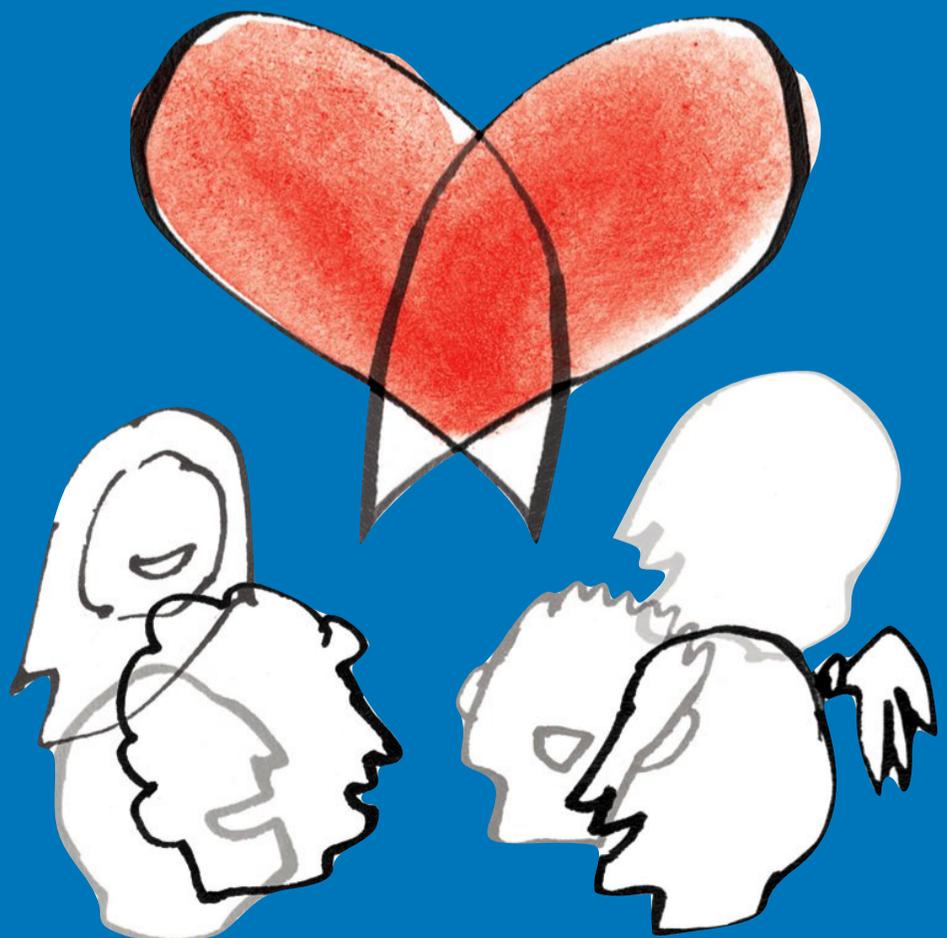


# How to commission a Citizens' Assembly or Reference Panel

**MASSLBP**

Advice for  
public agencies  
procuring  
long-form,  
deliberative  
processes

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# Commissioning Citizens' Assemblies and Reference Panels

*Advice for public agencies in procuring long-form, deliberative processes*

This guide is for public servants and elected representatives who are interested in designing and commissioning long-form deliberative processes, more commonly known as Reference Panels, Citizens' Assemblies, and Citizens' Juries. We have developed this guide based on our experience developing these processes for governments and public agencies across Canada, scrutinizing similar processes in other countries, and advising numerous international initiatives.

At MASS, we believe that the practice of democratic politics should be a form of human and social development, and that participation in meaningful and effective processes pays a dividend to the individual and society. In this way, good deliberative processes are best understood as productive *learning* processes that work to find common ground as participants advance from establishing first principles to setting priorities and, ultimately, to proposing detailed recommendations.

Enlisting citizens and residents to participate in the development of public policy is an important step towards strengthening public confidence in government, as well as improving policy outcomes. Deliberative processes can help strengthen the democratic fitness and readiness of citizens to play an expanded and more resilient role in the public life of their communities. In this way, good deliberative processes draw on the personal experiences of their members while also tapping into the capacity of all people to learn and reason on behalf of others.

## **Deliberation is different than consultation**

Almost all governments consult: Officials hold public meetings, send out surveys, or host different kinds of workshops. The goal of consultative processes is to allow decision-makers to hear directly from the people they represent, or from specific individuals, groups, and organizations that may be impacted by their decisions.

Deliberation is different. It aims to determine what a *group* of people can agree to, rather than what as *individuals* they might like or want. This process produces a set of well-informed recommendations that can form the basis of future policy decisions, rather than generating a

list of top-of-mind opinions. Governments use deliberative processes when they face complex or controversial issues and decide to delegate to a group of citizen representatives the task of weighing different factors, exercising good judgment, and proposing a solution.

### **Two parts to any process**

There are two parts to any long-form deliberative process: The selection mechanism that is used to convene participants, and the deliberative process itself. These two halves are commonly referred to as “Civic Lotteries” and “Citizens’ Assemblies” or “Reference Panels.”

### **Citizens’ Assemblies and Reference Panels: Same idea, different scale**

In the early-2000s, both Ontario and British Columbia convened year-long, multi-million dollar Citizens’ Assemblies with more than 100 members to examine alternative electoral systems. Subsequently, other jurisdictions have adopted the term to refer to similar deliberative processes, all of which are based on similar principles, but that are generally much smaller.

At MASS, we use the term “Reference Panel” to distinguish our approach. By adopting this term, we think we are more clearly describing the function of the process and differentiating it from British Columbia and Ontario’s larger Citizens’ Assemblies. Governments and agencies refer issues to groups of citizens and residents who refer back their recommendations. We think this term helps to underscore the advisory function performed by Reference Panels, and their relationship to elected or public authorities.

*Interested to learn more about our origins and approach? Read our [practitioner’s note](#) in the *Journal of Democratic Theory*.*

### **Why convene a Reference Panel or Citizens’ Assembly?**

Deliberative processes like Reference Panels and Citizens’ Assemblies are used by public authorities to address difficult issues that councils and legislatures struggle to resolve. They are public mechanisms for creating democratic legitimacy for establishing broad public priorities or making difficult choices.

### **In this document:**

- A. What is a Civic Lottery?
- B. What is a Reference Panel?
- C. Design Choices
- D. Budgets and Contracting
- E. Consultant Responsibilities
- F. FAQs
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## **A. What is a Civic Lottery?**

A Civic Lottery is a balanced way of selecting members of a Reference Panel. It is based on a form of *sortition* that uses the postal system and a randomized selection process to recruit panelists, giving disparate members of a community an equal opportunity to be heard.

### **How does a Civic Lottery work?**

The lottery begins when a minimum of 5,000 invitations are mailed to randomly selected addresses within a community or jurisdiction. Given a positive response rate of 4% to 7% depending on the time of year, issue, and duration of the panel, sending a minimum of 5,000 invitations ensures a large enough pool of volunteers from which to select panelists. Each Civic Lottery package contains detailed information about your organization and the policy issue to be discussed, and encourages the recipient to volunteer. This letter is, in effect, a lottery ticket that invites the recipient – or anyone who resides at the address – to opt in to a special pool of candidates.

Once the response deadline has passed, the “winners” are determined through a randomized draw that automatically balances for gender, age, and geography, as well as other predetermined demographic attributes. This ensures that members of the panel will be broadly representative of the diversity of the community they will serve.

The team running the Civic Lottery must also operate a 1-800 number with staff members on-hand to answer questions from prospective participants. As the deadline nears, you may wish to run automated reminder calls to each household encouraging the recipient to apply and offering to answer any questions. Your goal should be to put citizens at ease by providing as much information about the opportunity as possible, while attracting the widest range of candidates.

Mailing an invitation is less intrusive than random-digit dialing, and adds legitimacy to the request. It also significantly raises the public profile of the initiative and demonstrates the organization’s commitment to public engagement. In addition to the invitation materials, each package should include information about your organization and the issue the panel will discuss. It can also include a detailed survey as well as directions to the panel’s website – here, residents who are unable to volunteer can find other ways to participate and register their views. This information can then be used to inform the Panel’s deliberations.

## Four steps to running a Civic Lottery

1. *Draft the Invitation:* Each letter should be a call to public service and explain the mandate of the panel, what participants can expect if selected, and how their involvement will make a difference.
2. *Build a Mailing List:* Your postal system will supply a randomized, bonded list of household addresses within the geographic boundaries you determine. Setting these boundaries is an important decision that should be based on perceived public interest and who will be impacted by any resulting policy.
3. *Make Follow-up Calls:* Approximately one week after the invitations are posted, schedule an automated call to each of the households that have received a package, alerting the recipient to the invitation and connecting them, should they wish, to a staff member who can answer their questions or register them over the phone.
4. *Select the members of the Reference Panel:* The membership of each Reference Panel should, at a minimum, be representative of the broad demographic profile of the geographic area it represents. Once all demographic attributes are satisfied, the successful candidates should be notified by phone and enrolled in the process.

Looking for more information? See [How to run a Civic Lottery](#), a technical guide from MASS LBP that provides step-by-step instructions on running a Civic Lottery to recruit members for a Reference Panel.

## **B. What is a Reference Panel?**

A Reference Panel is a long-form deliberative process that typically involves 36 to 48 randomly selected citizens and residents who meet on three or more days over the course of several months to examine an issue, reach consensus, and draft detailed recommendations for public authorities.

### **How does a Reference Panel work?**

Reference Panels are commissioned by government and public agencies with an explicit mandate to advise public authorities on divisive and complex issues that typically involve trade-offs or compromises. In several respects, Reference Panels resemble coroner's juries – they are non-adversarial, evidence-informed processes that seek to understand the circumstances surrounding an issue by hearing from experts and engaging in dialogue. The objective is to reach a consensus on a series of recommendations that can be directed to government, industry, and society-at-large.

Reference Panels can also complement and integrate with more traditional forms of public consultation. For instance, survey research can help inform the panel's deliberations, and the panel itself can host public meetings during its term to ensure that all members of the public have an opportunity to participate and share their perspectives.

### **There are three phases in a Reference Panel**

#### *Orientation and Learning*

This phase is designed to ensure that each participant shares a common understanding of the panel process, relevant context, and the subject matter expertise they need to make informed recommendations. This information is often conveyed through reading materials and short presentations from senior public servants and academics, as well as stakeholders and constituents.

Later, invited guests, each with divergent views, will stage a three or four person discussion that provides participants with different perspectives and ideas to consider. Working in small groups, panelists will start by articulating and agreeing to a set of shared principles or values that they will later be able to apply to their recommendations.

#### *Deliberation*

During the second phase, Panel members work through a series of group activities to deliberate on the input they have received from experts and other presenters. Together, they begin to identify a range of issues, themes, and options, and work through their implications.

Often during this phase, members of the public are invited to participate in an evening public roundtable hosted by members of the Reference Panel. This gives panelists an opportunity to “check in” with the wider community and determine if their work and representative assumptions are on the right track. In pairs, the panelists meet with members of the public in small groups to exchange ideas, perspectives, and concerns. This approach enables the public sector client, members of the public, and the panelists to work together toward finding solutions in a collaborative, rather than adversarial, environment.

### *Drafting Recommendations*

Through an iterative dialogue process, each Reference Panel produces a set of consensus recommendations that form the basis for their public report. This report is written by the panelists themselves and conveys their perspective and advice in their own words.

Once a draft report has been created, it is circulated to the panelists to ensure that the tone, wording, recommendations, and account of the process are accurate. In addition to the consensus recommendations, each panelist is invited to write their own minority report where they can convey any concerns with the process or its conclusions, or emphasize any aspect of the recommendations they believe deserve further consideration. These minority reports are an important check on the process, and help to ensure the accountability of the organizers and the satisfaction of the panelists. Once completed, the final report is presented to the client and made public.

### **How are Reference Panels different from focus groups?**

A Reference Panel can sound like an elaborate focus group. Here are six features that distinguish these processes:

1. *Duration*: Panelists will invest at least forty or more hours into serving on a Reference Panel
2. *Learning*: Panelists will spend almost half of their time on a panel learning about the topic. This learning process is based on a detailed curriculum
3. *Public service*: Panelists are tasked with understanding and speaking for the needs of their community, even when they differ from their own concerns or preferences
4. *Consensus*: Panelists will strive to reach consensus through dialogue on a series of detailed recommendations that government, its agencies, and industry can enact

5. *Public results:* The Panel's final report is shared widely to build a public understanding of the panelists' recommendations
6. *Representation:* By using a Civic Lottery to randomly select a cross-section of society to sit as Reference Panel members, the panelists' recommendations are more representative of the broader public interest..

## C. Design Choices

There are many steps to designing a successful Reference Panel. Some of these design choices include:

### **Lottery size and response rate**

A properly executed Civic Lottery will have a 4% to 7% response rate. Many different factors can influence the response rate, including: The length of time before the start of the panel, the season, and the topic. To produce a diverse pool of candidates, Civic Lottery packages should be sent to a minimum of 5,000 households, though ideally it would be sent to between 10,000 and 20,000 households.

### **Member composition**

Panel membership is typically weighted to match the demographic profile of the community it represents. Age, sex, and geography are the three main attributes used in the lottery selection process, but topic relevant attributes may also be added. Special seats on the Reference Panel may be reserved for Indigenous members, or panelists who speak either of Canada's official languages.

Income, ethnicity, and education are important demographic attributes. However, the inclusion of these attributes on candidate forms is often seen as intrusive, and can dramatically reduce response rates. Geography has proven to be a strong proxy for these attributes – consequently, Civic Lotteries conducted using age, sex, and geography consistently produce diverse and representative outcomes.

### **Panel size**

Reference Panels typically have 36 to 48 members. Larger panels and assemblies are possible, but are generally ill-advised. Larger groups of participants will require more session days to reach consensus and will be more costly, as they will require larger facilitation teams and dedicated staff who can provide ongoing participant support services.

### **Panel duration and meeting frequency**

Session days should occur on alternating Saturdays over a period of several months. Panels typically last between three to six Saturdays – a design choice that should be based on the complexity of the topic and task.

### **Purpose and mandate**

Deliberative processes are most effective for making choices when selecting between two or more options, or to establish priorities among competing possibilities. Deliberative processes are less effective for generative or loosely-defined tasks like brainstorming or visioning. Once the purpose has been established, a Reference Panel should have

a clearly defined mandate. A mandate is typically framed as three responsibilities: To learn about the issue; to consider various perspectives concerning the issue; and to reach consensus and provide detailed recommendations concerning the best resolution of the issue.

### **Moderator and facilitators**

Reference Panels should be led by a professional team with specialized expertise in dialogue, group work, and consensus-building. The head of that team serves two roles as both the chair and moderator of the panel. They will need significant expertise in facilitation and policy development, and should also be regarded as fully independent and impartial. The moderator will be supported by a team that typically includes one facilitator for every six members of the panel, as well as one runner who is responsible for logistics.

### **Independent Advisory Board**

Reference Panels on controversial topics can benefit from the additional oversight provided by an Independent Advisory Board, who can review the process and curriculum proposed by the moderator. This board can be composed of six to eight volunteer members who are well-regarded and considered “above-the-fray.” They may be selected for either their standing in the community or their subject matter expertise.

### **Terms of reference**

Each panel should have a clearly defined terms of reference that sets out the purpose of the panel, the expectations of members, and the responsibilities of the facilitation team and commissioning body. *Sample terms of reference can be found in [Section G: Sample Terms of Reference and Final Reports](#).*

### **Incorporating other methods of engagement**

At least one complementary and open engagement method should be used alongside a Reference Panel so that members of the wider public can participate. It allows panelists to learn about other perspectives, and to adequately represent the views of fellow citizens who cannot be on the Panel. It also provides a way for the wider public to learn about and contribute to the Reference Panel, enhancing the legitimacy of its recommendations.

Complementary methods of engagement include:

#### *Public Roundtables*

At a public roundtable, panelists become table hosts who work in pairs to meet with and learn from interested and concerned community members. This face-to-face experience provides panelists with an intimate understanding of the expectations of those they have been tasked to represent. When used *earlier* in the Reference Panel process,

a public roundtable helps panelists consider the issues, concerns, and ideas of citizens; and when used *later* in the Reference Panel process, a roundtable can provide an opportunity for panelists to present draft recommendations and gather advice about how to refine them.

#### *Online and Paper Surveys*

Surveys can be used to gather perspectives from a larger set of individuals than might typically attend a public roundtable. Surveys can be for the general public (using scaled agree-disagree questions) or to gather submissions from specific stakeholders and experts (using open-text questions). Paper surveys and URLs for online surveys can be included in the Civic Lottery package as a way to engage those who do not volunteer. In some circumstances, a survey can be issued to gather reactions to the Panel's draft recommendations, or to their final report.

## D. Budgets and Contracting

Deliberative processes are more resource intensive than other forms of consultation. This is because they employ a rigorous recruitment methodology – the Civic Lottery – and an intensive staffing model, with as many as ten advisors, facilitators, and support staff working together to execute the panel.

There are two methods for procuring deliberative processes:

1. *Determined budget, general requirements:* In this instance, Requests for Proposals (RFPs) provide a total contract value and invite proponents to bid on the basis of the value they can create for this fee
2. *Specific requirements, no determined budget:* In this instance, RFPs carefully define the responsibilities of the consultant and the scale of the project, including the recruitment process, the size of the panel, and the number of sessions, and invite proponents to provide competitive bids based on experience and price

### Pricing

It will cost a minimum of \$20,000 (CAD) to run a 10,000 household lottery. This includes a range of services and expenses:

- Design
- Mailing list acquisition
- Printing
- Postage
- Reminder calls
- Processing and selection

It will cost a minimum of \$70,000 (CAD) to run a Reference Panel over four Saturdays. This includes a range of services:

- Strategic advice
- Background research and curriculum development
- Client relations
- Project administration and logistics
- Participant support
- Process design
- Process facilitation
- Project communications and web development
- Project reporting

Additional expenses vary from project to project, and may include:

- *Translation*: Print and/or simultaneous interpretation
- *Accessibility*: Deaf/blind interpretation, personal support workers, mobility assistance, child or eldercare
- *Venues*: Rental fees and furnishings
- *Mobility*: Mileage, parking, public transit, related travel costs for panelists
- *Catering*: Morning and afternoon snacks, lunch, special meals as required
- *A/V*: Rental fees

### **Transparency and contracting**

A government or agency that undertakes a deliberative process should expect a high degree of public interest and scrutiny. The tendering process should be scrupulous, and the contract with the consultant should be made public on the project's website.

The client has five additional obligations that can be affirmed in the project's terms of reference or contract:

1. To promote the existence of the deliberative process
2. To refrain from interfering or commenting upon its deliberations
3. To respond in a timely fashion to the substance of the Reference Panel's recommendations
4. To publish and publicize the Reference Panel's recommendations
5. To make a good faith commitment to act on the substance or spirit of the Panel's recommendations

## E. Consultant Responsibilities

Reference Panels are complex processes that benefit from third-party execution and guidance. It's important that whoever runs your deliberative process is seen to be independent, that their team possesses the specialized skills and experience necessary to deliver and facilitate the process, and that they can devote the time necessary to be fully focussed on the process and its participants.

Consequently, most public sector organizations commission an independent consultant to design and execute their deliberative process. Good consultants will have a track record of running complex public processes, can provide strategic advice, and seamlessly coordinate all aspects of running a Reference Panel.

Here are nine responsibilities a consultant should undertake:

### **Design the process**

The number of sessions, the design of the curriculum, and the deliberative process should all be tailored to fit the specifics of the project. A consultant will provide advice on each of these elements as well as determining how to sequence the panel's meetings, ensuring that presentations and deliberative activities occur in an effective sequence. They will also incorporate other consultative mechanisms like public roundtables and surveys.

### **Ensure impartiality**

Every design choice should work to maximize the legitimacy and demonstrate the impartiality of the process. A consultant will safeguard the integrity of the process and ensure that the panel's final recommendations are credible and defensible. It's essential that the consultant avoid any conflicts of interest and be perceived as a neutral and independent party.

### **Develop terms of reference**

A consultant should work with you to draft the project's terms of reference, which will define the objective and mandate of the Reference Panel along with the roles and responsibilities of panelists, the Panel chair, and the commissioning organization. The terms of reference should also include the Panel's meeting schedule, information on how reporting and communications will proceed, a description of the Panel's composition, and the process used to select panelists. *Examples of terms of reference can be found in [Section C: Sample Terms of Reference and Final Reports](#).*

### **Frame the issue and define the scope**

Successful deliberative processes are relatively narrow in their focus and address specific issues that are clearly defined. A consultant will help you to frame the inquiry based on the time and resources available. They will also work throughout the process to simplify contextual and technical information so that it can be easily understood by the participants.

### **Execute the Civic Lottery**

A consultant will work on your behalf to recruit panelists that broadly match the demographic profile of the community. They will help you to set the geographic boundaries and selection criteria needed to create a representative panel, draft the Civic Lottery package, send the invitations, process replies from candidates, staff a 1-800 number to field questions, follow-up with all candidate households to ensure they received their package, and select the members of the panel.

### **Develop curriculum**

A compelling and relevant curriculum is one of the most important aspects of a deliberative process. The consultant should understand adult education pedagogies and be able to develop a detailed curriculum that includes specific learning goals based on three forms of knowledge that are relevant to the process:

1. *Subject knowledge*: Understanding the issues and context
2. *Process knowledge*: Understanding the steps that lead to consensus
3. *Values knowledge*: Understanding the shared values of panel members and the values underlying different policy options

### **Facilitate the process**

Your consultant will be responsible for chairing the panel and leading the facilitation team. These twin responsibilities are at the heart of the deliberative process. The moderator, as chair, leads the process and provides clarity, creates momentum, and ensures that all panelists feel confident in the process and its outcome. Facilitators are specifically trained to work with small groups to accelerate knowledge acquisition, animate discussions, and ensure that every member has a more or less equal chance to be heard.

### **Provide participant support services**

It is essential that panelists are able to reach a member of the process team at any time for the duration of the process. The consultant should establish a small team that is available 24/7 by phone and email to

answer questions and address concerns, conduct small research tasks, and assist panelists with travel, special needs, or other requests.

### **Draft reports and public communications**

Most people will never meet the members of your Reference Panel, or see their deliberations first-hand. This is why the quality of the communications surrounding the process, and the panel's final report, are very important. Your consultant should be responsible for assisting the panelists in drafting their recommendations, and managing an extensive editing process. They will also draft a summary of the panel process and ensure that the final report is professional and compelling.

In addition, your consultant will need to develop a project website, provide meeting summaries, post materials, and coordinate photography and videography. Your consultant, as chair, will also be the spokesperson for the panel and coordinate the release of its recommendations during a final presentation.

## F. Frequently Asked Questions

### **Why do people volunteer?**

People will volunteer for a much wider range of reasons than you might assume. For some, this is an opportunity to “give back,” while for a few others, they want to advocate for one position or another. But the vast majority of participants will have an open mind. They will volunteer because they believe this opportunity is part of their civic responsibility; because they want to learn something new or meet new people; or because they see the processes as a chance to make a difference.

### **How many people will drop out?**

Member attrition is very rare. Generally, every panelist will complete the process unless there is an unforeseen illness or change in employment. However, panels that last more than six sessions are more likely to encounter higher levels of attrition for these and other reasons.

### **How much time will this take, start to finish?**

From the start of the project to the publication of the final report, four-session Reference Panels generally require a minimum of five months to complete.

### **What if the panel recommends something I disagree with?**

The role of a Reference Panel is to advise, not decide. Ultimately, if you disagree with the recommendations of the Panel, your organization should be ready to publicly and respectfully state the basis of your disagreement and your alternative course of action.

### **How much time will this require from my team?**

Part of the reason for commissioning a Reference Panel is to relieve your team of the responsibilities for supporting participants, managing logistics, and executing the process, all of which are very time and labour intensive. However, you should still expect to be highly involved in the design phase and periodically throughout the process.

### **What should I expect from my consultant?**

Your consultant should provide a comprehensive range of services that allows them to execute all facets of the process. They should operate at arm’s length and work at all times to ensure the impartiality, credibility, and professionalism of the process. *For more information, please see [Section E: Consultant Responsibilities](#).*

### **How do I respond to people who say the process is exclusive and they feel shut out?**

Deliberative processes are necessarily limited to a group of members who are responsible for representing their community. However, to be effective, these processes must also provide opportunities for the general public and stakeholders to express their views. This can include community surveys, public meetings, and special presentations, during which stakeholders and specific constituencies can present their views.

### **What is the role of stakeholders?**

Stakeholders have a vital role to play in deliberative processes. It is important that stakeholders feel respected and welcome to contribute to the panel's deliberations. Often, major stakeholders will be invited to present directly to the panel, or to submit materials for review.

### **What can be done to ensure the participation of hard-to-reach or marginalized people?**

It's important to ensure that all residents have an opportunity to participate and express themselves. Often, the Civic Lottery can be modified to reach individuals experiencing homelessness or underhoused residents by working with shelters and community organizations. These same organizations can also participate by making presentations directly to members of the panel, or organizing supplementary sessions that help to address their concerns.

### **What are examples I can point to of successful deliberative processes in Canada and abroad?**

There have been more than 35 Reference Panels and Citizens' Assemblies in Canada since 2004, and several dozen other examples in Ireland, Spain, and Australia. *To find more examples, please visit [masslbp.com](http://masslbp.com).*

## **G. Sample Terms of Reference and Final Reports**

Duncan-North Cowichan Citizens' Assembly on Municipal Amalgamation, the Municipalities of Duncan and North Cowichan, 2016

[Terms of Reference](#) (PDF) and [Final Report](#) (PDF)

Citizens' Assembly on the Grandview-Woodland Community Plan; City of Vancouver; 2013

[Terms of Reference](#) (PDF) and [Final Report](#) (PDF)

### **Examples of Final Reports**

Citizens' Reference Panel on Pharmacare in Canada; University of British Columbia and Canadian Institute for Health Information; 2016

[Final Report](#) (PDF)

Residents' Reference Panel on the Davenport Community Rail Overpass; Metrolinx; 2015;

[Final Report](#) (PDF)

## ABOUT MASS LBP

Over the past decade, MASS LBP has worked with dozens of ministries and public agencies in Canada to develop long-form, deliberative processes. These processes engage citizens on complex policy issues and provide detailed recommendations to public sector organizations. Most of our clients are new to this kind of engagement; consequently, some of the language we use can seem foreign, while the timelines, budgets, and expectations for running a Reference Panel are largely unknown.

We have written this document to help policy-makers think through the steps involved in designing and commissioning deliberative processes. MASS developed the reference panel model to build on and extend the example set by Canada's two Citizens' Assemblies on Electoral Reform. Since 2007, we have supported the more than 1,300 Canadians who have served on 35 Citizens' Assemblies and Reference Panels, helping decision makers find common ground, understand public sentiments, and build legitimacy for difficult policy choices.

*To learn more about our work, please visit [masslbp.com](http://masslbp.com).*