



# Play by the rules

Using **citizens' juries** to improve and enforce **rules for MPs**, as part of a wider effort to **put citizens at the heart of Westminster** and rebuild trust in politics.

## **POLICY NOTE**

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The contents and opinions expressed in this paper are those of the author only.

# About Involve

Involve is the UK's leading public participation organisation. We are an independent charity that works to make public participation and deliberation an everyday part of democracy, to help meet the challenges of the 21st century. Our vision is of a vibrant democracy where everyone can shape a society that works for us all.

Since our foundation in 2003, we have worked with governments, parliaments, civil society organisations, businesses, academics and the public across the UK, and internationally, to put people at the heart of decision-making. We have offices in Belfast, Edinburgh and London.

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# Let's put citizens at the heart of Westminster, starting by strengthening rules for MPs

Public trust in politics and politicians is in a bad place. This sits against a backdrop of rising authoritarianism, growing polarisation, and declining voter participation. We need to rebuild public trust in politics, to safeguard the democracy we have and build the democracy we need. This will take a generational effort. To help rebuild trust, we need to find ways to put people from all walks of life at the heart of Westminster. One way to do this is by introducing citizens' juries, who are reflective of the public, to improve and enforce rules for MPs.

## Mistrust in politics and politicians is growing, made worse by scandal

Over many years, political scandals have severely dented public trust in politics,<sup>1</sup> and even democracy.<sup>2</sup> These moments reinforce a wider decline in confidence in politicians; the British public's confidence in parliament has halved since the 1990's. The public's lack of trust is not uniform either - those furthest from power and opportunity have the least trust in politics.

There have been defining moments in this decline - the last Labour government was seen to have not been 'straight with the nation' on the Iraq War, and the expenses scandal in 2009. Public concern has worsened over the past 24 months with the Owen Paterson affair, the 'Partygate' scandal, and a Prime Minister's premiership that ended in under 50 days. These more recent moments have taken place against a backdrop of rising authoritarianism, growing polarisation, and declining voter participation - all symptoms of democracy under pressure and increasing public dissatisfaction with the status quo.

## Placing citizens at the heart of Westminster could help rebuild trust

Rebuilding trust in politics requires a generational effort. No one personality, political party or policy intervention is enough. Placing citizens at the heart of Westminster can make a vital contribution to this effort.<sup>3</sup> At Involve, we regularly see how involving citizens can have a big impact on policy, on those involved, and even on public perception of decisions.

First, having citizens work hand-in-glove with elected representatives gives people in communities across the UK a chance to see Westminster up close, and understand more about how it works and the impact it has on our lives. Next, working with, not just on behalf of, citizens often leads to better decisions. The public can often surprise decision makers; for example supporting on-shore wind in Devon, when many politicians assumed it would be politically unpopular. The qualitative nature of citizens delivering together - particularly explaining the 'why' behind their proposals - can help inform decisions as the ideas remain with

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<sup>1</sup> For example, after the expenses scandal (2009) the percentage of the public that felt they could 'almost never trust' politicians to put their country before themselves went from around 22% to 42%. While this figure did come down again, it has never returned to below 22%.

<sup>2</sup> In 2019 more than half of British respondents were dissatisfied with the state of democracy in the UK – the highest rate since the 1970s.

<sup>3</sup> Some progress has been made to centre citizens in Parliament's work - particularly with select committees. This includes both Parliament's internal engagement team and work Involve has supported, for example on climate. But these are rare exceptions, rather than an everyday part of Westminster.

politicians for years to come. Finally, if the public understands that people like us have been involved, it can lead to greater support of that decision or policy.<sup>4</sup>

## Why start with rules for MPs?

Recent research from the UCL's Constitution Unit found that the most popular democratic reform would be if 'politicians spoke more honestly', with overwhelming public appetite for stronger mechanisms to uphold integrity among politicians. The rules that guide how MPs behave would speak to this priority, and in a way that's broadly easy to understand - most of us understand the concept of rules at work! The timing is also right - the rules are unusually at the centre of political debate at the moment, given the Privileges Committee's investigation into former Prime Minister Boris Johnson's conduct. So, people are paying more attention to how the rules for MPs actually work.

The current Parliamentary scrutiny systems do work to some degree; it is good that Parliament can scrutinise and has some power to punish MPs. But, they need an update. Former Prime Minister John Major introduced an improved system over 25 years ago, which is largely what we have in place today, with some amendments. Two committees are most involved. The Committee on Standards focuses on the MPs' code of conduct – deciding on cases of misconduct referred to it by the independent Parliamentary Commissioner for Standards. The Committee of Privileges focuses on issues of 'privilege' (the special protections given to MPs to help them do their job) and looks into allegations that these privileges have been abused – offences known as 'contempt of parliament'.

The current system does not do enough to rebuild public trust. In the current environment, these moments need to be seen as windows of opportunity to rebuild public trust in our politics. One first step would be to have citizens' juries help improve rules for MPs, check they work, and even help to judge individual cases of wrongdoing.

Democracies are living, breathing systems that need tending to; we need to build on what exists to make it work for the 21st century. The two committees above were originally one, but were split in two in 2013, in part to allow lay members – non-politicians – to play a role in the Committee on Standards. Involving citizens' juries is an evolution of this trend, recognising that MPs need outside involvement, as a counter to the charge that MPs are 'marking their own homework'.

## What are citizens' juries, and how could they help improve and enforce rules for MPs?

### Citizens' juries

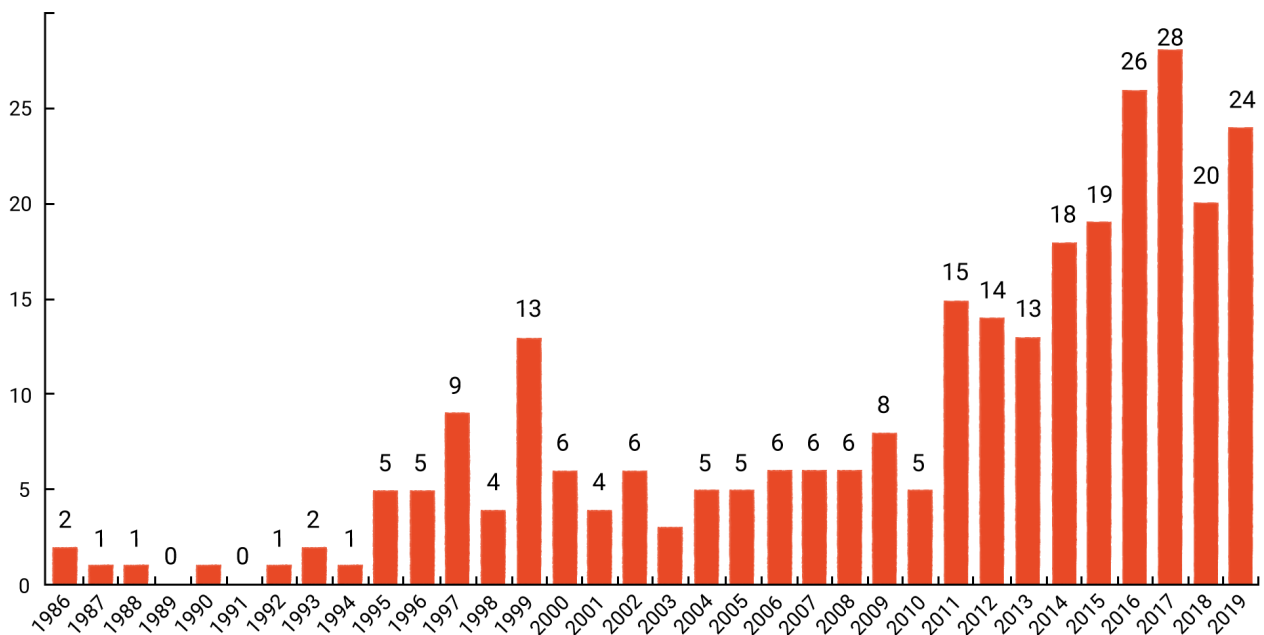
Recent years have seen growing interest in the use of democratic innovations that put members of the public at the heart of processes, such as citizens' assemblies, juries, panels and inquiries. Citizens juries in particular are made up of around 12 - 24 people, chosen to reflect the wider population in terms of demographics and relevant attitudes. The jury members learn more about the subject, hearing balanced expert evidence on the issue, hold carefully structured deliberations on specific questions, supported by trained facilitators, and work together to find common ground.

If done right, these processes can have real impact - from starting the process to legalise assisted dying for the terminally ill in Jersey, to major changes in policy on abortion and equal marriage in Ireland. Hundreds of processes are happening worldwide that put everyday people at the heart of decisions.

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<sup>4</sup> Studies of Citizens' Assembly into Abortion in Ireland show "knowledge of the Citizens' Assembly made one significantly more likely to vote yes" – supporting what fellow citizens had concluded in the Assembly, (Suiter and Reidy (2020), 551). Other studies of the Assembly supported this conclusion, for example concluding "there is a positive and statistically significant effect on the probability of voting yes" (Elkink et al., 2017, 372)

Citizen-led approaches like these can lead to better solutions to the big challenges we face by unlocking the energy and ideas of everyday people. They can help break political deadlocks by providing politicians with a clear, publicly supported way forward, and ensuring we solve problems in a way that delivers for everyone.



The “deliberative wave” – an increase in using a particular form of public engagement – deliberation – has been building since 1979, gaining momentum since 2010, according to the OECD.

### **How could citizens’ juries help improve and enforce rules for MPs?**

As far as rules for MPs are concerned, here are three possible roles for citizens’ juries:

1. **Checking the rules are working;** the first, is to review the current set of rules, and check they are working. Some argue it is not the rules themselves that are the issue, but their application and enforcement. It’s also concerning that the Government or individuals have tried to change, circumvent or undermine those rules, such as with the Owen Paterson case, and the former Prime Ministers’ comments that the Privileges Committee was a ‘Kangaroo Court’. So, a citizens’ jury could help set criteria for the rules’ success, and judge whether they are working effectively.
2. **Improving the rules;** this could look at all the different elements of the rules and make a series of recommendations for improving them. Or it could review just one aspect of the rules, working closely with the relevant committee to improve them. Or both.

The ultimate decision on rules should be made by a body that can be held accountable. This would make the jury’s recommendations advisory when asked, 85% of a citizens’ assembly itself supported the view that recommendations from processes like these should be advisory only). In the current system, the decision makers would be the Committees on Standards and Privileges, or go beyond that to the Prime Minister, depending on the nature of the recommendations. So, these bodies would need to be committed to and supportive of the jury process, to ensure it had the impact needed.

3. **Helping to judge whether individual MPs have broken the rules;** a citizens’ jury could play a role in checking enforcement, and giving a view on potential punishments, based on reviewing the

commissioner's independent investigation. There may be a concern that, given the lack of public trust in politicians, members of the jury would want to punish the MP in question for wider political frustrations. But, there are a two ways to manage this risk:

- a. **The jury would receive extensive and balanced evidence;** much like select committees, and criminal juries, the citizens' jury would receive evidence, alongside a clear explanation of their role, and the rules that MPs should be abiding by. Ultimately, trust is a two-way street - politicians need to believe in citizens if the reverse is to be true.
- b. **The jury's recommendations would be advisory;** the ultimate call would still sit with whichever committee was most appropriate (standards or privileges, in the current system). Rather than the recommendation being binding, its purpose would be to allow committees to understand what the public, with the benefit of the same evidence as they have seen, think about a particular case.

The above are just initial suggestions; the details require more work. But the overarching proposal is clear; let's put citizens at the heart of Westminster to help rebuild trust in politics, starting with improving and enforcing rules for MPs.

## What next?

Involve will be developing more detailed proposals throughout 2023, in conversation with others. Please get in touch with the author, Calum Green, to discuss further.

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