

Episode 29:

Taking the
PARTY



out of
POLITICS

Citizen Scrutiny

Hello and Welcome to *Taking the Party out of Politics!*

This is a podcast about understanding how politics is supposed to work, ...
... why it isn't working as well as it could be working, ...
... and what we might be able to do about it.

Because:

by understanding a little bit more clearly *how* things are supposed to work,
and *why* they are a bit messed up,
we *might* be able to get things to work a *bit better*. Perhaps even a *lot better*.

This is a little journey we are taking together, about the systems and functioning of Politics:
systems which we should all understand, because those systems affect all of our lives, all
of the time.

And this podcast is about how we might be able to make those systems work a bit better.

In Season 1, we took a look at how government is supposed to work, from the perspective
of us – the voters.

In Season 2, we took a look at how government is supposed to work, from the perspective
of someone trying to get elected, and then trying to do a good job.

This is Season 3. In Season 3, we are going to be looking at what we might be able to do,
to make things work a bit better. We will be using our understanding of what bits of our
political systems aren't working, and why they aren't working, to explore ways in which we
might be able to change things around a bit to make it all work a bit better. Importantly,
whilst we will be sharing our ideas, we will also be sharing some of the best of YOUR
ideas, about how to make things work a bit better.

Welcome to episode 29 of Taking the Party out of Politics.

Today we are going to continue our look at how we solve some of the big challenges facing
us and our political system.

Yes, that's right. We have spent the past year or so, detailing the problems. But now we are
going to take our understanding of the problems, our understanding of why things aren't
working as well as they should be working, and we're going to start to bring together some of
the best ways in which we could change things.

And, it is about changing things. Tweaking things. Adjusting things.

It isn't about throwing the baby out with the bathwater. There are many good things in our
political system, and we should keep the good things.

But we shouldn't be overawed by the good things. We should acknowledge where there are
shortcomings, and we should work out how to fix them.

Today, we're going to continue that process, by looking at the idea of Citizen Scrutiny.

In our last episode, we reminded ourselves that the starting point, is that we should be **better engaged as voters, and as citizens**. This is really a baseline.

Beyond this, there are three main aspects of a different way of using our existing systems.

First, we need to have a system which takes the **electoral pressure** out of the *wicked issues* (and which might even have applications beyond that). That is what we looked at last time: Citizens' Assemblies.

Second, we should take every opportunity to **share the best ideas**.

Third, we need to have a system which takes the **political party pressure** out of checking the quality of what is going on. This is what we are going to look at today.

Taken together, we might call these three elements a *Citizen Democracy*, to sit alongside our *Representative Democracy*.

1. Taking the electoral pressure out of the wicked issues.
2. Ensuring that we share the best ideas. And,
3. taking the political party pressure out of checking the quality of what is going on.

Last time, we explored the idea of Citizens' Assemblies – a way of getting a group of about 100 citizens, carefully selected so that they represent the needs, backgrounds, perspectives, and interests of all of us, to learn about some of the difficult, challenging issues which we face. Climate change. Care for the elderly and vulnerable. Defence budgets. Education. There are many challenging issues, and collectively – because our elected representatives don't get to grips with doing anything about them – they are referred to as the *Wicked Issues*.

Well, building on that idea, today we are going to look at the the third element of our *Citizen Democracy* – the idea of: **Citizens Scrutiny**.

And what this boils down to is:

*removing the logical inconsistency of political parties
being the ones who check up on themselves.*

Stop Electing and Start Selecting: Citizen Scrutiny

The second part of the answer about how we can change the way the system operates is: **Stop Electing and Start Selecting** (randomly, but representatively, from an agreed pool)

This is not the same as a Citizens' Assembly. The Citizens' Assembly meets for a particular purpose, to unpick a particular problem, to look at the evidence, and to provide guidance, advice, and recommendations (perhaps even binding recommendations) to the government.

The Citizens' Assembly is where new laws might start (or start to come together).

In this instance, though, this is about having a different group of citizens. In this instance, the task is not to come up with new ideas. The task here is to take on one of the roles which is currently being performed by our elected representatives. Except that, as we have seen, it is not being performed very well by our elected representatives, even though some attempts to improve it have already been made.. And, although it is sometimes performed well by investigative journalism, it is not really appropriate that it should simply be left to private funding (the private owners of our media) to decide what should be followed up, what is important, what is newsworthy.

The task is to take the scrutiny role out of the hands of MPs. At least in part.

Citizen Scrutiny is where we check on the quality of the work which our government and our ministers are doing.

It's funny, isn't it, how the word 'unelected' has almost become a derogatory term. It's as though there is something precious about elected government. Now, of course, there is something very precious about elected government. In theory. As long as the electoral process actually gives us something responsive and representative; and functional. But, as we have seen, the way in which the current system works isn't delivering on this. And, as such, there isn't anything magical about having a non-functioning, elected government. What would be magical would be if our government represented us, if it were responsive to our needs, and if it delivered. In fact, it's not the 'elected' bit which is so important. It's the representative bit; and the delivery bit.

Now, then. Can you think of any other operating part of our society which depends on good representation, but not election?

I can.

It's called our jury system.

Citizen Scrutiny

Citizens call politicians to account



We want the application of justice in our society to be fair, to deliver justice (as far as that is possible within the byzantine complexities of the legal system), and to do so in a way which represents our needs for the three traditional facets of punishment: deterrence, retribution and rehabilitation. And possibly also an additional facet: reconciliation through restorative justice¹.

And, how do we do that?

We have a system where anyone² in our society might be called upon to represent all of us, as a member of a jury. Perhaps for a day. Perhaps for a week. Perhaps for longer (in a particularly complex case, for example).

Members of the jury aren't elected. They are selected.

And this is great. We get good members of our society to represent all of us. It's not a problem that they aren't elected. The only important considerations are that they are good people, that they are going to do their best on our behalf, and that they have nothing to gain from their involvement in the jury system. For example, we wouldn't have a brother of the defendant on the jury. Or a brother of the victim, for that matter.

In fact, to give another example of a situation in which unelected, responsible members of the public are used (and valued), you have probably heard of the term *ombudsman*.

Ombudsman is a word which was borrowed from Swedish, where it means "representative," and ultimately derives from the Old Norse words *umboth* ("commission") and *mathr* ("man"). Sweden became the first country to appoint an independent official known as an ombudsman to investigate complaints against government officials and agencies. Since then, other countries (such as Finland, Denmark, and New Zealand), as well as some U.S. states, have appointed similar officials. The word also designates a person who reviews complaints against an organization (such as a school or hospital) or to someone who enforces standards of journalistic ethics at a newspaper.

So, don't get all hot under the collar just because of a suggestion that might involve unelected people. Because, in fact, it is often the elected people who are more at risk of being biased.

The process of getting elected is SO involved, that it is the elected representatives who end up being less independent. They end up beholden to a party system, because that party system got them elected, it will get them re-elected (if at all possible), and it will have an ongoing, huge influence on their entire career (at least while they are in politics).

In fact, they end up being less representative of us, specifically because they are elected.

¹ *Crime, Shame and Reintegration*, John Braithwaite (1989). In restorative justice, everybody affected by the crime is included in a process which aims at reparation and reconciliation rather than punishment.

² Under the **Juries Act 1974**, to qualify for jury service, a person must be: between the ages of 18 and 70 years old; registered to vote in parliamentary or local government elections; a registered citizen in the UK, the Channel Islands or the Isle of Man for at least five years since their 13th birthday.

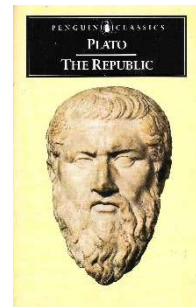
<https://www.inbrief.co.uk/legal-system/jury-qualifications-and-disqualifications/>

A slightly longer answer to the reason behind today's issue, then, is:
Stop requiring MPs to do so much.

They are overworked and as a result are inefficient. They try their best, but they are trying to do too much to do any of their responsibilities really well.

Let them focus on just two full time roles:

- local representation, and
- calling the Executive to account.



Let (most of) the legislative scrutiny function be carried out by a dedicated team, and free the MPs up to use the output of that scrutiny function to call the Executive to account.

The Greek philosopher Plato had a sort of similar idea. In one of his most famous books, *The Republic*, Plato suggests that the government of the republic should be carried out by Guardians.

These Guardians were to be raised from birth to be good at government. They were to want for nothing, but they were also not to be able to benefit from being in power – they couldn't make money, or profit from it in any way. They lived just to provide good government:

... the guardians were not to have houses or lands or any other property; their pay was to be their food, which they were to receive from the other citizens, and they were to have no private expenses; for we intended them to preserve their true character of guardians.

<https://plato.thefreelibrary.com/Republic/2-23-2>

That isn't the plan here, exactly. We're not talking about people being raised from birth to be Guardians. We're not talking about people not being able to own their own house.

But we are talking about a system

- which pays the members of the Citizen Scrutiny system well enough that they don't need to take bribes, and
- which pays well enough that good people will want to do it as a good public service, and
- which tries to take them at a point in their careers where they don't have anything to gain by setting up private deals.

So, most of us probably don't really know what Scrutiny Committees actually are. Let's take a moment, and make sure that we understand exactly what we are talking about.

Scrutiny Committees [\[Public Bill Committees\]](#)

Scrutiny Committees are supposed to call the Executive to account. At the moment, however, the Executive is only held to account by Parliament; and even then, not all the time, and not very effectively.

Ministers currently are not REQUIRED to attend Scrutiny Committees. This could easily be made a requirement (or, at the very least, an expectation which could not be avoided).

A non-party-political Scrutiny process could hold the Executive to account NOT for party political reasons, but as representatives of the country/people.

This Scrutiny process could help not just with the scrutiny of proposed legislation, but also with the development of the legislation itself. If it does not involve Party Political point scoring, and if it does not constitute a method of gaining a leg-up to the Executive, then existing experience and understanding (e.g. doctors scrutinising health legislation, teachers scrutinising education legislation) could also be focussed, to improve the quality of the scrutiny even further.

This Scrutiny process could also engage with likely relevant stakeholders, to consult, to build a consensus, to test plans, to look at likely pitfalls or unintended consequences. In other words, it could avoid poorly made legislation and policy being made in haste.

(The Blunders of Our Government)

All of this is possible now. It just doesn't happen, because of the muddying of the waters between the Executive and the Legislative. If a member of the Legislative (the Houses of Parliament: an MP) is also a member of a political party (and they almost all are³), then anything you do in scrutinizing legislation or policy has PARTY implications as well as POLITICAL implications. Either the party in government is your party, or you are part of the opposition. As such, either you are motivated (through self-interest, or by the party whips) to support the government (uncritically) or you are motivated (through competition with the party which forms the government) to block everything, to criticize everything, to score party political points.

³And, if they are not an elected member of the party which has formed the government, then they are appointed by the party which has formed the government, and so are sort of in-house, anyway.

So, **What would a dedicated, Citizen Scrutiny team look like?**

Well, you may have guessed (from what has already been said) that part of the model is based on Jury Service.

Not exactly Jury Service, but drawing upon that idea of good members of the public, with nothing to gain by their involvement, representing us all.

We can't all drop everything and get stuck into a Scrutiny Committee. The country and the economy would grind to a halt. But, by bringing in some educated, intelligent (non-specialist) people, we could get better Scrutiny.

By supporting these people in the processes which they use, we could get even better Scrutiny.

Why non-specialist people? Well, there is a lot of evidence⁴ that focused specialists actually make poorer judgements than well-informed generalists, particularly when asked to make projections about the future. It's not that specialists are useless. Quite the contrary. Taken together, compared and considered properly, the advice and insight from specialists is invaluable. But any one specialist has their own career, and their own (even unconscious) prejudices or presumptions. And these prejudices and presumptions about the way their particular bit of the world works can, very often, make them a little bit blind to a bigger picture.

To make the point, even if a little uncharitably, a specialist might have a particular academic point to make, a pet theory. It might be something that a professor has cherished for years, even decades. It might be right, and it might be wrong. It probably makes them a really good educator and researcher. But it also probably makes them a poor advisor on government policy. Or, to be absolutely fair: it is probably never a good idea to use just one advisor. Governments should listen to many different advisors and perspectives.

Specialist advice should be taken. From a range of specialists. In the context of a lot of careful thinking, and consideration of other research. Then a group of informed representatives (The Wisdom of Crowds) can share their aggregated combination of specialist advice (Superforecasting). They can use that perspective to scrutinise government policy and government decision making. Our informed representatives would have nothing to gain (no career in a particular field, no reputation to uphold, no point to prove). They would only be charged to make the best possible assessment, on the basis of as much information as is available at the time (Thinking Fast and Slow).

⁴Superforecasting

Now, **What would a Jury Service Model for Legislative Scrutiny look like?**

Excellent question. Let's explore a sort of outline role description, and see how that feels.

A (Jury) Service Model for the Legislative [scrutiny] branch of government

- Selected for a 5-year term. Perhaps renewable once.
Is that the right length of time? Too long?
- Selected and given 6 months' notice to prepare (free yourself up from other work).
- Selected half-way through the term of a fixed-term parliament.
- Paid the sort of salary which would attract good people without being outrageous. A good income for anyone to feel they were valued. Perhaps something like the basic salary for an MP [$2\frac{1}{2}$ x average (London) salary + free accommodation ([MP](#) £79,468 basic, [UK](#) £30,353)]
- Put yourself on the list of people who are ready to volunteer for this role.

What makes you eligible to be on the list?

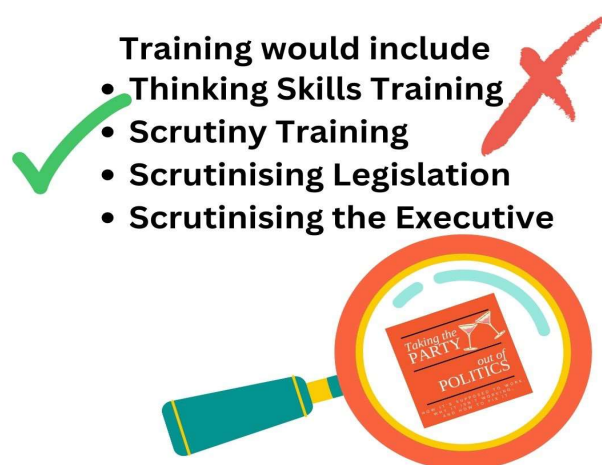
Well, this is open to discussion, of course. Here are some suggestions:

- Be informed, and reasonably up to date.
This might involve regularly checking out information on a Fact Checking website, or a general education website (e.g. [Talk Together?](#))
- Be reasonably intelligent, though perhaps without necessarily needing to be a university graduate.
Would we want the people who are looking out for us to have above the average level of education, not below? Or is it more important to think about some other, more objective measure (e.g. IQ?)?
Perhaps even more usefully than some measure of education, or how well we do on tests, what we would actually want is people who are open to thinking. Open to challenging their assumptions, and to engage constructively with others. Perhaps something which we might refer to as a 'growth mind-set'.
- Non-specialist.
Or, rather, specialisations don't necessarily count either for or against being on the list.
- Life experience.
Would we want people who know nothing of how the world works?
Would it be best to be people towards the end of their career (e.g. 50+), so that they have nothing to gain (in terms of future employment after their period of service)?
Or would we want some much younger people? Would a 20-year old have as much to offer?
- Social cross-section - sex, ethnic, age, region ...

Even with all this, once selected there would have to be some detailed Scrutiny Training

- Thinking Skills Training – Superforecasting, Thinking Fast and Slow.
Some of this might be the same sort of initial training which members of a Citizens' Assembly might be given. Being aware of our own thinking processes. Not rushing to assumptions. Learning how to speak up, but also learning how to listen to others. Not just agreeing with the loudest or strongest voice in the room. Respecting everyone's contribution and thinking – even ideas which might seem to be wrong (at least, initially) can sometimes help to clarify our own thoughts, because taking the time to explore why such-and-such seems wrong can be a useful way of checking why we think that this other thing is right..
- Scrutiny Training
 - Scrutinising Legislation
 - Aims, objectives, merits of legislation (in theory)
 - Practical Implications
 - Application and Implementation
 - Scrutinising the Executive
 - Aims & Objectives
 - Calling Ministers to Account
 - Post Legislative Scrutiny - how did it work out?
Public Payback (Why We Get the Wrong Politicians p 275)
 - Initiating Legislation?
 - Probably not - this has to come from the policy making Executive
 - However: A functioning Legislative Scrutiny system could be very helpful in assisting the Executive in drafting legislation, helping to avoid wasted efforts by ensuring that even first drafts were better thought through.

Citizen Scrutiny



What's the cost of all this going to be?

Well, if it costs £200k per year for the salary, accommodation, research budget, and meeting costs for each of the members of the scrutiny committees, that's £1m per year per scrutiny committee (if we assume 5 members per committee). How many scrutiny committees would there be? There are 62 select committees⁵. However, not all of these would need a new scrutiny team. And they are not all full time. Each of the new scrutiny representatives could sit on more than one committee. Perhaps we would need 25 volunteers in total.

Say, £5 million pounds, in the first year.
Sounds like a lot, doesn't it?

It would be to you, or to me. But in the context of government spending, government budgets, and (most importantly) spending government money on the right things, it is chicken feed.

⁵<https://committees.parliament.uk/committees/?SearchTerm=&House=Commons&Active=Current>

How would you pay for this?

For a start by avoiding any ONE of the blunders of our governments. With more than one currently occurring per parliament, that only means that the Citizen Scrutiny process would only have to pick up one of them PER DECADE, to more than pay it's way.

Secondly, the improvement in the performance of our elected representatives, in the other roles in which they represent us, would probably also justify the costs of the system.

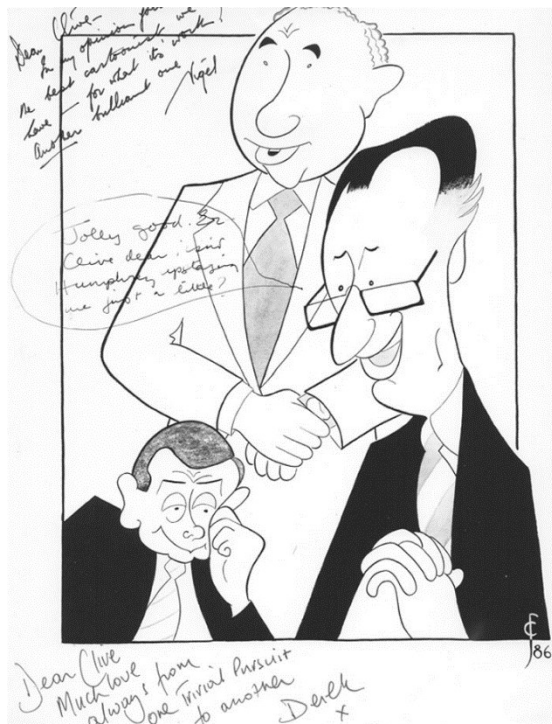
Isn't this what the civil service is supposed to do?

Well, actually, no.

Civil servants are supposed to do what the elected government tells them to do.

They are able to give advice, of course. But they are not there to represent us, the electorate. They are there to make happen what our elected representatives decide they want to happen.

And, on top of this, there is another reason why civil servants SHOULDN'T be involved in such a system. It is their career. At least, for senior civil servants who work in Whitehall, directly involved in government departments. Perhaps not for the sort of civil servant who is a teacher or a social worker. On the Jury model of having nothing to gain, senior, Whitehall civil servants actually would have to be excluded from taking part.



What are the implications for elected MPs?

Well, it's possible we wouldn't need so many of them.
But that might be jumping ahead of ourselves.

Would we still need to pay for 650 MPs? Perhaps only half that number might be sufficient.

On the other hand, that all depends on whether our MPs can usefully use the time which would be freed up for them by a selected scrutiny process. It might well be that local representation and calling the Executive to account in the House of Commons is still keeping them more than busy.

Anyway, this is a completely additional issue. One which might simply become necessary to sort out, once the SELECTED NOT ELECTED legislative scrutiny system was working properly.

In the meantime, there is still an issue of how business in the Houses of Parliament would and should be conducted. There is still a very valuable role for MPs in fulfilling this role.

The SELECTED NOT ELECTED legislative scrutiny committees will only be looking at legislation and policy. There is still the day-to-day business of government to discuss, report on and hold to account. Elected MPs will be in a position to do the work in the debating chamber of the Houses of Parliament, as well as being much more available to be local representatives.



The relative status of Legislative Scrutiny and the Houses of Parliament

A new balance would have to be found between the status of Legislative Scrutiny and the work of the debating chamber of the Houses of Parliament.

In theory, at present, the Legislative Scrutiny which MPs (don't actually) do informs the ways in which they can call the Government to account in the Houses of Parliament. As we have already discussed, this doesn't happen (anything like as well as it could do).

But, if the MPs are not (required to be) involved in Legislative Scrutiny (committee work), how can they be expected to (be sufficiently well informed to) call the Government to account in the Houses of Parliament?

Well, as far as possible, this won't be necessary. Good Legislative Scrutiny will already have called the Government to account - as well as having consulted fully, built consensus, and considered the implications (intended and unintended) and the practical implementation requirements. Or, at the very least, Good Legislative Scrutiny will have highlighted the areas where the Government needs to be called to account in the Houses of Parliament. And our MPs can do that, properly informed by the output of the new Scrutiny teams.

In addition, the inadequate Scrutiny process at the moment means that MPs are not currently particularly well informed anyway. Legislation is forced through, quickly, without full consideration, without building consensus, and without (adequately) thinking through the implications (intended and unintended) and the implementation requirements. MPs participating in such a process are either completely ignorant, or are effectively conspirators in the production of poor legislation, or have failed to take the opportunity to challenge and to improve. In any of these three scenarios, they are either inadequately informed (and so are merely incompetent) or are adequately informed but fail to apply that knowledge (and so are guilty by association).

So, would removing MPs from being (required to be) involved in Legislative Scrutiny make the situation worse? It's hard to see how.

And, as well as an independent Legislative Scrutiny process producing better legislation, the output from the Legislative Scrutiny process - a summary, as well as better legislation - can be used by MPs to inform their work in the Houses of Parliament. So, although the MPs won't be (required to be) involved in the Legislative Scrutiny, their interactions with the Government can still be informed by the process and outputs of Legislative Scrutiny.

This frees MPs to be better participants in the Executive, or better able to provide oversight of the day-to-day operation of the Executive, as well as to be better local representatives.

1.1.1.1. Non-Destructive Testing

How do we test this? What is the risk of running a test? How would we set up a test?
(30.01)

- A parallel service model, running alongside the existing Select Committees Reality TV. Perhaps a 4-week test 'camp' of volunteers, broadcast over 10+ weeks (imagine something like *The Apprentice* – the challenges and the tasks, but without the idiots – mixed with something like *Strictly Come Dancing* – with the learning and development and achievement, but without the glitter).
Start with the logic: why we are doing this.
Then the selection process: who is in, who is not, and why.
Then the training: who is good at what, who can't hack it, who gets dropped?
[Scrutiny. Constructive Challenge (holding Ministers to account). Superforecasting.]
Then how they operate, challenges, successes and failures.
- Since a competitive element appears to be a requirement of making this sort of format engaging for the TV audience, then why not have a few sub-groups within the test 'camp' of volunteers? There could be comparisons made between a sub-group of undergraduate students aged 20, and a group of 55-year-old professional people, who graduated 35 years earlier, but who bring greater life experience, for example. Or between a group of female volunteers and a group of male volunteers, and a mixed group. The process of artificially arranging 'competition' might actually serve as informative research, learning what the best mix of participants is likely to be.
- Compare (with elected MPs) the quality of scrutiny of legislation (focussing on one particular new bill?), and of pitfalls foreseen, between a team of randomly selected representatives.
- Compare (with elected MPs) the quality of calling the executive to account.
- Refine the selection and training

What are the immediate implications for the current system?
Not much, really.

In a worst-case scenario: nothing changes; there is no improvement in the scrutiny process, and things would continue – no better (but also no worse) than before. Even in this worst-case scenario, we still have an improved level of understanding across the population at large (or, at least, those who watched the programme), and some MPs who are trying to do better (no one likes to be shown up).

A best-case scenario:

- better insight and input into creating better legislation, as a result of better, independent Legislative Scrutiny, AND
- better insight and information for the MPs who were then using that information through the existing House of Commons processes, AND
- more time for MPs to allocate to their other responsibilities (and so therefore a better service from our MPs in those other areas).

What about in the longer term?

If such a model is proved to have benefits to offer over the existing system, then perhaps a separate tranche of representatives to a Legislative Scrutiny process could become part of the political process in the UK. The extra investment (the costs of operating the system) would be more than recovered if just one of the blunders of our governments was avoided per parliament, perhaps per decade. Yes, just one per decade. Perhaps fewer than that. That's how costly the current blunders are.

Citizen Scrutiny

Citizens call politicians to account

informed, balanced,
objective, engaged
people – citizens

Scrutinizing our
elected
Government
and Ministers



So, that's it.

A system which uses informed, balanced, objective, engaged people – citizens – to call our politicians to account, to check that they are doing their job. It's not a party-political thing. But it is a political thing. It's making sure that the process of Scrutinizing what our elected Government and Ministers are doing is neutral, constructive, and independent. The only objective for Citizen Scrutiny would be to make sure that the rest of the country are getting the best possible outcomes.

As we said at the start:

removing the logical inconsistency of political parties being the ones who check up on themselves.

Next time:

Next time, we are going to move on to look at whether there are even more ways in which we can involve citizens – not just political party politicians – in *some* of the important politics in our world, to get things to work a bit better. In particular, we are going to look at an idea called *Citizen Government*.

This is an idea which we could actually trace back to the very birth of democracy: to Ancient Greece, and to the way in which government was conducted in Athens, over 2000 years ago.

With *Citizens' Assemblies*, we have Citizens (not elected politicians, who are too worried about their chances of getting re-elected) trying to work out how best to address the real challenges of our world: the *Wicked Issues*. With *Citizen Scrutiny*, we have Citizens (not elected politicians, who are too worried about being good party members, and advancing their own careers) who are checking up on what our Government and Ministers are doing. (35.17)

Well, perhaps we could take an even larger step, and learn from the Ancient Athenians. Perhaps we could have a look at whether some – or even all – of the functions of our Government could be performed by Citizens. Perhaps we don't even need elected representatives at all!

I have to say, in advance, that I'm not sure that we could do without electing representatives at all. But, it is an important idea to explore sensibly. To see what the advantages might be, and to be clear about what the disadvantages and risks might be. So that's what we look at, next time: *Citizen Government*.

If you would like to have a look at transcripts of the podcast, including links to all of our sources and references, please go to www.talktogether.info, and follow the links to the Podcast from there. And, of course, if you would like to contact us – not least if you would like to share any ideas which you have about how we could make things better, or if there are any areas of how Politics is supposed to work, but why it isn't working, which you would like to draw to our attention – then please email us at any time on info@talktogether.info.

If you have enjoyed this podcast, then I hope that you will take the time to tell your friends. And perhaps you could also take a moment to give us a rating wherever you found us – that not only helps other people to find us; it also just really makes us feel appreciated. ☺

That would be great. Thank you.