs and similar initiatives. As Marian Barnes has [argued at the Compass website](#), CAs offer one way to build back our democracy in a way that embodies greater attentiveness and responsiveness, an 'ethic of care'.

With this general point in mind, let's now ask: How concretely can we democratise a public inquiry and/or a broader effort to think about how the UK can improve its government of pandemics?

Democratising a public inquiry

Under the [Inquiries Act 2005](#), Ministers may set up public inquiries to investigate apparent policy failures, identify responsibility for them (though not to determine legal liabilities), and make recommendations for improvement. At present, much commentary in the UK assumes that there will be such an inquiry into the government's handling of the pandemic – indeed [some argue that we need to start such an inquiry now](#), e.g., because of the danger of crucial evidence being lost. Further evidence of the growing sense of an urgent need for an inquiry is that the Labour Party has already [established its own inquiry](#), led by Baroness Doreen Lawrence, tasked 'to investigate why the Covid-19 pandemic is disproportionately impacting people from BAME backgrounds'.

How should an official public inquiry be structured? How could it be made open and inclusive so as to glean some of the advantages that come from this? Here is a short list of possibilities, all consistent with a Minister-initiated public inquiry under the 2005 Act. Working within the 2005 Act is important because it gives the inquiry panel the power to enforce testimony and gather evidence.

(1) Terms of reference. Any inquiry is ultimately only as good as its terms of reference – the terms which define what the inquiry is empowered to investigate. In the 2005 Act, power to define the terms of reference is given to the relevant Minister.

One possibility, therefore, is for the Minister to set initial, very broad terms of reference and to devolve the elaboration of the terms of reference to a CA or similar body. This would help to ensure that important aspects of the pandemic crisis are not overlooked in the inquiry's remit. Matthew Taylor of the [RSA](#) has argued that a CA might have this role in setting an inquiry's terms of reference.

Civil society groups can and should feed into this CA's deliberation. There will be an important role here for trade unions, e.g., in the

health, care, transport and construction sectors, and for associations and networks representing groups that have been at high risk and experienced higher mortality such as the elderly, disabled people, Black people, and Asian people.

The pandemic has seen a striking emergence of local mutual aid networks that have served in many places as vital supports in life under lockdown. These mutual aid networks represent an important new form of local, neighbourhood democracy. They can also play a crucial role in feeding into a CA's deliberations on the inquiry's terms of reference.

(2) The investigating panel. The inquiry itself is conducted by a Chair, possibly supported by a small panel and able to draw on a small team of experts for advice.

Typically, the Chair is an expert in the relevant field, often a judge. Historically inquiry chairs have, however, been overwhelmingly 'old, white and male'. The [Institute of Government](#) wryly points out that since 1990 there have been more inquiries chaired by people called Anthony or William than by women.

It is important, therefore, to think about who is chairing the panel – but also about how the supporting panel of inquiry members might be composed.

Inquiry panels are smaller than CAs, but one option might to try to construct a panel that is akin to a Citizens' Jury – a smaller body than a CA but still aiming to include a demographically diverse range of people through random selection – though anything like full demographic representativeness will not be possible for a body as small as an inquiry panel probably needs to be (say, seven or nine people).

Another option is to base the inquiry panel on representatives of various groups that bring important perspectives and experiences to the table. These include certain occupational groups that have been in the front line – health and care workers, for example. They include other groups that have experienced higher mortality and who have been at higher risk during the pandemic such as Black people, Asian people, disabled people, and the elderly (to name but some). Panel members could be chosen at random from those within these groups (as in a CA). Or else panel members could be representatives drawn from trade unions and other relevant civil society associations. Perhaps there could be thematic panels focused around specific aspects of the inquiry that would feed into a central panel, a way of involving more people in this area of the inquiry's work.

Another important dimension to consider is geographic. Can the panel be composed to ensure a balance of representation across the UK's nations and regions?

(3) Testimony and evidence-gathering. A third important area to think about is how the inquiry panel might be informed and supported in its investigations with relevant testimony. Obviously, trade unions and other representative associations will want to input their experiences. The governments of Scotland, Wales and Northern Ireland, and local governments, will do the same. Local mutual aid networks could also have a role.

It will also be important that the inquiry itself be appropriately transparent and have the resources to engage the public with its investigation. Rather than sitting in London the whole time, the inquiry panel might move to different parts of the country to take evidence and hear testimony. Use of the internet to facilitate communication between the inquiry and general public will be crucial. The use of the internet in the [Icelandic Constitutional Convention](#) is a possible example here, though the focus and nature of 'crowdsourcing' ideas would have to be adapted to suit the needs and responsibilities of a public inquiry as distinct from a constitutional convention.

(4) Follow up to findings. An inquiry can do its job, issue findings and recommendations to the government - only for nothing to happen. It is obviously very important to avoid such a lack of follow-up so that lessons really are learned.

One possibility here is that the findings of the inquiry could feed into a follow-up CA or CAs. If the inquiry has the mainly backward-looking role of identifying what mistakes were made and what did not work well, then this could do necessary groundwork for a later CA or CAs to consider a forward-looking set of questions about how things can be done better in future. There are many questions that a follow-up CA or CAs might consider, related to pandemics, such as how the UK government makes use of scientific advice; how to structure responsibilities across nations and local governments in addressing a pandemic; and how much we wish to invest as a society in preparing for pandemics.

A CA or CAs would ideally be instituted by the relevant Minister to explore these questions, reporting recommendations back to the UK government.

Parliamentary and civil society initiatives?

The above discussion assumes a public inquiry under the 2005 Inquiry Act. There is every reason to press for such an inquiry and for measures of the kind we have discussed to open up and democratise this inquiry. But what if the UK government refuses to listen? What if it does not call an inquiry? What if it sets up an inquiry but does not take on board the points made above?

There are further options. These would not be inquiries in the legal sense defined by the 2005 Act, and would not have the powers of a public inquiry established under this Act. They are probably best focused on forward-looking questions about future pandemics and structures of decision-making. Of course, as others have discussed, they might also be used to address a wide range of questions about enhancing society's resilience to pandemics through changes to basic economic and social institutions.

(1) A Citizens' Assembly convened by Parliamentary Select Committees

A first possibility is suggested by the example of Climate Assembly UK, established by six Select Committees in the UK Parliament. Select Committees of MPs will likely wish to explore questions arising from the pandemic. They could establish a CA or CAs to explore some of these questions and feed into their deliberations – perhaps a *Citizens' or Peoples' Convention on the Pandemic*.

As noted, this CA or CAs would not be part of an inquiry under the 2005 Act. However, they would have the backing of the UK Parliament and would be able to explore well-defined questions about future policy and decision-making processes - perhaps akin to those noted above for a forward-looking CA or CAs.

(2) A Citizens' Assembly convened by civil society with support of MPs

Another model to consider draws on the example of the [Citizens' Convention on UK Democracy \(CCUKD\)](#). This is an initiative with support from a range of leading Parliamentarians, funded by charitable foundations. It proposes to use a number of CAs to identify some key questions about the future of UK democracy and develop recommendations in response. Issues it will consider include the future of the UK Parliament's second chamber and the electoral system used in elections to the House of Commons.

This example provides another possible way of holding a Citizens' Convention on the Pandemic. As with the CCUKD, this might use an initial CA to identify a set of important questions and then further CAs to deliberate them and make recommendations. Engaged Parliamentarians would commit, as with the CCUKD, to put the recommendations to the UK Parliament, securing a Parliamentary debate.

(3) Public engagement and involvement

Whether established by Parliamentary Select Committees or on the model of the CCUKD, a Citizens'/Peoples' Convention on the

Pandemic would do its work with appropriate transparency and with strong efforts at public engagement. In thinking about improvements to policy or decision-making processes, we should again note the important example of the Icelandic Constitutional Council and the possibility of crowdsourcing suggestions. Seeking engagement from trade unions and other civil society groups, as well as devolved and local governments, it would aim to make itself the focal point of a wide, public discussion about future policy and process.

We have noted a few times above the potential role of local mutual aid networks in a People's Inquiry or similar process. Could some kind of assembly or convention be brought together from these networks – a kind of assembly of the mutual aid networks? This would be unlike a CA in that its membership would not necessarily be demographically representative. However, it could be a body which helps to bring a wide range of perspectives and experiences to the table in discussions of how to prepare for pandemics and make society more resilient to them. It is important to think further about the potential of mutual aid groups to shape and inform a democratic response to the pandemic.

Conclusion: building our democracy back better

The Covid-19 crisis has unsettled many basic assumptions about the economy and politics. While some want to return to 'normal' as soon as possible, there is an opportunity to genuinely learn lessons and to 'build back better'. This covers the economy and the environment and social policy, with progressive proposals for a Green New Deal and universal basic income now moving into the mainstream of policy discussion.

We should also consider whether and how our democracy in the UK can be built back better. There is an important and long-standing agenda here that includes things like electoral reform, creating a written constitution, and addressing the government of England. But in addition, there is an important democratic opportunity in the way we assess what has worked and not worked in the pandemic and how to do things much better next time. To seize this opportunity, we need to think about how we can open up and democratise any inquiry into the pandemic and in the discussion of future alternatives.

This paper is one attempt to start a discussion on what this might look like. But it is just that – a start.

What do you think a People's Inquiry or a Citizens' Convention on the Pandemic should look like?

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