Scotland Open Government Action Plan 2021-2025
Independent Monitoring Body: Inception Assessment

Introduction

This report provides an appraisal of the co-creation process and design of the five commitments in Scotland's third Open Government Action Plan (2021-2025). In order to ensure comparability with other Open Government Partnership (OGP) Local members around the world, the assessment largely mirrors the requirements set out in the OGP Local Handbook and Inception Assessment Form.

The assessment was carried out by Andy McDevitt (andypmcdevitt@gmail.com) independent reporter, between December 2022 and January 2023, based on a review of documents and interviews with 13 representatives of the Scottish Government and civil society organisations involved in Scotland's OGP process.

Key messages

- The process for developing Scotland's third Open Government Action Plan was more focused and strategic than previous cycles but less participatory, with a trade-off between deep vs broad consultation. This is particularly true of commitment 4 on climate change which did not undergo a full co-creation process.
- On the other hand, participation is a stronger cross-cutting theme throughout the plan itself than was the case in previous action plans. Thus, greater engagement is expected during action plan implementation than during previous cycles (when engagement dropped off once the plans were developed). The creation of joint civil society - government implementation groups should help with this, although efforts will need to be made to ensure broader participation in these groups as the plan progresses.
- The sense of continuity in the plan (with 3 of 5 commitments building on previous OGP work) demonstrates a growing level of maturity in Scotland's OGP approach. Commitment 1: Fiscal Openness and Transparency is the strongest example of this continuity with the commitment becoming gradually more ambitious across cycles. The other two "continuity" commitments (Data & Digital, and Participation) are framed as supporting commitments for the rest of the plan. However, work remains to be done to make this a reality as links have not been clearly established across commitments.
- The iterative approach to the third plan, with a longer (four-year) cycle, holds promise for enabling greater strategic ambition while being able to adapt to changing circumstances or seize emerging opportunities. However, it also carries the risk of commitments losing momentum and focus. Ensuring that commitment

milestones are regularly updated and that any changes are agreed collectively and clearly communicated will be critical to securing accountability.

- Securing sustainable government resourcing for certain commitments (especially Commitment 5: Participation) is an ongoing challenge, while the OGP process in Scotland is still significantly reliant on the drive of a small number of individuals and has yet to be fully institutionalised
- Resources for civil society involvement also remains a key challenge in Scotland's OGP process. While the partnership model is a unique selling point of OGP, it is not an equal partnership in resource terms. As a result, civil society engagement and ambition remain limited, with civil society influence tending to manifest itself at the level of detail, rather than in the selection of priorities.
- The fact that onboarding of civil society partners in the co-creation process happened later than it should have done also contributed to weak civil society ownership of the plan. The IRM's recommendations from the previous action plan cycle to ensure a longer lead in time before publication of any future action plan and to bring OGP into other relevant conversations with other networks earlier on in the process, remain highly relevant.

Key metrics

Co-creation process

Compliance with OGP co-creation minimum requirements	
Does a multi-stakeholder forum exist?	Yes
Does the forum hold at least one meeting with civil society and non-governmental stakeholders during the co-creation of the action plan?	Yes
Has the action plan been endorsed by the stakeholders of the forum?	Yes
Recommended practices in co-creation	
Does the government maintain a Local OGP website or webpage on a government website?	Yes
Did the government provide information to stakeholders in advance of the co-creation process?	Yes
Did the government ensure that any interested member of the public could make inputs into the action plan?	Yes
Did the government proactively report back or provide written feedback to stakeholders on how their contributions were considered?	Partially
Was there an iterative dialogue and shared ownership between government and non-governmental stakeholders during the decision-making process?	Partially
Would you consider the forum to be inclusive and diverse?	Partially

Commitment design

Commitment	Verifiable?	Relevant?	Continuity or new?	Potential for results
1: Fiscal Openness & Transparency	Yes	Yes	Continuity	Substantial
2: Health & Social Care	Yes	Yes	New	Modest
3: Data & Digital	Partially	Yes	Continuity	Modest
4: Climate change	Yes	Yes	New	Modest
5: Participation	Partially	Yes	Continuity	Modest

Part 1. Compliance with OGP co-creation minimum requirements

1.1 Does a forum exist? **1.2. Is the forum multi-stakeholder?**	**YES**

Scotland's Open Government Partnership Steering Group acts as the multi-stakeholder forum for overseeing Scotland's participation in OGP[1]. The Steering Group has been in operation since Scotland developed its first action plan in 2016, with membership of the group evolving over time. The governance structure and ways of working for the Steering Group were refreshed in November 2022 following a consultation process with government and civil society[2].

The Steering Group is co-chaired by George Adam, Minister for Parliamentary Business, and Lucy McTernan, Chair of Civil Society Network. While the articles of governance of the Steering Group state that there is to be equal civil society and government membership, current membership includes 11 government representatives and eight civil society representatives (as well as a Secretariat of three government representatives)[3]. However, the quorum for decision making is eight, with a minimum of four from government and four from civil society. Civil society representation is determined by an open selection process through the OGP Civil Society Network.

The Steering Group is scheduled meet a minimum of three times per year to agree and monitor implementation of the action plan and to set the strategic direction of wider open government strategy in Scotland.

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[1] https://www.gov.scot/groups/open-government-partnership-steering-group/
[2] https://www.gov.scot/publications/open-government-partnership-steering-group-articles-of-governance/
[3] https://www.gov.scot/groups/open-government-partnership-steering-group/

1.3. Did the forum hold at least one meeting with civil society and non-governmental stakeholders during the co-creation of the action plan?	YES

The Steering Group held three meetings during the co-creation process in February[4], July[5], and September[6] 2021 with four, seven, and five civil society members in attendance, respectively. In addition, two online roundtable discussions were held to consider the strategic direction for open government in Scotland. The first of these sessions focused on connections between open government and the National Performance Framework (NPF). The second session focused on how the Open Government Action Plan could support a human rights-based approach in Scotland. Relevant civil society stakeholders were invited to each of these events, with civil society partners helping to identify invitees[7].

1.4. Has the action plan been endorsed by the stakeholders of the forum or steering committee/group?	YES

The action plan was endorsed by all civil society members of the Steering Group with the civil society co-chair, Lucy McTernan, co-authoring the foreword to the third action plan[8]. Each of the civil society commitment leads endorsed the content and wording of their respective commitments before being published.

Part 2. Recommended practices in co-creation

2.1 Does the government maintain a Local OGP website or webpage on a government website where information on the OGP Local process (co-creation and implementation) is proactively published?	YES

The government maintains an Open Government webpage containing a collection of open government commitment updates and reports, including the initial milestones for each of the five commitments in the 2021-2025 plan[9]. The webpage also includes links to Scotland's three Action Plans to date, the webpage of the Open Government Steering Group, which contains the minutes of the Steering Group's (approximately) quarterly meetings dating back to June 2018, links to information on the 6 co-creation workshops led by the Democratic Society (see further discussion below) as well as links to the

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[4] https://www.gov.scot/publications/open-government-partnership-steering-group-meeting-minutes-february-2021/

[5] https://www.gov.scot/publications/open-government-partnership-steering-group-meeting-minutes-july-2021/

[6] https://www.gov.scot/publications/open-government-partnership-steering-group-meeting-minutes-september-2021/

[7] https://www.gov.scot/publications/scotlands-open-government-action-plan-2021-25/pages/3/

[8] https://www.gov.scot/publications/scotlands-open-government-action-plan-2021-25/pages/1/

[9] https://www.gov.scot/collections/open-government-documents/

Government's [OGP blog](#) and [Twitter account](#) and the civil society [Open Government Network](#).

Attempts to provide greater depth of information than presented under previous action plans is to be welcomed. However, this ambition is still to be fully achieved. For example, at the time of writing (January 2023), the principle Open Government webpage does not yet provide updates on commitment progress over the first year of the action plan. According to the OGP point of contact, these are currently being prepared for sign off and publication[10].

At the same time, the presentation of OGP related information remains unstructured and fragmented and hence difficult to navigate for someone unfamiliar with the process. Relevant information is contained across a series of government webpages, which are not uniformly interlinked, while information on Scotland's previous plans is contained in separate sections of the government websites making it difficult to follow the thread of progress since Scotland's accession to the Open Government Partnership in 2016. While this is partly out of the hands of the Open Government team due to the way in which Scottish Government web content is managed centrally, it is nevertheless a missed opportunity to showcase the progress which has been made in a more accessible manner.

2.2. Did the government <u>provide information to stakeholders in advance</u> to facilitate informed and prepared participation in the co-creation process?	**YES**

The government provided a range of opportunities for stakeholders to engage in the co-creation process. These included access to an online dialogue platform[11] to gather input for developing commitments around 5 themes, and a series of six online public workshops during summer 2021 run by the Democratic Society[12]. The online platform generated a modest number of ideas (16) from a small number of contributors. (This compares to 57 proposals from a similar initiative for the second action plan in 2018). Five of the workshops explored each of the five themes identified as potential area of focus for the Action Plan. The sixth workshop was aimed specifically at young people and asked for their views and priorities across all five themes. Reports from each of these workshops were published and formed the basis for the five commitment themes that now feature in the Action Plan[13].

The opportunities to engage in the action plan co-creation were advertised on Twitter, on Scotland's Civil Society Network Forum, and shared with relevant groups by email[14].

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[10] Interview with Doreen Grove, OGP Point of Contact, 12 December 2022
[11] https://www.ideas.gov.scot/help-us-change-the-ways-scottish-government-works/home?sort_order=rated
[12] https://www.demsoc.org/blog/scotland-open-government-national-action-plan-2021
[13] https://www.demsoc.org/blog/scotland-open-government-national-action-plan-2021
[14] https://www.gov.scot/publications/scotlands-open-government-action-plan-2021-25/pages/3/

Participants at the six public workshops were recruited through promotion of the events on social media through Democratic Society's channels, as well as through direct mailing done by Open Government Scotland and Democratic Society[15]. In the case of the climate change commitment (commitment 4), which adopted a different co-creation approach to the other commitments, the five civil society interviewees were sent material in advance which set out the OGP process, the climate change policy context, and an initial concept for a climate change commitment. They were also sent a shortlist of questions in advance. The questions were kept relatively open to encourage innovation and creativity.[16]

2.3 Did the government ensure that <u>any interested member of the public could make inputs</u> into the action plan and observe or have access to decision-making documentation?	**YES**

Any member of the public could submit suggestions to the online dialogue platform and the 6 workshops were open to attendance by the public. In practice, participation varied from commitment to commitment, ranging from seven for the youth workshop to 44 for the workshop on commitment 4 (participation).[17] The majority of participants came from the non-profit or social enterprise sector, with others representing government, the private sector, and the education sector. In addition, 30 groups were represented through the roundtables and working groups included human rights organisations, disabled people's organisations, universities, racial equality organisations, LGBT organisations, democracy organisations, and carers organisations[18].

While the six workshop reports were published online[19] and Steering Group meeting minutes are also available online[20], specific decision-making documentation (outlining how public inputs were – or weren't – factored into commitment design) was not made publicly accessible. Neither was the draft action plan published for public consultation. This contrasts to the process for the previous action plan, for which the government published the draft action for public consultation as well as its response to the comments on received.

In addition to the above-mentioned channels, the Scotland Open Government Network, initially established to support the implementation of Scotland's first Open Government Network in 2016, was also used to advertise engagement opportunities. However, the online network has largely been dormant for since the implementation of Scotland's second plan. To some degree this is de to the lack of a dedicated resource to maintain

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[15] https://www.demsoc.org/uploads/store/mediaupload/565/file/DATA_Scotland%20OG%20workshops_Report_12%20Ag%20def.pdf

[16] Email communication with the Climate change public engagement team; Scottish Government, 9 December 2022

[17] Specifically: Youth 7; Climate 12; Financial Transparency 14; Data and Digital 21; Health and Social Care 23; Participation 44

[18] https://www.gov.scot/publications/scotlands-open-government-action-plan-2021-25/pages/3/

[19] https://www.demsoc.org/blog/scotland-open-government-national-action-plan-2021

[20] https://www.gov.scot/groups/open-government-partnership-steering-group/

the network which brings the long-term sustainability of the network into question.[21] While SCDC became the acting secretariat for the network in 2021, with a remit to help recruit people to the civil society steering committee, the overall membership of the network has fallen over time (79 current members) and engagement is largely limited to sporadic postings from the Scottish Government's Open Government team.[22]

2.4. Did the government <u>proactively report back or provide written feedback to stakeholders on how their contributions were considered</u> during the creation of the action plan?	**PARTIALLY**

Each of the six workshops produced a report outlining the number and demographic split of participants, a detailed record of participants comments and inputs, the outcome of discussions and notes from the workshop Q&A sessions[23]. However, they stopped short of explaining how this input informed the development of the commitments and milestones.

Following on from these workshops the government set up short life working groups with commitment leads from both government and civil society to develop the detailed content of each of the commitments. In most cases, the process for developing the precise content of the commitments was led by government teams with civil society counterparts providing comments or direct edits to the wording through google docs or email exchanges.

2.5. Was there an <u>iterative dialogue and shared ownership</u> between government and non-governmental stakeholders during the decision-making process, including setting the agenda?	**PARTIALLY**

The process for developing Scotland's third action plan differed from the first and second plans. It can be characterized as less broad but deeper consultation. Unlike previous action plans, the main themes were pre-defined before consultation began. According to the OGP Point of Contact, there was an acknowledgement among the Steering Group for the need for more ambition but also for a sense of continuity from previous open government work. Stakeholders and participants in the co-creation process also prioritised implementing existing strategies and delivering on current commitments, rather than creating new initiatives[24]. For this reason, the consultation process was more targeted, as the government did not want to set unrealistic expectations by going out to the public with a blank slate[25].

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[21] Interview with Lucy McTernan, civil society chair of the Steering Group, 12 December 2022
[22] Interview with Susan Paxton, SCDC, 20 December 2022
[23] https://www.demsoc.org/blog/scotland-open-government-national-action-plan-2021
[24] https://www.gov.scot/publications/scotlands-open-government-action-plan-2021-25/pages/4/
[25] For the 2018-2020 plan, the ideas and outputs from the co-creation were brought to a final public to refine the broad ideas into more specific commitments and prioritise the key themes to take into the action plan.

It should also be noted that the co-creation process took place in summer 2021 and had to be undertaken exclusively online due to the ongoing pandemic. From a government perspective, this was after a year and a half of exclusively working from home and for many people moving temporarily to high pressure Covid response roles. This shaped the co-creation methods used and affected many people's capacity to contribute.

At the outset of the co-creation process, the government reviewed previous public engagement exercises (such as the Citizens' Assembly of Scotland and the Climate Assembly) as well as the Scottish Government's post-pandemic renewal priorities to identify five themes as the framework around which to build its third Open Government Action Plan. Three of the five themes were a continuation of themes from previous action plans (Financial transparency, Data and Technology, and Participation in decision making) while two were new (Health and Social Care, and Climate Change)[26].

Following the public consultation process, commitment leads from government policy teams and civil society were identified and convened short life working groups to design the detailed content of each commitment, involving stakeholders from government, local authorities, other public bodies, and civil society[27]. In most cases these working groups have been maintained and since evolved into implementation groups for the respective commitments, albeit with changes to their membership in some cases.

In contrast to previous action plans, which were designed around shorter cycles (one and two years respectively), the current action plan has a four-year cycle. The approach taken to commitment and milestone development is therefore an iterative one. Commitment working groups set out concrete activities for year one and have committed to up-date milestones each year, to monitor progress and focus on opportunities for further development.

2.6. Would you consider the forum to be <u>inclusive and diverse</u>	PARTIALLY

Civil society membership of the Steering Group is not particularly diverse. Those who have remained actively involved in the OGP process represent a small number of civil society organizations with a core interest in open government and democracy-related issues (Involve, Democratic Society, SCDC). Nevertheless, the range of stakeholders engaged in implementation of the action plan (through the commitment specific working groups) is broader, with the system set up for the design phase having been transferred over to the implementation phase. According to one Steering Group member, this has the advantage that individuals can dip in and dip out on the topic they care about without having to commit to being on the full Steering Group. However, it also puts the onus on those who sit on both the Steering Group and one of the working groups to ensure coherence across the plan and maintain strong lines of communication. According to

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[26] https://www.ideas.gov.scot/help-us-change-the-ways-scottish-government-works/home?sort_order=rated
[27] https://www.gov.scot/publications/scotlands-open-government-action-plan-2021-25/pages/3/

another Steering Group member, this is not currently happening, especially among civil society. While the civil society members of the Steering Group occasionally meet among themselves, it is not an embedded processes with significant interaction[28]. This is an area which will require close attention throughout implementation of the action plan.

Recommendations

- Ensure that the process for updating milestones remains collaborative and transparent to avoid the impression (real or perceived) that milestones are retrofitted to activities. The process should ensure that updated milestones and activities: (a) continue to contribute to the overall commitment objectives; and (b) are agreed on with civil society counterparts.
- Consider ways to communicate more widely once commitments begin to demonstrate tangible outcomes as a means of re-energizing civil society engagement in OGP. Having concrete outputs to showcase is crucial to demonstrating the value of OGP.
- Consider establishing more regular and strategic points of interaction between key civil society stakeholders to ensure a shared vision for what OGP should be delivering from civil society's perspective across the different commitments.
- Consider developing an outreach strategy for engaging a broader set of civil stakeholders in commitment implementation and in the co-creation of the next action plan (with sufficient lead in time for the latter).
- Consider how to better structure OGP related information on the repository (both retroactively and with a view to what information will be published in future), taking into account existing constraints regarding editorial control.

Part 3: Design of commitments

Commitment 1: Fiscal Openness and Transparency

3.1.1 Is the commitment verifiable?	YES

The commitment is divided into three interlinked themes: benchmarking progress on fiscal transparency, improving the accessibility of fiscal information, and improving engagement and participation. Under each of these themes a set of initial milestones was developed for 2022, with milestones to be updated on an annual basis. Activity areas include including making budget and financial activity more understandable and accessible, continuing to make procurement and contract data more transparent, and actions around tax, the infrastructure investment plan, and the review of National

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[28] Interview with Alex Stobart, civil society member of the Steering Group, 14 December 2022

Outcomes. It also includes assessing Scotland against international best practice and developing good practice around engagement and inclusion for financial information[29].

The majority of 2022 milestones are clearly verifiable, with the centerpiece of the commitment being the development of a fiscal transparency portal. Initial milestones in the first year of implementation towards this goal include most notably the development of a programme of work to take forward recommendations of the Fiscal Transparency Discovery Report developed under the previous action plan[30]. Likewise, the single milestone under the first theme (reviewing international best practice on fiscal openness) is a clearly defined first step in developing a benchmarking system. However, a number of other milestones are less clearly defined/underdeveloped, in particular under the third theme, such as involving stakeholders on budget improvement work, or using best practice approaches to support high quality engagement and participation[31].

3.1.2 Do the commitment activities clearly justify relevance to OGP values?	YES

The commitment is clearly relevant to the OGP values of **transparency** and **civic participation**. It aims to improve the openness and accessibility of the Scottish Government's financial, procurement and performance data and information and ensure that it is comprehensive, accurate, up-to-date and linked. It also aims to involve users (citizens and civil society organizations) in the process of opening up and identifying specific uses for that data so that they can more readily explore how, where and why decisions are taken (although, as discussed above, this element of the commitment is less clearly defined than others).

3.1.3. Is the commitment a continuation of ongoing legislative practices or existing policies, or a new regulation, policy or requirement?	Continuity

This commitment builds on the financial transparency commitments included in the previous two Open Government Action Plans. According to one Steering Group member, it is a clear example of how open government reforms can evolve over time. While the first action plan included some light touch work on financial transparency and open budgeting which evolved to more discovery and development work in the second plan, this third commitment builds directly on that work and specifically the work on the recommendations of the Discovery Report.[32]

3.1.4. Does the commitment have the potential to result in a change of the rules, practices or policies that govern a policy	Substantial potential

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[29] https://www.gov.scot/publications/open-government-partnership-steering-group-meeting-minutes-september-2021/

[30] https://www.gov.scot/publications/scottish-exchequer-fiscal-transparency-discovery-report/

[31] Interview with the Change and Stakeholder Engagement Lead, Scottish Government, 5 December 2022

[32] Interview with Lucy McTernan, civil society chair of the Steering Group, 12 December 2022

area, public sector and/or relationship between citizens and the State?	

According to both the PoC and the civil society chair of the Steering Group, this commitment is the most ambitious of the commitments and has the potential to be the most transformational. It is also the best funded and has senior level buy-in.

The commitment is structured around three broad, mutually supportive aspirations: benchmarking, accessibility, and engagement. At the heart of the second of these elements is the development of a financial transparency portal which has been described as "the centerpiece of the action plan" and which, if it succeeds, has the potential to unlock work across the policy spectrum.[33] That said, the portal is initially envisaged as a demonstration project to showcase what a user journey approach to financial transparency can achieve, under five main phases Alpha, Beta, Procurement, Implementation and Enhancements[34]. While the funding for the Beta phase has been secured, longer term sustainability remains a key concern[35]. The commitment also includes plans to develop a procurement management information platform to improve data standards. However, conversations with the government team responsible for the commitment reveal that this is currently envisaged as an internally-facing rather than externally-facing platform, to enable government to more readily provide information when requested. Ensuring clear communication around the platform and its synergy with the broader fiscal transparency programme will be important to ensure it remains relevant to the overall commitment purpose.

The success of the portal will also ride on the depth of the other two key elements of the commitment, benchmarking and engagement. Benchmarking can help broaden the horizons and ambition of the commitment. Ideally this would be repeated over the years to monitor progress, but it is not yet clear whether the benchmarking will result in a published product (which would introduce an element of accountability regarding Scotland's fiscal openness) or will remain a tool for guiding internal policy, as it has been to date.

Engagement is the element of the commitment which will require the most work to ensure that the platform is ultimately used. To date the approach to engagement on the platform has been largely consultative rather than collaborative and there is still a way to go in the financial transparency commitment to reach the latter.[36] That said, according to the civil society lead for the commitment, the Exchequer and civil servants have shown themselves to be more open to collaboration than was the case with previous plans, with the weakness in co-creation coming largely from the civil society side given the technical nature of the subject matter. In her view, senior management within government have demonstrated strong leadership for this commitment, which has created an atmosphere

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[33] Interview with Lucy McTernan, civil society chair of the Steering Group, 12 December 2022
[34] Interview with the Change and Stakeholder Engagement Lead, Scottish Government, 5 December 2022
[35] Interview with Lucy McTernan, civil society chair of the Steering Group, 12 December 2022
[36] Interview with the Change and Stakeholder Engagement Lead, Scottish Government, 5 December 2022

in which new stakeholders, such as the Institute of Chartered Accountants and the Scottish Human Rights Commission, are willing to invest their time.[37] To this extent, the role of the implementation group will be important in fostering a more collaborative way of working towards shared outcomes, particularly around improving the quality and accessibility of government data.[38]

Recommendations

- Ensure that clear milestones are developed for all three commitment themes in 2023, with sufficient attention paid to the engagement element in particular.
- Ensure that the commitment includes work to promote and communicate ongoing fiscal transparency reforms to external audiences. In particular, the contribution of the procurement portal to the overall programme of work should be clarified.
- Consider developing a benchmarking methodology as part of this commitment so that Scotland can publicly monitor its progress on fiscal openness over time.

Commitment 2: Health & Social Care

3.2.1 Is the commitment verifiable?	YES

The initial milestones for the first year of commitment implementation are clearly verifiable. Given the novelty of the commitment and the level of expertise required to help ensure success, the early milestones are internally focused and operational, including the on-boarding of a person-centered design team to deliver a programme of co-design in health and social care policy making, and developing a workplan for involvement of civil society to support the development of work and agree how progress can be monitored and evaluated. Further milestones will be developed once the team is in pace and the workplan defined.

3.2.2 Do the commitment language/activities clearly justify relevance to OGP values?	YES

Civic participation is at the heart of the Scottish Approach to Service Design, which is at the core of this commitment. The approach aims to ensure that that people of Scotland are supported and empowered to actively participate in the definition, design and delivery of their public services (from policy making to service delivery).[39]

3.2.3. Is the commitment a continuation of ongoing legislative practices or existing policies, or a new regulation, policy or requirement?	New

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[37] Interview with Lucy McTernan, civil society chair of the Steering Group, 12 December 2022
[38] Interview with the Change and Stakeholder Engagement Lead, Scottish Government, 5 December 2022
[39] https://www.gov.scot/publications/the-scottish-approach-to-service-design/

This is the first time that Scotland has included a specific commitment focused on health and social care in its Open Government Action Plan. The commitment represents progression toward establishing co-design within health and social care in Scottish Government. While there have been steps towards establishing co-design within local delivery settings, this commitment represents efforts to increase the profile of co-design within government; enabling opportunities to explore new ways of engaging people in policy planning and decision-making.[40]

3.2.4. Does the commitment have the potential to result in a change of the rules, practices or policies that govern a policy area, public sector and/or relationship between citizens and the State?	Modest potential

The idea for this commitment initially emerged from discussions around Scotland's second Action Plan.[41] A specific recommendation from the IRM design report on the second plan called for efforts to tie commitments more explicitly to concrete policy problems, especially in the area of citizen participation, with the health and care sector as one example.[42] The commitment is also a response to a desire on the part of government to focus on human rights, equality, inclusion and participatory democracy in post-Covid recovery.[43]

The commitment aims to adapt the well-established Scottish approach to service design to the health and social care sector. Because there is no baseline for co-design in Health and Care Sector, the government recognizes that there will be a steep learning curve to ensure that co-design is genuinely participative. In the view of the OGP Point of Contact, while the commitment has strong potential in the long term, it will require time - probably beyond the current plan – before the full impacts are felt.[44]

While the initial ambition had been to apply co-design to a range of areas of health and social care work, due to budget constraints the government ultimately decided to take a more strategic approach and focus on two key areas: the National Care Service and Health and Social Care Partnerships.[45] According to the civil society lead for this commitment, the first key challenge is to get a better understanding of the various existing government processes and initiatives supported by government involving civil society and citizens in the development of health and social care services as this tends to fall between the cracks of different teams. Focusing on the co-design process for the national care service as a "big ticket item" is, in her view, a realistic and feasible goal to keep track of.[46]

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[40] Interview with the Person-centred and Participation Team, Scottish Government, 14 December 2022
[41] Interview with the Person-centred and Participation Team, Scottish Government, 14 December 2022
[42] https://www.opengovpartnership.org/documents/scotland-design-report-2018-2020/
[43] https://www.gov.scot/publications/scotlands-open-government-action-plan-2021-25/pages/4/
[44] Interview with Doreen Grove, OGP Point of Contact, 12 December 2022
[45] Interview with the Person-centred and Participation Team, Scottish Government, 14 December 2022
[46] Interview with Susan Paxton, SCDC, 20 December 2022

The government also noted that they hope the commitment will see a shift in people's understanding of co-design, specifically by involving the same people continuously throughout the policy-making cycle and feeding back to them throughout (which has not always been achieved with previous co-design work, e.g. in the area of social security). Another important metric of success will be the extent to which civil society is able to influence the co-design process to improve the involvement of citizens and civil society. At present the role of civil society members of the commitment working group in "co-designing the co-design process" is still not clearly defined (e.g. developing specific milestones? Promoting co-design and open government beyond the government led process?).[47] Developing a clear Terms of Reference for the group and ensuring that the right stakeholders are involved will be an important next step in shaping the implementation of the commitment.

Recommendations

- Ensure the that ToRs for the implementation group clearly define the expectations of what the group can achieve in shaping and promoting co-design as well as in reaching out to wider audiences.
- Ensure that the next round of milestones includes some specific activities which contribute towards improving the quality of and/or increasing the extent of co-design in the health and care sector.

Commitment 3: Data & Digital

3.3.1 Is the commitment verifiable?	PARTIALLY

As with other commitments, the process for developing milestones for this commitment is intended to be iterative, with concrete milestones only having been developed for the first year of the plan.[48] As noted by the government team responsible for the commitment, the milestones do not necessarily represent a linear progression, but rather serve to build the foundations to enable better data use across government.[49] Most of the six activity areas which the commitment covers are clearly defined. Nevertheless, some of the year one milestones remain non-specific as a result of which it may be difficult to gauge whether they have been completed. For example, the first-year milestones include activities such as "make initial steps with CivTech challenge on finding data" and conduct "user research to inform user journeys on www.statistics.gov.scot" which are unspecific. Other milestones, such as "setting up the Data Standards and Open Data Community of Practice", are more clearly defined.

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[47] interview with the Person-centred and Participation Team, Scottish Government, 14 December 2022
[48] https://www.gov.scot/publications/scotlands-open-government-action-plan-2021-to-2025-milestones/
[49] Interview with the Open Data team, Scottish Government, 16 December 2022

3.3.2 Do the commitment language/activities clearly justify relevance to OGP values?	**YES**

This commitment is clearly relevant the OGP value of **transparency** as it aims to support citizens and civil society organizations to find, understand and reuse public data that affects them and to ultimately help them make more informed decisions. It also has a strong focus on **technology and innovation** as it aims to support users to use technology as an enabler to access and understand that data.

3.3.3. Is the commitment a continuation of ongoing legislative practices or existing policies, or a new regulation, policy or requirement?	Continuation

This commitment builds on commitment 3 from the second action plan: Improving how we share information.[50] According to the government team responsible for implementation, this commitment takes the data commitment in the previous plan one step further by adding a focus on building data literacy within government organizations and drawing on user perspectives. While the previous commitment was more operational than outcome-focused, the aim behind the current commitment is to act as an enabler of other commitments, by drawing on use cases and testing with stakeholders, while making sure that civil society are engaged and involved in giving feedback.[51]

3.3.4. Does the commitment have the potential to result in a change of the rules, practices or policies that govern a policy area, public sector and/or relationship between citizens and the State?	**Modest potential**

The main strand of the commitment focusses on applying a methodical approach (the Data Transformation Framework) to specific areas of data and to better understand use cases and user needs. This thematic approach is intended to be applied to a range of themes throughout the lifetime of the plan, including climate and environmental data.[52] According to the government's Open Data team, the activities are driven by the overriding need to use data to make better decisions and improve services for society across a wide range of sectors – such as the third sector, local and central government, the private sector, as well as academia and innovation. These are all user-driven pieces of work supported by specific cross-sectoral groups e.g., the CivTech Advisory Group; public sector data transformation cohorts; and Open Data and Data Standards Community of Practice.[53]

According to the civil society lead for this commitment, it represents a step forward insofar as it recognizes that data underlies a lot of OGP work in terms of data standards

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[50] https://www.gov.scot/publications/open-government-action-plan-commitment-3/
[51] Interview with the Open Data team, Scottish Government, 16 December 2022
[52] https://www.gov.scot/publications/open-government-partnership-steering-group-meeting-minutes-september-2021/
[53] Interview with the Open Data team, Scottish Government, 16 December 2022

and publication. However, the milestones, in his view, remain somewhat "wooly" and inward-focused (e.g. improving data maturity across organizations through the Data Transformation Framework), rather than driven by user needs both within government and civil society, as intended.[54]

Others noted that the commitment is progressing "quietly in the background" but has not yet been able to fully engage other commitment teams.[55] While there is broader outreach through discrete elements of the commitment such as the work on the AI register which is plugging into other networks and work on the Data Transformation Work which involves broad outreach to local authorities and other groups, these are not fully connected to the OGP process.[56]

As a result, the stated ambition for the commitment to be an enabler of other commitments is likely to be the most challenging among the commitment's activity areas. Conversations with other commitment leads (e.g. Climate Change, Health and Social Care) revealed that data work does not currently feature specifically in their commitment workplans, although conversations are underway with colleagues working on those same thematic areas beyond the OGP process (e.g. around the Health and Social Care Data Strategy, and climate change data more broadly). The data team and the OGP PoC also made reference to additional work on data ethics, including through a pilot public panel to guide how public data is used and how their data should be used (ethics, transparency, consent etc) using Covid projects involving data which may have important implications for data-led projects going forward. However, there are not currently listed in the plan.

Recommendations:

- Consider framing future milestones round the three key objectives of data availability, internal capacity and external user needs as a way of ensuring the right balance of investment to achieve them (as has been done, for example for the financial transparency commitment).
- Consider investing in more research and regular engagement on the information and support needs of the other commitments from a civil society perspective – e.g. climate and health and social care.
- Consider how greater civil society capacity might be brought in to support the implementation of the commitment to avoid the risk that it becomes purely internally driven.
- Incorporate more of the user/demand side perspective into further development of the Data Transformation Framework.
- Consider integrating data ethics work more explicitly into future milestones.

Commitment 4: Climate change

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[54] Interview with Jack Lord, Open Data Services, 14 December 2022
[55] Interview with Lucy McTernan, civil society chair of the Steering Group, 12 December 2022; Interview with Doreen Grove, OGP Point of Contact, 12 December 2022
[56] Interview with the Open Data team, Scottish Government, 16 December 2022

3.4.1 Is the commitment verifiable?	YES

The initial milestones for the first year of the commitment (stakeholder mapping, establishment of core group, co-creation of a workplan, including activities, targets and key milestones) are verifiable. However, it is still unclear how the broader success of the network (beyond its establishment) will be measured.

3.4.2 Do the commitment language/activities clearly justify relevance to OGP values?	YES

This commitment is relevant to the value of **civic participation** given that, at its core, it involves establishing a stakeholder network to provide advice and support to the Scottish Government on delivering meaningful participation and engagement in the implementation of its key climate change policies. Participation is considered key to ensuring that citizens buy into Scotland's climate ambitions and contribute to the collective effort required to reach Scotland's net zero target by 2040[57].

3.4.3. Is the commitment a continuation of ongoing legislative practices or existing policies, or a new regulation, policy or requirement?	New

This is the first climate change related commitment to be included in one of Scotland's OGP action plans.

3.4.4. Does the commitment have the potential to result in a change of the rules, practices or policies that govern a policy area, public sector and/or relationship between citizens and the State?	Modest potential

The Scottish Government published its Public Engagement Strategy for Climate Change in September 2021.[58] This commitment is designed to support delivery of the second of the three strategic objectives of the strategy 'understand', 'participate' and 'act'.

To date, the Scottish Government's approach to stakeholder engagement on climate change related issues has involved consulting a range of stakeholders (individuals, business, local authorities, parliament and NGOs) on a case-by-case basis around specific policies, which has led to multiple inputs being sought from the same organizations multiple times while limiting engagement outside established networks. The commitment aims to address this by building a stakeholder network which is more coherent, and

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[57] https://www.gov.scot/publications/scotlands-open-government-action-plan-2021-25/pages/4/
[58] https://www.gov.scot/publications/net-zero-nation-public-engagement-strategy-climate-change/

which provides a platform which works better to engage across the different strands of climate work.[59]

The scope of the commitment has been refined to focus on key climate change plans (namely the Climate Change Plan to 2040 and four Just Transition Sector plans) rather than the full range of climate related polices. According to the government team responsible for implementing the commitment, the network aims to develop guidance outlining clear boundaries and expectations for engagement which policy teams will be able to draw on when channeling their asks through the network.[60] While the government recognizes that the network won't be right for every engagement activity, it sees the network as an opportunity for policy teams to get advice on how to run these complimentary activities and/or help promote them. Thus, key to success of the network will how well it is able to join up these different activities and help avoid silos and duplication as currently exists.

According to the civil society lead for this commitment, the commitment is not a stretch target but rather "the bread and butter of what government should be doing".[61] At the same time, the process for developing the commitment suffered from limited engagement with many of the key stakeholders in the climate change field partly because of the timing in the run up to COP26 but also because of poor links between the civil society network and the group of environmental organizations working on climate change issues.[62]

Ultimately success will depend on the size and reach of the network and crucially what happens to the input received from the network in practice. For example, the ToRs for the network emphaisise the importance of members being informed about their level of influence and the resulting impact of their involvement.[63] Ensuring that this kind of feedback loop is embedded into the process is potentially the most significant contribution that an open government approach can add to the running of the network.

Recommendations:

- Consider developing key outcome indicators along with the next set of milestones for this commitment to help capture what success of the network will look like (specific engagement opportunities, engagement targets, engagement outcomes).
- Provide more clarity on whether the network aims to act purely as an intermediary to support the development of engagement plans or whether it aims to play a more direct role in gathering input into climate policies.

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[59] Interview with the Climate change public engagement team, Scottish Government, 12 December 2022
[60] Interview with the Climate change public engagement team, Scottish Government, 12 December 2022
[61] Interview with Alex Stobart, Mydex CiC, 14 December 2022
[62] Interview with Lucy McTernan, civil society chair of the Steering Group, 12 December 2022
[63] https://www.gov.scot/publications/open-government-terms-of-reference/

- Consider developing a specific outreach plan which demonstrates the added value of the network to those key environmental/climate groups which has so far not engaged.
- Ensure that the focus on two-way communication and feedback loops remains at the core of the network's was of working to avoid the risk of consultation fatigue among those it engages with.

Commitment 5: Participation

3.5.1 Is the commitment verifiable?	PARTIALLY

Of all the commitments in the action plan, this is the most expansive and cross-cutting. As a result, many of the milestones remain broadly defined and aspirational rather than specific and measurable. Other activities are conceived of as "levers" to ensure political support rather than definitive outputs.[64] According to the PoC, milestones will be further refined and streamlined in early 2023 once budget allocations have been finalised.[65]

3.5.2 Do the commitment language/activities clearly justify relevance to OGP values?	YES

This commitment is relevant to the OGP value of **civic participation** as it aims to build the capacity and skills to implement participatory practices across different government policy areas.

3.5.3. Is the commitment a continuation of ongoing legislative practices or existing policies, or a new regulation, policy or requirement?	Continuation

This commitment builds directly on the participation commitment of the previous action plan by focusing on the improvement and roll out of the participation framework, as well as broader support to future participatory processes to be undertaken by government, including addressing the barriers to its successful application.

3.4.4. Does the commitment have the potential to result in a change of the rules, practices or policies that govern a policy area, public sector and/or relationship between citizens and the State?	Modest potential

This commitment aims to act as an "enabling" commitment, supporting engagement in priority areas across government and building the infrastructure and skills for participation within government. More broadly, the commitment looks at how support

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[64] Interview with Juliet Swann, Transparency International UK, 11 January 2023
[65] Interview with Doreen Grove, OGP Point of Contact, 12 December 2022

can be provided to build and maintain capacity to support engagement outside of Government.[66]

At the heart of the approach is the proposed improvement and roll out of the Participation Framework to guide good practice across government, test new approaches, and develop training, guidance and case studies on participation. However, at the time of writing, the framework had still not been finalized despite having been a core deliverable under the participation commitment of the previous action plan. Civil society members expressed their concern at the lack of evidence that is being used.[67] The PoC confirmed that it was due to be published in early 2023 and that it had already been used, for example, to support the development of the ToRs and approach to the climate change network (commitment 4). However, because there is no active resource or defined process to advise on and apply the framework, there is a danger is that it remains a resource document which is occasionally consulted, rather than part of a more embedded process.

Beyond the framework itself, the commitment identifies a range of opportunities to embed open government principles in ongoing consultative processes such as annual Citizens' Assemblies, review of the Community Empowerment Act, or refresh of the National Performance Framework, although the mechanisms by which this will done and the precise expected outcomes are yet to be defined. Another key objective, the creation of a practice led team/centre of expertise in government, which could be instrumental in providing much needed focus to the implementation of the commitment, is contingent on budget availability which is, as yet, unconfirmed.

A further challenge for commitment implementation is the continued lack of baseline data on how participation it is currently being applied across government.[68] To this extent, the proposed work on reviewing and monitoring existing practice and expanding the range of stakeholders involved in delivering the commitment through an Open Government Network for Participation holds promise to help demonstrate the value of participation and attract further financial resources.

Recommendations:

- Provide greater focus to the commitment by identifying a limited set of specific activities to be undertaken over the course of the coming year in the process of updating milestones. This could include identifying a specific opportunity to "pilot" the updated participation framework such as the planned Community Empowerment Act refresh, with lessons from the experience feeding into future iterations.

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[66] https://www.gov.scot/publications/open-government-partnership-steering-group-meeting-minutes-september-2021/

[67] Interview with Juliet Swann, Transparency International UK, 11 January 2023; Interview with Lucy McTernan, civil society chair of the Steering Group, 12 December 2022

[68] Interview with Juliet Swann, Transparency International UK, 11 January 2023

- Given the challenge of tracking the implementation of this commitment, with milestones to be refined iteratively, consider jointly developing a few concrete indicators under some of the activity areas which can later be used to help identify whether the desired change has happened. This is particularly important for an area such as participation, where MEL practice lags behind.
- Consider giving priority to reviewing and monitoring of existing participation practice in government and its impact as one way of building understanding and appreciation for the value of participatory processes, both within government and externally.