People and power: shaping democracy, rights and responsibilities
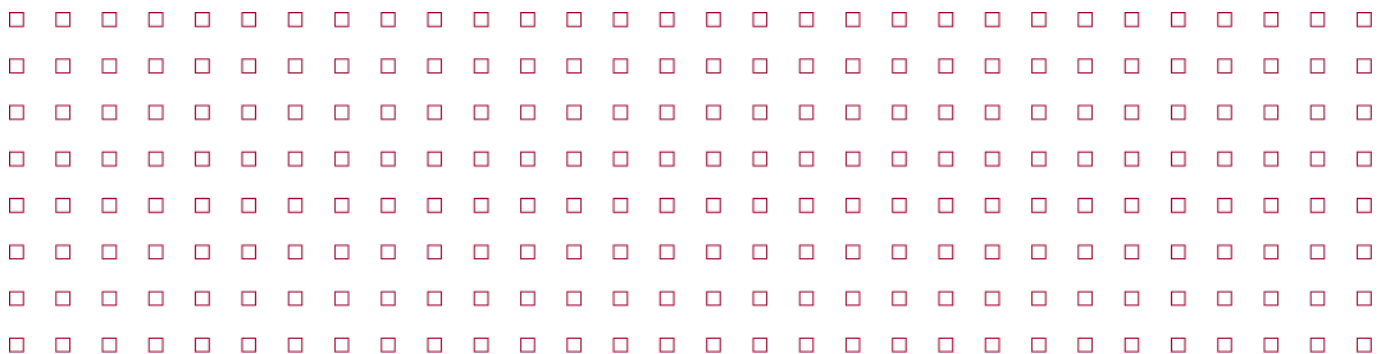
30 March 2010

People and power: shaping democracy, rights and responsibilities

Report prepared by TNS-BMRB

Prepared by: Victoria Campbell-Hall, Alice Coulter, Darren Bhattachary, Zoe Slade. TNS-BMRB Qualitative

Telephone: 020 7656 5661 Email: victoria.campbell-hall@tns-bmrb.co.uk

Contents

Executive summary

Constitutional reform has been a key theme of the Government since 1997. From devolution in Scotland and Wales, the introduction of the Human Rights Act, the Freedom of Information Act, the Constitutional Reform Act establishing the Supreme Court – the relationship between the citizen and the State is being reshaped. This report outlines findings from a programme of deliberative engagement that took place in late 2009 and early 2010, which explored the potential for constitutional change. Three issues were examined:

- The potential for a written statement of values.

- A Bill to protect and enhance the rights and responsibilities of citizens.

- The balance of power and accountability between the Government, Parliament and the judiciary, and the potential for a written constitution.

Desk research was undertaken prior to the deliberative events in order to provide a better understanding of the policy environment and inform the development of the topic guides and stimulus materials.

The main body of the work comprised three waves of day-long **deliberative events** with members of the public. These were held in different parts of the country from October 2009 to February 2010. Deliberative events were used to get beyond the top of mind concerns of the public. The approach placed public reason at the heart of decision-making – enabling Government to take full account of public views before moving forward.

Each event was a mixture of plenary sessions to provide balanced information on different issues and stimulate ideas; as well as table discussions and participant polling to explore and gauge views throughout the day. Giving participants' information before the discussions enabled them to better grasp the complexities involved and facilitated a more informed debate.

Participants for each event were selected to broadly reflect national demographics of the population, with sample quotas for area, gender, age, socio-economic grade, religion and ethnicity, as well as urban / suburban / rural split and differing levels of interest in current affairs. The three waves were specifically structured as follows.

- **'Regional' events:** 500 participants were invited to participate in five regional events across London, Cardiff, Sheffield, Gateshead and Edinburgh – drawing participants from a 100 mile radius. The focus of the regional events was on a Statement of Values and a Bill of Rights and Responsibilities.

- **'Reconvened' events:** 240 participants were invited back to attend one of two reconvened events in Gateshead and Birmingham. The focus was on a Bill of Rights and Responsibilities and written constitution.

- **'National' event:** 120 participants were invited back to attend a national event in London. Building on findings from previous events shared values and responsibilities were explored in more depth – before conclusions were drawn around a way forward.

The **data** consisted of: table notes; polling results; analysts' notes; and the researcher debriefs from each event. This material was **analysed** by identifying key themes which were then explored in detail using the data.

Statement of Values

A number of values were viewed as common to most British people including: freedom of person and expression; equality of opportunity; political freedom and democracy; fair play; respect for laws and institutions; justice; and resilience. The process of debating values increased belief in their 'universality', with 2 in 3 participants, agreeing there were shared British values, with 1 in 5 disagreeing. However, their relative importance was felt to vary across different communities.

Reactions to the idea of a Statement of Values were generally positive, and remained so throughout discussion, although participants at the event in Scotland were less supportive. A preference was expressed for linking a Statement of Values to other documents in order to provide greater legal standing. However, participants recognised the challenges and sensitivities associated with enforcement.

Participants' views about the next steps included expanding the research to include the whole of the UK, such as through internet-based research, a referendum or national survey. This stage should involve tangible suggestions for discussion, such as a possible draft version. The most popular option for developing a Statement of Values was to have representatives of the deliberative events drafting it together with a distinguished writer.

Overall, four key principles emerge for any future process. Specifically it needs to: involve a wide range of the public; develop reasoned and informed debate; have national relevance and oversight; and, involve a professional writer.

Bill of Rights and Responsibilities

Participants described limited understanding of existing rights and responsibilities and expressed concerns about potential assertion of rights by the 'undeserving'. Irrespective of the range of both positive and negative impacts identified, participants generally remained supportive about the concept of introducing a Bill of Rights and Responsibilities. This was due to greater weight being placed on a Bill raising awareness and affording greater protection to certain rights; over more practical considerations about who would use the rights, and costs.

The value of clarifying 'fundamental' entitlements, such as access to free healthcare, benefits and pensions, prompted support from participants for including economic and social rights in a Bill. However, acknowledged problems, such as the way these rights might be used in practice and the constraints this could place on resources, resulted in lower support more generally.

A key issue centred on rights and responsibilities being complementary to one another, as participants were unwilling to enshrine more rights without responsibilities. While participants were consistently supportive of the UK having a Bill of Rights and Responsibilities, a marginal drop in support over the course of the events related to the complexities of establishing and implementing a Bill.

Responsibilities in relation to values and policy

Participants also identified responsibilities that should be linked to the shared values. They were positive about the idea of including responsibilities in the development of new policies as a means of instilling values within British society. For those in support of formalising responsibilities, clear guidelines of what each party should expect from the other party was important. The consequences of failing to deliver should also be outlined clearly.

A written constitution

Mixed views were noted about who participants trusted most to protect their rights, between the government, Parliament and the courts. Courts were likely to be more objective as they were not subject to political pressures and were bound by rules of law; however, judges were not accountable to the electorate. Participants highlighted the current lack of trust in Parliament and government due to the recent revelations about MPs expenses. In light of this, courts were viewed as the *'least bad'* option for protecting rights.

Participants valued the principle of providing greater clarity about constitutional arrangements. However, debates around the benefits and limitations of introducing a written constitution to this end revealed a more mixed response: specifically that a written constitutional should explore the potential for reform rather than merely codify existing rights.

Conclusions

In relation to the three key constitutional questions posed to the participants:

1. There is support for a written Statement of Values. Though such a statement is viewed as most effective when part of a wider suite of documents that enforce those values; the practical application of this is complex. Direct uses of a statement outside of schools and citizenship ceremonies were contested.

2. There is support for a Bill to give further protection to social and economic rights, and to express the role of responsibilities in society. Responsibilities are also seen to play a role in policy development.

3. People were undecided on the need for a written constitution. In relation to the power between the courts, government and parliament to protect people's rights: while courts were most trusted, they were seen as the least bad option – with particular concerns around democratic accountability of judges and the potential interference of the courts in public policy priorities.

1. Introduction

1.1 Introduction and policy context

Constitutional reform has been a key theme of the current Government since 1997. From devolution in Scotland and Wales, the introduction of the Human Rights Act, the Freedom of Information Act, the Constitutional Reform Act establishing the Supreme Court – the relationship between the citizen and the State is being reshaped.

This report outlines the main findings from a programme of deliberative events that took place in late 2009 and early 2010, which explored the potential for further constitutional change. Specifically the events explored the role of shared values in society and new ways to protect the rights and freedoms we enjoy and the responsibilities we owe as citizens.

At the heart of the deliberative events were three issues:

- The potential for a written statement of values.

- A proposed new Bill to protect and enhance the rights and responsibilities of citizens.

- The need to consider the balance of power and accountability between the government, Parliament and the judiciary, and examine the potential for a written constitution.

The policy context for the study was the 2007 Green Paper *The Governance of Britain*.[1] This argued that our shared values – the principles of liberty, democracy, tolerance, free speech, fair play and so on – may be widely felt, but they are not fully articulated in a way that helps to define who we are and how we should behave. A specific commitment was made in the Green Paper to develop a wide public debate to help set out the ideals and principles that bind us together as a nation.

The deliberative events were part of a wider consultation process on our values, rights and responsibilities – which has included formal written responses; opportunities to engage online; as well as a series of local events with the public.[2]

---

[1] HM Government (2007) Governance of Britain. Available at: http://www.official-documents.gov.uk/document/cm71/7170/7170.pdf

[2] For further information see: http://governance.justice.gov.uk/

More broadly, there have been a variety of policy initiatives that have highlighted the need to build a common understanding of who we are in the UK – as a means to promote social cohesion, to address increasing individualism in society and to prevent extremism.

Work at the Department of Communities and Local Government (CLG) has been important in this regard. In response to recommendations of the Commission on Integration and Cohesion,[3] CLG has developed a number of policies which strive to encourage people of different classes, ages, faiths, races and ethnicity to live and work together with a shared sense of purpose and belonging.[4]

Shared values also provide the foundation for legal rights. Building on commitments made in The Governance of Britain Green Paper, in March 2009 the Justice Secretary Jack Straw launched a debate on the possible adoption of a UK Bill of Rights and Responsibilities. The Green Paper – *Rights and responsibilities: developing our constitutional framework*[5] – specifically examined how to build on fundamental human rights, sought views on whether to encompass social and economic rights in any new Bill, as well as promoting a better understanding of rights through a clearer stating of our responsibilities.

There were five key arguments underpinning a potential Bill of Rights and Responsibilities:

- First, it is important that people understand their rights in times of economic and social change and uncertainty.

- Second, there may be a case for bringing together welfare and other entitlements and extending certain social rights.

- Third, while there is a strong relationship between them, responsibilities have often been the poor cousin to rights. Though not necessarily framed as legally enforceable duties, it may be desirable to express the key responsibilities we all owe as members of UK society.

- Fourth, the potential legal force of new rights and duties exists on a continuum between the declaratory and the justiciable. Along this continuum there are other options – a statement of principles or the idea of the progressive realisation of rights.

---

[3] Commission on Integration and Cohesion (2008) Our Shared Future. CLG: London

[4] For an overview see: www.communities.gov.uk/communities/racecohesionfaith/communitycohesion/cohesionpublications/

[5] Ministry of Justice (2009). *Rights and responsibilities: developing our constitutional framework*: www.justice.gov.uk/publications/rights-responsibilities.htm

- Finally, there is need for a public debate – to discuss whether our existing framework is sufficient or whether we need a new constitutional expression of our freedoms and responsibilities and the values which underpin them.

Building directly on this policy context, the objectives of the series of deliberative events were to:

1) For a Statement of Values:

- gauge a comprehensive national impression of public interest in and potential support for a Statement of Values

- obtain views on what should be included in a Statement of Values

- set broad criteria for the drafting of a Statement of Values

- make recommendations on the statement's uses

- explore views on who should be involved in developing a Statement of Values

- ensure that the process is felt to be an engaging and worthwhile one for those who participate.

2) For a Bill of Rights and Responsibilities:

- review the scope of the rights to be included in any Bill

- investigate the possibility of including the concept of 'responsibilities' as well as rights in a future Bill or its equivalent

- consider whom the Bill should aim to protect

- establish the support for each of the different approaches the Government might take to the justiciability of rights and responsibilities.

3) For a written constitution:

- Establish whom people trust to protect rights, with a focus on the Executive, Parliament and the Judiciary

- Establish whether people are in favour of the idea of developing a fully written constitution

- Explore views on coverage, extent and formality of a written Constitution.

Overall, at the heart of this study is an important constitutional question – how the relationship between the citizen and the state can best be defined to protect fundamental freedoms and foster mutual responsibility.

Our methodology to explore this is described next.

1.2 Methodology

Introduction

There has been an increased focus on the use of public engagement in policy over the past few years to enable government to understand and take account of public views and values in the development of their strategies and policies.

Deliberative processes have been of particular interest for policy making. These in depth approaches are viewed as overcoming some of the limitations of top down consultative styles, providing a forum for reflective, considered and informed discussion between people with a range of views and values. Structured conversations between the public, experts and policy-makers can permit all to re-evaluate their perspectives and assumptions in the light of the views of others.

Moreover, recruitment processes that seek to engage a cross section of the public, taking account of a range of social-economic and attitudinal characteristics of participants, provides the opportunity to open up debates beyond narrow and often polarised interests. It should be noted that deliberation does not necessarily aim at consensus, but rather to promote a better understanding each party's views and concerns.

Specifically, deliberative processes can:

- clarify the nature and framing of an issue

- identify and understand what people think and what is important to them

- highlight areas of agreement and difference between groups

- highlight perceived risks and benefits

- provide the opportunity to debate and learn from others

- generate awareness of the options and potential actions associated with policy challenges

- actively inform and stimulate novel policy responses[6]

In this regard, deliberative research goes beyond traditional methods such as focus groups. They get beyond top of mind concerns and enable people to play a full and informed role in debating complex issues – rationalising

---

[6] For an overview see Renn, O. (2004) "Analytic-deliberative Processes of Decision Making: Linking Expertise, Stakeholder Experience and Public Values" available at www.corwm.org.uk/Pages/Plenary%20Meetings/Pre%20November%202007/2004/December%20Mtg%202004/847%20-%20Amsterdam%202004.doc

arguments, using public reason; taking the time and space to reach a measured viewpoint.

Following the work of Daniel Fiorino,[7] the benefits of deliberative research may be:

- Substantive — relating to information or knowledge needed for the decision. For instance, the public bring knowledge and experience relevant to decisions that policy experts may miss.

- Normative — relating to the fairness of a decision. For instance, in a democratic society, it is proper to have all interested and affected parties involved in the decision process.

- Instrumental: relating to being able to progress a decision. For instance, engaging a range of public views promotes its legitimacy and can mitigate against future policy challenges.

This project placed public reason at the heart of decision-making – enabling Government to take full account of public views before moving forward. There was an explicit commitment made to participants that any constitutional reform would only progress if there was sufficient public appetite.

TNS-BMRB undertook the research independently – ensuring that the public were given the opportunity to debate issues fully; exposing them to views from across the political spectrum to inform their deliberations; and providing a space to enable views to influence policy – both within the workshops and in broader meetings with officials.

In this spirit, the study can be viewed as a constitutional experiment in deliberative democracy – with the deliberative method helping to inform representative systems of government and promote democratic legitimacy. This approach was not intended to replace representative democracy but to complement it - enabling participants to come to an informed view on policy; which in turn, and alongside other evidence, will inform the views of decision makers in Government.

The methodology comprised two different aspects:

1. Background reading and preparation

2. Deliberative   events.

---

[7] Fiorino, D. 1989. Environmental risk and democratic process: A critical review. *Columbia Journal of Environmental Law* 14, 501-547.

Background reading and preparation

Desk reading was undertaken prior to the deliberative events in order to provide a better understanding of the policy environment and inform the development of the topic guides and stimulus materials.

A wide range of materials were reviewed, including Government Green Papers, reports from the Joint Committee on Human Rights, Hansard transcripts of political debates in the House of Commons, as well as academic papers and other materials (see Appendix for a full list of documents reviewed as part of this approach). These documents were identified in concert with the Ministry of Justice.

Deliberative events

The primary fieldwork comprised three waves of day-long deliberative events with members of the public. These were held in different parts of the country over a five month period, from October 2009 to February 2010. A programme of deliberative events was used to get beyond the top of mind concerns of the public, equipping them to play a full role in debating constitutional reform through listening, reflecting and learning.

Specifically, each event comprised a mixture of plenary sessions (incorporating presentations, films and question and answer sessions) to provide balanced sources of information/views and stimulate ideas; as well as table discussions and participant polling to explore and gauge views throughout the day. Giving participants' information before the discussions enabled them to better grasp the complexities involved with each issue and facilitated a more informed debate.

Prior to each wave a formal pilot was conducted consisting of one workshop of 8-12 people to test tools such as the topic guides and stimulus material for the events.

Outline of event waves:

- **'Regional' events:** 500 participants were invited to participate in five regional events (100 participants for each regional event) which took place in October and November 2009. The achieved sample across all five events was 457 participants. Events were held in five areas – London, Cardiff, Sheffield, Gateshead and Edinburgh – drawing participants from a 100 mile radius of each location.[8] Participants were selected to broadly reflect national demographics of the population, with sample quotas for area, gender, age, socio-economic grade, religion and ethnicity, as well as urban / suburban / rural split and differing levels of interest in current

---

[8] NB No events were held in Northern Ireland to ensure there was no confusion with an ongoing process and consultation in relation to a potential Bill of Rights for Northern Ireland, which was developed as part of the Good Friday Agreement.

affairs. The focus of the regional events was primarily on a Statement of Values and a Bill of Rights and Responsibilities.

- **'Reconvened' events:** 240 participants from stage one were invited to attend one of two reconvened events (48 from each regional event). They were randomly selected to reflect a similar demographic spread as the regional events. The achieved sample was 225 participants overall. The reconvened events were held in two areas, covering the north and south of the UK – Gateshead and Birmingham. These areas were chosen to ensure a geographical spread and to provide central, easily accessible locations. The focus of the reconvened event was primarily on a Bill of Rights and Responsibilities and written constitution, taking forward relevant elements from the regional events.

- **'National' event:** Of the 225 participants who attended the reconvened events, 120 (24 for each region) were invited back to attend a national event in London, which took place in February 2010. The achieved sample was 110 participants overall. The national event built on findings of the previous events by exploring shared values and responsibilities in more depth. Specifically it examined how participants defined each of the shared values identified; the relationship of responsibilities to these values and in policy development more generally; and options for how a Statement of Values should be developed.

Sampling

Sampling and recruitment was purposive, meaning the sample for this study was chosen to reflect the sample population, however it cannot claim to represent it in a statistical sense. This is the main sampling approach adopted when undertaking qualitative work and it is highly robust.

The starting point for purposive sampling is to identify which variables are of importance and interest. In this case we aimed to develop a sample that broadly reflected the UK population and also to include key groups of interest, for example, people from a range of different Black and Minority Ethnic communities, people from different religious groups and those with differing levels of interest in current affairs. The main sample profile was constructed in line with national statistics on the UK population.

Specifically, figures were taken from the 2001 census in relation to key groups of interest. Sample boosts were used for ethnicity and religion, relative to actual proportion in the population, to ensure their effective inclusion in the process.

Events aimed to reflect the key variables across the sample as a whole (across the five regional events), ensuring that a broadly nationally representative picture emerged across the events rather than ensuring that each region is a microcosm of national averages. Although a broad mix of ethnicities were recruited across all areas, the specific ethnic mix recruited in each area varied according to the demography of the local population.

The following tables outline the recruitment quotas achieved for the three waves of events:

Variable type	Category	Participants across all 5 regional events	Participants across both reconvened events	Participants for the national event
Age	18-24	75	37	17
	25-34	104	52	18
	35-44	89	41	23
	45-54	80	40	22
	55-64	55	29	16
	65+	54	26	14
Gender	Male	233	116	57
	Female	224	109	53
Social economic grade	AB	105	51	23
	C1	149	70	36
	C2	95	48	22
	DE	108	56	29
Ethnicity	White	377	177	84
	Mixed Race	17	11	4
	Asian	31	14	8
	Black	27	19	11
	Other	5	4	3
Religion	Anglican	151	69	31
	Catholic	82	44	22
	Non-conformist	52	30	14
	Judaism	6	2	2
	Islam	20	9	7
	Sikhism	3	2	0
	Hinduism	9	5	3
	None / other	134	64	31
Urban / Rural	Urban	136	68	28
	Suburban	234	109	56
	Rural	87	48	26
Interest in current affairs	A lot	180	90	47
	Some	174	82	36
	Not Much	103	53	27
Total Overall		457 Edinburgh – 92 Newcastle - 96 Sheffield- 89 Cardiff - 87 London - 93	225 Edinburgh – 48 Newcastle - 45 Sheffield- 48 Cardiff - 36 London - 48	110 Edinburgh –21 Newcastle - 20 Sheffield- 25 Cardiff -23 London - 21

Recruitment

Participants were recruited using free-find techniques – that is they were recruited face-to-face at various sampling locations, rather than identified through pre-existing sample (such as an electoral roll).

To ensure quotas were met, sample profiles were detailed in the recruitment documents. Specifically the documents included questions to identify geographical location (including rural or urban areas), age, gender, social and economic grade, ethnicity, religion and interest in current affairs. Social and economic grade was established according to the occupation of chief earner in the household (Occupational Groupings Guide 6th Edition – Licensed by the MRS) and all other variables are established through a process of 'self-definition'. This is standard and agreed practice for identifying sample criteria in qualitative work. In the case of geographical location recruiters visited different areas within the 100 mile radius of each venue. A validation audit was undertaken on the achieved sample for quality assurance purposes.

Structure of events

Across all events, participants were seated at tables of ten with a moderator and a note-taker who took summary notes of the discussion. Tables were selected to reflect as wide as possible a mix of demographic and other characteristics. Moderators consisted of experienced qualitative researchers, trained in the techniques of non-directive interviewing. Analysts were responsible for reviewing regular submissions provided by note-takers and summarising key points and themes which were fed to the chair during the day.

In addition to the qualitative discussions and plenary sessions, the events also included electronic polling on key topics to reflect decision points in the debate, such as '*should the UK have a Statement of Values*'? A number of questions were repeated throughout the events to track changes in views of those people who had attended multiple waves. Where these results are presented in this document, they relate to the votes of those who attended more than one wave of the events in order to allow comparisons over time. Voting results should not be read in isolation, but need to be viewed in conjunction with the in-depth qualitative data. It is important to note that polling results reflect the views of the participants in the deliberative process and do not attempt to represent wider views of the general public.

A number of bespoke stimulus and engagement techniques were developed for this project. These were based on information gathered from the background reading and discussions with MoJ. These materials and techniques were carefully chosen and designed to provide participants with information that reflected a variety of views – both for and against – on the range of constitutional issues discussed. The topic guides and stimulus materials for all three events can be found in the appendix.

Specific processes or techniques used across these events included:

- Introduction by the Rt Hon Michael Wills MP, another minister or a member of the MoJ team.[9]

- Fun activities to warm-up participants

- Pre-tasks to encourage participants to reflect on discussions and debate issues within their own communities

- Projection techniques, such as vignettes and illustrations, to help understand abstract concepts

- Filmed talking heads and live presentations explaining contrasting expert views about a variety of subject areas. The talking heads included

  i. Jude Kelly, Artistic Director of the South Bank Centre, and the Chief Rabbi, talking about values

  ii. Peter Oborne, journalist and political commentator, and Professor Francesca Klug talking about values and rights

  iii. Professor Conor Gearty, London School of Economics and Katie Ghose, British Institute of Human Rights, respectively talking about the European Convention on Human Rights and economic and social rights

  iv. Clips from the parliamentary debate on the day of publication of the Green Paper, *Rights and Responsibilities: developing our constitutional framework* (with speakers from the three main political parties at Westminster: the Rt Hon Jack Straw MP, Dominic Grieve MP and David Howarth MP)

  v. Dr Vernon Bogdanor and Sunday Telegraph columnist Janet Daley discussing a written constitution.

  vi. Ben Jupp, Cabinet Office, talking about putting responsibilities at the heart of public policy development

- Practical ranking exercises

---

[9] Regional events: London – The Rt. Hon. Michael Wills, MP; Sheffield – The Rt. Hon. Michael Wills, MP; Cardiff – Wayne David MP; Gateshead - Roberta Blackman-Woods MP; Edinburgh –Ann McKechin MP

Reconvened events: Birmingham - Michael Wills MP; Gateshead – Edward Adams (Head of Human Rights Division, MoJ)

National event: Michael Wills MP

- Brain-storming and table discussions to generate ideas and proposals

- Question and answer sessions to generate debate and help clarify any issues.

Ten participants from the regional events (two per event) were also invited to participate in a video ethnography. This involved taking a video camera home for a week to film clips of themselves and their friends and family exploring rights and responsibilities. A video montage was developed based on the video ethnography and shown at the re-convened events to stimulate further deliberation. In addition, the events were filmed and participants were shown, at the reconvened and national event, a range of views from the previous events.

Summary reports were written for each regional and reconvened event and these were sent to all participants before the subsequent wave (even if they were not attending). This gave participants an opportunity to read views from other areas before reconvening at further events.

Data analysis

The data consisted of:

- The notes from the tables at each event

- The polling results from each event

- The analysts' notes from each event

- The researcher debrief from each event.

This data was quite unusual for a qualitative project as it was already fairly summarised and organised rather than the usual verbatim transcriptions of interviews and discussions. In addition, the writing of the summary reports provided a useful overview from each event. This allowed for a fairly straightforward identification of key themes for the main report which were then explored in detail using the data.

It is important to note two key aspects of the approach taken with the analysis and reporting. Firstly, having notes rather than audio recording does mean that verbatim quotes cannot be used in the reporting. Secondly, the polling results cannot be viewed as a precise measure of public opinion and should rather be read alongside the qualitative data to give a rich understanding of participants' views.

1.3 Report outline

Section two outlines views about introducing a Statement of Values, looking firstly at identity and shared values, and then discussing initial views on the merits of producing a Statement of Values. This is followed by a discussion of the practical issues involved, as well as suggestions for possible next steps in

the development process. **Section three** focuses on a Bill of Rights and Responsibilities, looking at how this was understood by participants, views about the scope of what should be included within a Bill, and views about enforceability. In addition, the inclusion of responsibilities in policy development is considered. **Section four** explores whom people most trust to protect their rights and views on a written constitution. And finally, **Section five** summarises the key findings and draws out potential implications.

2. Statement of Values

Key findings

- Family and geography were the most significant factors shaping the identity of participants.

- Overall a number of values were viewed as common to most British people including: freedom of person and expression; equality of opportunity; political freedom and democracy; fair play; respect for laws and institutions; justice; and resilience. The process of debating values increased belief in their 'universality', with 2 in 3 participants, agreeing there were shared British values, with 1 in 5 disagreeing. However, the relative importance of each value was felt to vary across different communities.

- Reactions to the idea of a Statement of Values were generally positive, and remained so throughout the discussions. However, participants at the event in Scotland were less positive and expressed concerns about how a Statement of Values would be implemented in light of devolution.

- The polling revealed a significant number of participants both for and against a Statement of Values changed their mind during the initial discussions. Views became increasingly fixed through debate as participants learnt more and reflected on discussions.

- Participants felt that a Statement of Values could strengthen British culture, values and norms, thereby building social cohesion. It could also provide an educational guide to British values for visitors, immigrants and children. In this regard, it was said to be important to introduce values into schools to ensure that children learn and have them reinforced in daily life.

- A preference was expressed for linking a Statement of Values to other documents in order to provide greater legal standing. However, participants recognised the challenges and sensitivities associated with enforcement.

- Participants' views about the next steps for a Statement of Values included expanding the project to include the whole of the UK, such as through internet-based approach, a referendum or national survey. This stage should involve tangible suggestions for discussion, such as a possible draft version.

- The most popular option for developing a Statement of Values was to have representatives of the deliberative events drafting it together with a distinguished writer.

Participants' views about the UK introducing a Statement of Values were explored at all the events, although the bulk of discussion occurred at the regional and national events. During the regional events, participants initially discussed issues around identity and values in the UK, the extent to which values can be viewed as shared, and how values have changed over the years. They then explored issues around whether the UK should introduce a Statement of Values, and the benefits and challenges involved. During the reconvened events, and in light of discussions about a Bill of Rights and Responsibilities and a written constitution, participants were asked to reflect on the next steps the government should take in relation to a Statement of Values. Finally, at the national event, the meanings of shared values identified by participants and the responsibilities which should be linked to these were discussed, and further consideration was given to the possible uses and development of a Statement of Values.

Polling around whether the UK should introduce a Statement of Values occurred at six points over the course of these events: at the start and end of the regional, reconvened and national events. Polling about whether this should be linked to other documents to make it enforceable occurred at five points: once at the end of the regional and at the start and end of both the reconvened and national events.

2.1 Identity

Across all areas, participants identified the most important factors defining their identity and sense of belonging as family, friendship groups and wider social networks. In particular they highlighted family as central in providing the environment for individuals to learn about values from a young age. If values were not taught at home, participants believed that they were unlikely to be learnt elsewhere such as in school or in the community. Though often reinforced or challenged through friends or wider social networks, these core values were viewed as formative - enduring as part of an individual's identity into adult life.

After family and social networks, geographical factors were highlighted as important, particularly for participants at the events in Wales and Scotland. At the Scotland event, geographical affiliation was stated most strongly, with participants tending to claim a distinct Scottish rather than British identity. In Wales, participants had more mixed feelings about the interplay between Welsh and British identities, with some identifying more strongly as Welsh than others. At the Gateshead event, pride in regional identity was expressed, as participants were proud of living in the Northeast and being *'Geordies'*. In London participants highlighted the fact that most Londoners were born elsewhere, resulting in a *'dual'* identity based on strong connections with more than one geographical area. Emphasis on geographical associations, such as accent, culture and community, highlighted that geographical factors were perhaps more relevant when discussing what makes people different or unique, whether or not this was a source of pride or dislike.

Related to this, a key finding was that, other than when abroad, people did not readily identify themselves as British. For example, a participant at the

Gateshead event highlighted that their identity depended on location and audience, referring to themselves as *'Geordie'* when talking to other English people, *'English'* when talking to someone from the UK, but only as *'British'* when overseas.

This contextual and fluid nature of identity was a recurrent theme expressed throughout the discussions. For instance, someone who was an Arsenal fan when *'down the pub'* watching football, switched to being *'dad'* when at home with their children.

Other aspects of identity that participants said were important included ethnicity and religion as well as class (with participants at the Gateshead event claiming to be proud of their *'working class'* status). In addition, participants noted differences between how people defined themselves and how they felt they were defined by others. Participants felt they were more likely to be defined by others in terms of *'visible'* aspects such as ethnicity, age, and accent rather than more internal aspects such as their beliefs.

2.2 Shared values

Participants highlighted the importance of shared values – these were said to underpin the functioning of society and promote social cohesion. During initial discussions, a number of values were identified that were felt to be shared by most British people. These included: freedom of person and expression; equality of opportunity; political freedom and democracy; fair play; respect for laws and institutions; tolerance; justice; and resilience. Across all regional events, similar values were identified by participants during table discussions. The extent to which there was agreement about the importance and relevance of these values was also broadly consistent.

Overall, 2 in 3 participants agreed and 1 in 5 disagreed that there was a set of shared ideals and principles that bind us together as a nation. It should be noted that the process of discussion itself promoted belief that there were shared values in the UK.

However, while participants felt that there were broadly common values, the increasing diversity of society, together with the multiple and multi-layered identities of citizens, meant that the importance of each value differed across different groups in society.

This may be explained by the link between values and identity. Firstly, participants were more likely to claim differences in values if they viewed their identity as *'non-British'* – that is they identified themselves as different. This was most strongly noted at the Edinburgh event, where discussions about shared values appeared to increase the perception of Scottish identity being separate to British identity. As can be seen in the following sections, this had an impact on views towards constitutional reform.

A lesser issue was that participants were more likely to identify a person who was *'different'* as having different values. Although it was clear that everyone at the tables broadly shared similar values, it was felt that there were *'other'*

elements of British society who did not. Participants generally saw variations among sections of the population who differed in terms of age, ethnicity, and religion. For example, certain parts of British society were felt to place less emphasis on tolerance, specifically in relation to gender equality and ethnic and religious differences. Religion was also viewed as a key factor in either increasing or decreasing the relevance of shared values. Participants generally felt variations resulted from the extent to which different religious and 'British' values overlapped. This is explored in more depth in the conclusions.

At the same time, there was a general view from the discussion and polling that certain values had changed over time. In particular, older participants tended to speak nostalgically about a *'golden age'* of *'traditional'* values, such as politeness and respect, which had been lost. Values relating to respect for the law, institutions and other people were felt to have become less relevant over recent years. Participants said this was most strongly demonstrated by a lack of respect shown by young people towards society and authority figures, and a perceived increase in anti-social behaviour.

Reasons cited by participants for the decline in values included: a perceived lack of discipline and teaching of values in schools and at home; increased working hours, particularly for women; breakdown of the extended family and therefore role models for children and parents; increased materialism and individualism; and, growth of technology meaning that identity had become more based on virtual networks and therefore people were less grounded in their communities.

A lesser issue was a perceived decline of values due to increasingly high levels of immigration eroding British culture and tradition. In this regard, participants pointed to the political correctness surrounding multiculturalism as undermining freedom of speech.

However, the nostalgic view of lost values was not universal, as other participants were more positive about changes in British society. These participants felt it was possible to retain important values despite the cultural changes faced by modern society and some values had merely adapted as society became more diverse. For example, these participants saw young people as more tolerant than previous generations, especially to individuals of different religions and ethnicities.

2.3 Initial views of a Statement of Values

Participants' initial reactions to the idea of a Statement of Values were generally positive, and remained so throughout the discussions. Overall, a Statement of Values was viewed as something to work towards, similar to a mission statement, rather than a *'quick fix'* aimed at reversing the decline of certain British values.

A number of benefits of having a Statement of Values were identified. In particular, participants felt it could be beneficial for strengthening British culture, values and norms, thereby promoting a shared national identity,

bringing people together and increasing cohesion. A further potential benefit identified was to provide a formal outline of the values that are important to British people for visitors and immigrants, and form part of the process for gaining British citizenship.

Participants felt that younger generations would benefit most from a Statement of Values, being less resistant to messages about behaviour change than adults. In particular, participants liked the idea of using a Statement of Values to underpin the education system and school curriculum, thereby ensuring all children would be taught these values in their formative years. However, it was felt to be essential to have parents on board to reinforce the values at home.

Finally, it could be a potential empowerment tool for individuals to hold government to account. Participants envisioned two possible benefits in this sense – it could be used as a measure to assess ill-treatment by the State, and to hold politicians individually to account as they would also have to abide by the values.

Polling on whether the UK should have a Statement of Values revealed consistently high levels of support. In the regional events the overall support for a Statement of Values was just over 6 in 10 and this was continued across the reconvened events (see figure 1 which tracks views of individual respondents who attended both stages).

At the national event, the question was repeated and support increased. Specifically, just over 7 in 10 of the 110 participants polled were in favour of introducing a Statement of Values.

Figure 1: Polling results for 'Should the UK have a shared Statement of Values?'

Base size: 225
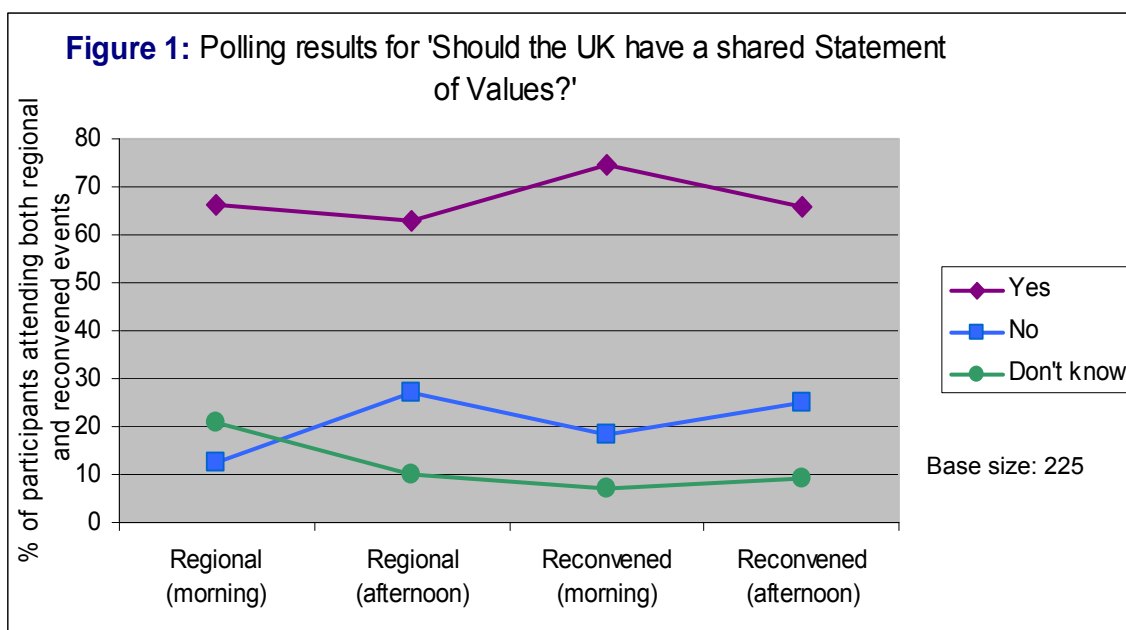
Finally, the polling revealed a just under half of participants, both for and against a Statement of Values, changed their mind during the initial discussions. Despite this volatility, overall support for a Statement of Values

remained high. It should also be noted that views became increasingly fixed on either option through debate as participants learnt more and reflected on discussions.
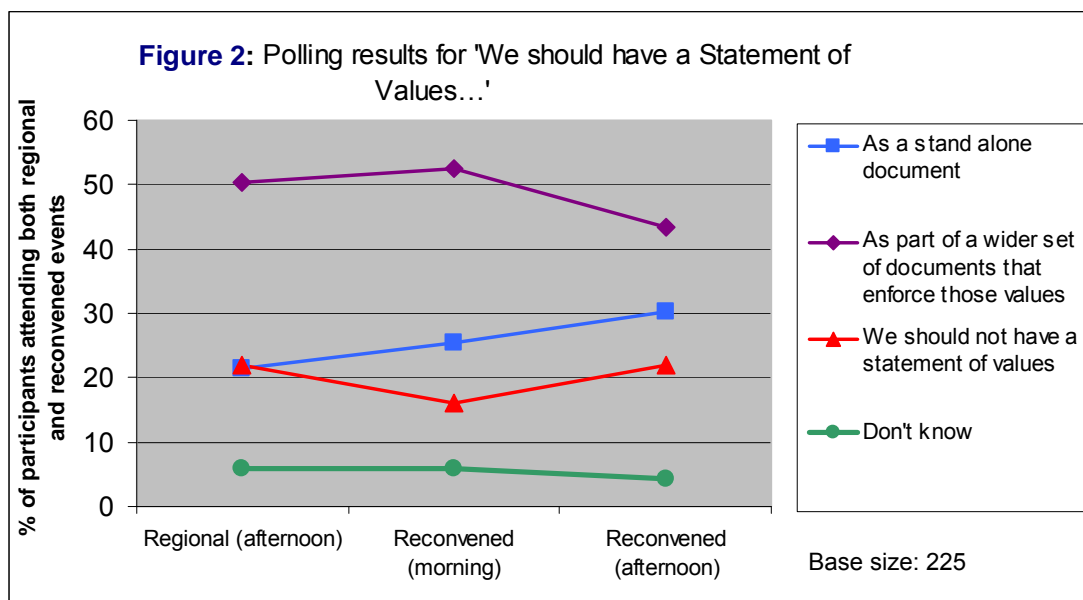
2.4 Practicalities of a Statement of Values

Despite these broadly positive views, it was unclear to many how a Statement of Values would work in practice.

In this regard, there was a preference for a Statement of Values to be linked to other documents that would enforce those values, rather than being a stand alone document. Participants recognised the value of a stand alone document being detached from formal rules and government prescription and therefore potentially more effective at uniting public opinion. However, the lack of enforcement implied by a stand alone document prompted concerns about how it would be practically used and applied without legal backing.

At the same time, participants generally recognised the challenges and sensitivities attached to enforcing values on other people, particularly the challenge of establishing a relevant set of shared values in such a diverse country. They felt that the development of a list of values which would be relevant to all cultures, religions and ethnicities would be extremely difficult, other than at a very broad and potentially vague level. This links in with the earlier perception of the difficulty of finding basic, universal, shared values that people who are *'different'* would subscribe to. Such a document would need to maintain a careful balance between specificity and clarity for ease of use, while still being carefully worded so as not to exclude any groups. In addition, participants voiced concerns about how to ensure that people support and therefore abide by selected values, particularly those whose views and behaviours are most extreme.

This complexity around a Statement of Values was reflected in the polling results with the proportion of participants wanting to link it to a wider set of documents, marginally falling at the reconvened events (see figure 2).

Figure 2: Polling results for 'We should have a Statement of Values…'

% of participants attending both regional and reconvened events

Legend:
- As a stand alone document
- As part of a wider set of documents that enforce those values
- We should not have a statement of values
- Don't know

X-axis: Regional (afternoon), Reconvened (morning), Reconvened (afternoon)

Base size: 225

Aside from the issue of enforcement, participants' concern focused on the practical impact of a Statement of Values; with some scepticism that one document could bring a diverse population together or prevent the erosion of values. They felt that values needed to be learnt at home from a young age and a document would be meaningless if they were not already being taught. In addition, formalising values would not allow flexibility in a constantly changing society. Values were likely to vary over time and therefore could not be adequately captured in a static document. Finally, participants generally expressed concern over a Statement of Values being a potential *'waste of resources'*.

At the Edinburgh regional event, in contrast to other regional events, participants were generally less positive about having a written Statement of Values and became less so over the course of the discussions. While many of the concerns raised echoed more general views, these participants strongly questioned whether a broad set of values could be comprehensive or sensitive enough to capture the diversity present within British society. Different systems of law in England and Scotland were felt to create an additional problem, specifically in relation to linking a Statement of Values with other documents and how this could be implemented across Britain and made applicable to all. Overall, participants at this event were far more likely to focus on the drawbacks than the benefits.

To explore these issues in more depth, participants felt that the project should be expanded to include the whole country, especially vulnerable groups such as children. Suggestions included further deliberation as well as conducting online polling, a referendum or a national survey. To ensure a Statement of Values had a cohesive rather than divisive impact, participants said it was essential to involve all relevant religious groups, ethnicities and communities in the UK in its development. Despite previously being able to identify shared

values themselves, participants felt that writing a Statement of Values that would be truly representative would be a challenging exercise.

Given the difficulty imagining and relating to the concept of a Statement of Values, participants felt that the next step should involve something more tangible, such as a draft version which could be discussed by the public.

2.5 Refining list of shared values

At the national event, participants were asked to define and clarify their understanding of the list of eleven values which had emerged from the regional and reconvened events. These definitions have been summarised into common meanings that were shared across groups – listed below:

Value	Definition/meaning	Other comments
Freedom of person and expression	Freedom of expression – right to speak out and voice opinion without fear of persecution. Right to protest Freedom of person – Having choice about how to live. Going about one's business without fear.	Lack of understanding of the term 'freedom of person' led to focus on 'freedom of expression'. For certain groups the term was too broad – freedom of choice might be a better term. Need balance between freedom of expression and the potential for incitement through racist or hate speech.
Equality of opportunity	Fair treatment regardless of gender, race, sexuality, or disability. Not being penalised for being disadvantaged economically. Not being discriminated against – being treated fairly and equally. Ability to achieve on merit not social connections.	
Political freedom and democracy	Freedom to vote/not to vote. Having a choice of political parties and candidates with wide-ranging views. Freedom to support any party.	

Patriotism/pride in heritage	National unity whether English, Welsh, Scottish, Irish as well as immigrants. Sense of self and belonging. Pride in culture and background. Respect the heritage of others.	Patriotism felt to be an 'Americanism' with nationalistic or separatist overtones. 'Pride in the nation/national heritage' would be a better term.
Fair play	An unspoken agreement to treat others with the respect that you would want from them. Being a good neighbour and member of the community. Adhering to social norms and customs of your own community while respecting those of others.	Term should be changed to something less flippant such as 'respect for others'.
Respect for laws and institutions	Understand and appreciate the role of institutions and laws – Understanding the purpose and importance of laws and institutions – even if we don't agree.	Too general – depends if a particular law deserves respect – if it is designed to protect all citizens or a few. Institutions can refer to a wide variety of things – generally taken to mean public bodies, hospitals, etc.

Justice	Moral, social and political justice. Fair and consistent application of the law irrespective of background, status or contacts. Proper enforcement of the law. Innocent until proven guilty. Punishment that fits the crime. Equal access to lawyers and courts; not to be penalised through ignorance of system, or lack of resources or information.	
Tolerance	Understanding, acceptance and respect for the views of others you might not agree with. Keeping control of your emotions; managing anger.	Hard to pin down Need balance between tolerance and being overly tolerant. Negative associations – Can lead to apathy and feeling forced into acceptance. Extended more readily to immigrants and minorities. Term 'acceptance' or 'consideration' is better.
Manners/politeness	Courtesy such as saying 'thank you'. Treat people how you'd like to be treated by being respectful and pleasant.	Personal quality rather than value. Less important.
Resilience	Inner individual and group strength to persevere. Community coming together in troubled times. 'Keep calm and carry on'.	Personal quality rather than value. Less important.

Compassion	Empathy, caring, willingness to help others in trouble.	Personal quality rather than value.
	'Putting yourself in other peoples' shoes'.	Term 'consideration' better as this refers to behaviour rather than an emotion.
	Kindness, caring, and thinking about others less fortunate.	Less important.

For the majority of values, participants' had a broadly shared understanding of meaning. At issue was not the general definition but what certain values meant in practice. With regard to values like tolerance, there was a threshold between it being viewed as progressive force in society; to a more negative one: tolerating others irrespective of their thoughts, deeds and actions. The relationship of values to responsibilities was key in this regard.

With regard to respect for laws and institutions, while at a general level this was intuitive, in practice it was depended upon context and specific circumstances.

Finally, a number of values – resilience, politeness and compassion – were viewed by participants more as personal qualities rather than national values: an attribute of individuals rather than what binds us as a country.

2.6 Using a Statement of Values

The national event also explored in more depth the potential uses for a Statement of Values. Alongside more general discussions about where it could be used, participants gave consideration to the examples of Oldham Council's Statement of Values (part of the Council's constitution) as well as values from two school charters. This discussion aimed to highlight how a Statement of Values could be put into practice at a local level rather than remaining purely symbolic.

In terms of where a Statement of Values should be used, the following suggestions were given:

- Schools – the most frequent suggestion was to have a simplified version in schools to ensure that children are familiar with the concepts from an early age. This could be incorporated into the timetable and syllabus through assemblies and lessons.

- Public spaces – visible in places such as hospitals, prisons and libraries which have frequent visitors.

- Immigration – could form part of the oath during the citizenship ceremony.

- Identity cards/passports – a shortened version printed on these documents.

- Prominent people/celebrities – to endorse the concept.

- Media – promote on television, internet sites such as facebook.

- Politicians – should make a pledge to it when becoming an MP as an example to others.

- To a lesser extent, the Private sector – incorporated into mission statements and visible in premises, (though whether this was appropriate for business was questioned)

Uses of a Statement of Values were also explored through polling. Schools and citizenship ceremonies were supported by 7 in 10 people; followed by state documents and public buildings with 5 in 10; and passports with 3 in 10.

Oldham Council Statement of Values

Participants generally showed minimal support for the Oldham Council Statement of Values. Although it was felt to be a good concept which could encourage engagement on the part of both councils and the public, participants identified a number of concerns. These focused predominantly on the content, potential for lack of follow though and accountability. These benefits and concerns will now be explored.

Encourage engagement

The main benefit highlighted by participants was that the values acted as a reference point or cornerstone – encouraging engagement between the local council and members of the public and providing clarity on what the public can expect from their council.

Content

Participants had mixed views about the content of the document, as some felt it was too detailed and long-winded, while others criticised the values for being too vague such as, "enjoy peaceful life" and "human dignity". More specifically, certain participants felt that simplifying and cutting down the content would make the document more understandable and marketable. Others argued that being explicit and defining the values in detail and outlining specific targets to uphold, makes them more tangible and enforceable.

To overcome this, it was suggested that there should be two versions – one longer version along the lines of the Oldham example, and one shorter, simplified version which the public would be able to understand easily.

Lack of follow through

Participants raised concerns about the possibility of a Statement promising much but delivering little. This was mostly because there is no detail about how the promises in the Statement will be fulfilled. The issue of accountability

was raised as it was felt that no one would pay any attention to a document with no legal backing. Many participants therefore suggested that there should be a forum/committee to oversee the implementation of these values and monitor what is working and what needs to be improved upon.

A number of other issues were raised:

- The document outlined what the council should be doing anyway and this caused confusion as to its point.

- It was also felt that the document was 'nice to have' but did not have the teeth that they had envisioned.

- Participants expected more content about service provision as they were more concerned about action by, rather than relationships with, their council.

- Could be challenged by a higher authority as is only at a local level.

- If different councils have different versions could affect levels of service.

Education case studies

Participants were very positive about the potential for a school charter or Statement of Values as a starting point for action and cultural change. As has been mentioned previously, schools were felt to be a particularly suitable environment for instilling values in children - putting in place positive aspirations and models of behaviour.

There was debate about whether school children should be involved or consulted in the production of a charter: despite concerns that children may not be best placed to define values - it was generally believed that involvement would increase their engagement and support of such a document

A further issue highlighted by participants concerned whether a charter or Statement of Values should just inspire people, or have incentives or consequences attached. It was strongly argued by some that a Statement should act both as a social contract as well as a means of creating awareness.

The first case study explored increasing civic participation through GCSE Citizenship Studies. The benefits of this were seen to extend beyond the school, creating a sense of community, revitalising civic life and creating national pride. As such, participants felt there was merit in extending the programme throughout the school, beyond those studying the course.

The second case study, which focused on non-discrimination, was generally viewed as increasing integration, inclusiveness, and building a more cohesive community.

There were certain concerns raised by participants with regard to formally integrating a Statement of Values into schools. These included:

- The possible repetition of work of student councils and other school bodies.

- That parents who need this most will be least likely to be supportive.

- There should not be such a top down, prescriptive set of values.

- The values were quite idealistic and could have minimal effect in practice.

Despite these concerns, the potential advantages of formalising values in schools were seen as significant and participants were supportive of the idea.

2.7 Options for developing a Statement of Values

At the national event, participants were given five options for how a Statement of Values could be developed, these were:

- Option 1 – Representatives of the deliberative events would produce a statement.

- Option 2 - Representatives of the deliberative events with distinguished writer would produce a statement.

- Option 3 – Distinguished writer would produce a Statement building on the work of the events.

- Option 4 – National competition would be held to produce a Statement, building on the work of the events.

- Option 5 – Local debates would be held to produce statements, followed by selection though a panel.

The advantages and disadvantages of each option were discussed in detail. Participants' views are outlined below.

Option 1 – Representatives of the deliberative events would produce a statement

This option met with a fairly negative response with most participants feeling that producing a Statement of Values was not something that representatives from the events could achieve without support, particularly in terms of having a greater overview of the issues. In addition, selecting representatives would require a great deal of thought and participants felt a rigorous and transparent selection process would be necessary, perhaps through voting.

Notwithstanding this, involving the public was also said to be vital both in the drafting of the document and through wider circulation of drafts for revision and approval.

Option 2 – Representatives of the deliberative events with distinguished writer would produce a statement

This was the most widely supported option as participants perceived it as a good compromise. They felt that having a professional writer would give the document a professional touch and provide credibility, while having the representatives would ensure that it is written for 'Joe Public'.

In exploring participants views, it seemed that the most appropriate way for this to work would be an iterative process whereby the writer would draft a Statement of Values using notes from the three stages of events. This draft would then be discussed and critiqued at a future event – where uses and context could be explored in more depth. A new draft would then be written and given feedback, thus maintaining representation of the views of the public.

The biggest concern identified by participants was around the agenda and personality of the writer, how they would be selected, and whether they could be trusted. They felt it was important to have someone objective rather than someone opinionated, perhaps someone from outside of the United Kingdom. Participants also suggested that it might be better to have the writer remain anonymous or have someone who was not famous, in order to avoid their name and fame overshadowing the process.

Option 3 – Distinguished writer building on the work of the events

There was minimal support for a writer developing the Statement of Values without input from representatives from the deliberative events, as well as the general public. Participants felt that their newly gained knowledge and insight left them better able to contribute to the development of a Statement of Values than either a writer or members of the public with no prior experience.

Participants suggested that the writer should play a passive role in the document, rather than driving the content. Furthermore, this work would need to be referred back to the general public for revision and approval.

Option 4 – National competition building on the work of the events

Participants showed mixed feelings about this option as it was said to be a way to improve public awareness and involve the largest numbers of members of the public in the process - in particular children. At the same time, it risked being seen as 'gimmicky' or 'tacky' and thereby trivialising and undermining the development of a Statement of Values.

Further concerns centred on:

- Replicating work of the deliberative events.

- Unengaged / uninformed people participating.

- Still need to involve a writer or panel to produce a coherent document – how would they be selected

Option 5 – Local debate followed by panel

This option was initially the most supported, though this decreased over the course of the day. Participants' support was predicated on creating a space for deliberation and debate with members of the public locally; and designing a process to take forwards with national level representatives.

While a local approach could encourage engagement of communities –a concern was that it would be partial or uninformed. Participants showed support for any debate to be undertaken in the spirit of the broader deliberative process.

A further concern highlighted by participants was focused on the parochial nature of the debate – with local politics potentially dominating the process. In this regard they felt that many piecemeal documents could be produced which may lack coherence at a national level. There was also a lack of trust of local councils to draft a document. A national group would therefore need to play a major role in deciding what went forwards.

Figure 3: Polling results for "Options for producing a SoV"
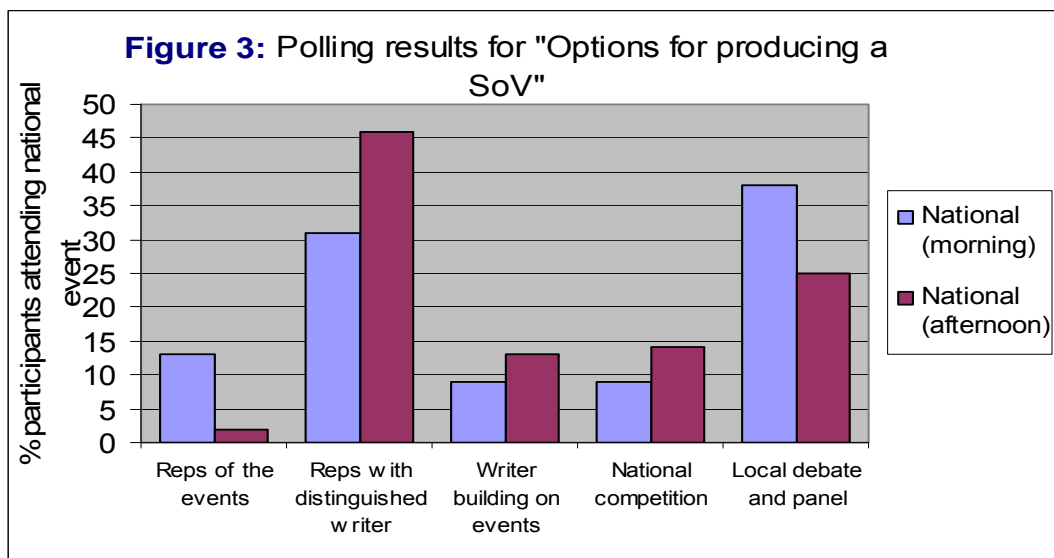
Overall, interpreting the voting patterns and debate, four key principles emerged for any future process:

i.   it needs to involve a wide range of the public;

ii.   debate needs to be reasoned and informed;

iii. it should have national relevance and oversight;

iv.   it should involve a professional writer.

3 Bill of Rights and Responsibilities

Key findings

- Most participants described limited understanding of existing rights and responsibilities and expressed concerns about potential assertion of human rights by those seen as undeserving.

- Irrespective of the range of both positive and negative impacts identified, participants generally remained supportive about the concept of introducing a Bill of Rights and Responsibilities. This was due to greater weight being placed on such a Bill raising awareness and providing greater protection for rights over more practical considerations about who would use the rights, and costs.

- The value of clarifying 'fundamental' entitlements, such as access to free healthcare, benefits and pensions, prompted support from participants for including economic and social rights in a Bill. However, acknowledged problems, such as the way these rights might be used in practice and the constraints this could place on government and parliamentary decision-making around resource allocation, resulted in lower support for a Bill of Rights and Responsibilities more generally.

- A key issue centred on rights and responsibilities being complementary to one another, as participants were unwilling to enshrine more rights without accompanying responsibilities. It was noted that the Government were categorically not proposing to make rights contingent on responsibilities. This position was generally supported by participants after debating the social implications of responsibilities.

- While participants were consistently supportive of the UK having a Bill of Rights and Responsibilities, a marginal drop in support over the course of the events related to the complexities of establishing and implementing such a Bill

---

Discussions around the potential for the UK to develop a Bill of Rights and Responsibilities built on the earlier discussions about a Statement of Values, and this was predominately explored during the reconvened events.

Due to the complexity of this area, elements of a Bill were broken down and explored in turn. After clarifying participants' understanding of existing rights and responsibilities, specific areas for consideration included: initial reactions to the concept of a Bill; views about its scope, specifically whether it should include economic and social rights; whether it should include responsibilities; views about legal enforceability; and overall support for introducing a Bill.

This approach enabled conclusions to be drawn about how support for a Bill of Rights and Responsibilities developed as participants gained more detailed understanding. Analysis of voting patterns after each stage is also included within this section.

3.1 Understanding of rights and responsibilities

During the regional events, participants generally acknowledged a limited understanding of existing rights and responsibilities. A right to vote, freedom of speech and a right to legal representation in court were spontaneously cited as individual rights. Participants expressed less certainty about wider rights and responsibilities, together with how these were currently protected or enforced.

Participants described feeling more confident in their knowledge of existing rights and responsibilities following the regional events. However, this was accompanied by concerns that certain entitlements, such as access to free healthcare and state pensions, were provided at the discretion of Parliament rather than legal rights as had been previously assumed. Their conversations with friends and family in the period between events revealed similar misunderstanding among the wider public.

When discussing the concept of human rights, participants were comfortable with the principle of *'basic'* human rights being universal, such as freedom from torture and the right to a fair trial. However, a distinction was made between fundamental civil and political rights and social and economic rights which were considered to be part of a social contract between citizen and state and as such needed to be earned. In particular, participants were concerned about criminals and illegal immigrants abusing current human rights law to claim these *'benefits'* of UK citizenship without contributing to society in return.

3.2 Concept of a Bill of Rights and Responsibilities

Initial reactions to the concept of a Bill of Rights and Responsibilities were generally favourable. Despite a lack of understanding, participants initially found it easier to discuss *'tangible'* rights and responsibilities compared to previous discussions about more *'subjective'* values. At least initially therefore, the principle of a Bill of Rights and Responsibilities was viewed as fairly straightforward and participants typically favoured the idea of having a single document that would clarify their rights and responsibilities. This, combined with a lack of spontaneous views about potential problems beyond possible duplication of existing legislation, prompted participants to suggest there was *"no harm"* in introducing a Bill of Rights and Responsibilities (see '3.5 Support for a Bill of Rights and Responsibilities').

Further consideration of the potential impacts of a Bill of Rights and Responsibilities enabled participants to identify other benefits and limitations. Across all events, five broad areas were consistently emphasised by participants; specifically relating to the impact of a Bill on awareness; protection of rights; government flexibility; the ways in which the rights might

be used; and resources. Participants' views on these areas are considered below:

- **Impact on awareness** – Participants' concerns about a lack of public knowledge about rights and responsibilities prompted support for providing greater clarity through a Bill. They felt that greater clarity and transparency would have the additional benefit of encouraging a stronger appreciation of rights and responsibilities, empowering people through clarifying entitlements and expectations of behaviour. In order to be effective, however, participants felt that such a document would need to be simple and accessible, written in *'common sense'* language, and initially targeted at educating children and young people rather than changing adults' relatively entrenched views and behaviours.

- **Impact on the protection of rights and responsibilities** – Participants were generally confident about the state protecting existing rights and responsibilities. However, they did highlight concerns about the possible erosion of rights over time, particularly in response to recent news stories about counter-terrorism legislation and DNA information storage. As mentioned above, participants were also worried by the realisation that certain entitlements were not currently protected by law at a constitutional level. Providing greater protection for these and other rights within a Bill was therefore valued by participants, as it provided continuity and stability across successive governments.

- **Impact on government flexibility** – In addition to the benefits of protecting rights and responsibilities, participants highlighted the need for rights to be flexible, providing governments with the scope to respond to changing circumstances and evolving social priorities. Overall support was dependent upon the levels of protection and flexibility implied within a Bill of Rights and Responsibilities.

- **Impact on the use of rights and responsibilities** – As noted above, participants were fundamentally concerned about the potential way in which rights under the Human Rights Act had been asserted by those perceived as undeserving, and without regard to responsibilities. They felt that, through clarifying or expanding rights, a Bill could encourage a *'rights culture'* (which was seen as a negative thing). For example, participants suggested that rights could protect savvy criminals able to *'play'* the legal system, whilst constraining law-abiding citizens. In addition, emphasising the rights of young people was said to undermine the influence of parents, teachers, police and other authority figures – certain teachers at the event described feeling powerless to discipline children in this regard.

- **Impact on resources** – Participants identified two areas of concern about the resource implications of introducing a Bill of Rights and Responsibilities, specifically: the costs associated with establishing a Bill; and a potential increase in litigation costs and therefore greater demands on public resources to support the legal system.

Irrespective of identifying both good and bad impacts, participants generally remained positive about the principle of introducing a Bill of Rights and Responsibilities. This was due to participants placing greater weight on raising awareness and protection for rights over more practical considerations about the way the rights would be used (and by whom) and costs. However, the practical implementation of a Bill was explored in greater detail with participants, specifically in relation to the scope and enforceability of a future Bill. These issues, and their impact on support for a Bill, are explored in subsequent sections.

3.3 Scope of a Bill of Rights and Responsibilities

As explained to participants, the purpose of these events was not to consider whether fundamental rights, such as those in the Human Rights Act, should be amended, but whether a future Bill of Rights and Responsibilities should include specific protection for economic and social rights and/or responsibilities. This could bring existing constitutional protections together into a single document, or build upon them and provide greater legal effect to certain rights. It was also explained to participants that the rights in the Human Rights Act could not be made dependent or contingent upon responsibilities. Therefore, discussions focused on:

Economic and social rights

In line with an acknowledged *'patchy'* understanding of rights in general, participants described low awareness of what constitutes economic and social rights or the ways in which their legal protection differed from that of civil and political rights.

After receiving information about economic and social rights currently outlined in international obligations (see handout in appendix), participants spontaneously associated these rights with existing service provision in the UK, such as access to free healthcare, unemployment benefits, social housing and state pensions. On learning that these services were not constitutional entitlements, participants were worried they could therefore be eroded or withdrawn at the discretion of Parliament. These concerns prompted initial support amongst participants, for including economic and social rights within a Bill of Rights and Responsibilities.

Once again, over the course of the events participants were encouraged to debate more considered implications of including economic and social rights within a Bill. These discussions highlighted similar areas as those identified for introducing a Bill more generally; specifically relating to the potential impact on awareness, protection of rights, use of rights, and resources. Participants' views on these areas are considered below:

- **Impact on awareness** – Given the low levels of understanding of economic and social rights, participants highlighted that a key benefit of including them within a Bill of Rights would be to raise awareness of entitlements. Participants generally felt that increasing awareness of these

rights would prevent discrimination towards vulnerable groups in accessing services and increase the accountability of the state to tax payers.

- **Impact on protection** – As noted above, participants tended to conflate economic and social rights with state welfare provision. They therefore felt that by enshrining state responsibilities, a Bill of Rights could protect these services from potential erosion or withdrawal by future governments. However, certain economic and social rights were perceived as more *'fundamental'* than others and therefore required greater or lesser degrees of legal protection (see 3.4 'Views about enforceability').

- **Impact on government flexibility** – Participants expressed concerns about the impact formalising economic and social rights could have on policy decisions and service provision. While participants favoured consistency and certainty around certain *'fundamental'* entitlements, they recognised that formalising economic and social rights could potentially constrain political decisions in light of changing social priorities. Although there were limited views expressed about the democratic accountability of courts in deciding these issues, participants were in favour of retaining a degree of flexibility for government, and therefore support was to some extent dependent on how such rights were defined and implemented within a Bill.

- **Impact on potential use of rights by the undeserving** – Participants' general concern about the possible use of rights by those perceived as undeserving was even more strongly expressed in relation to economic and social rights. This was primarily due to associations made between these rights and state welfare provision, and hence a direct link to services funded by the tax payer. Participants' support for including economic and social rights in a Bill therefore appeared to be particularly dependent on the extent to which their application to some extent was contingent on behaviour, such as paying taxes and behaving in a socially responsible way.

- **Impact on resources** – Due to their association with welfare provision, participants felt that economic and social rights had greater financial implications for the state than civil and political rights. Participants raised concerns about the financial sustainability of formalising economic and social rights, particularly during times of economic constraint. Not only would this limit the flexibility of government to respond to changing economic situations and priorities, but it could lay the state open to potentially costly legal challenges from individuals who felt their rights had not been met. Furthermore, participants voiced concerns that the difficulty of identifying precisely what economic and social rights would entail – for example, what would a 'right to health' actually involve? The resulting 'legal minefield' in establishing such rights would be resource intensive and make implementation difficult.

Overall, participants described economic and social rights as being more relevant to their daily lives than civil and political rights, and could therefore

see the benefits of clarifying entitlements and expectations. However, problems identified by participants, such as the way the rights might be misused and the constraints this may place on government decision-making around resources, were cited alongside lower levels of support for a Bill more generally (see figure 4).

Figure 4: Polling results for 'Should a Bill of Rights include economic and social rights?'
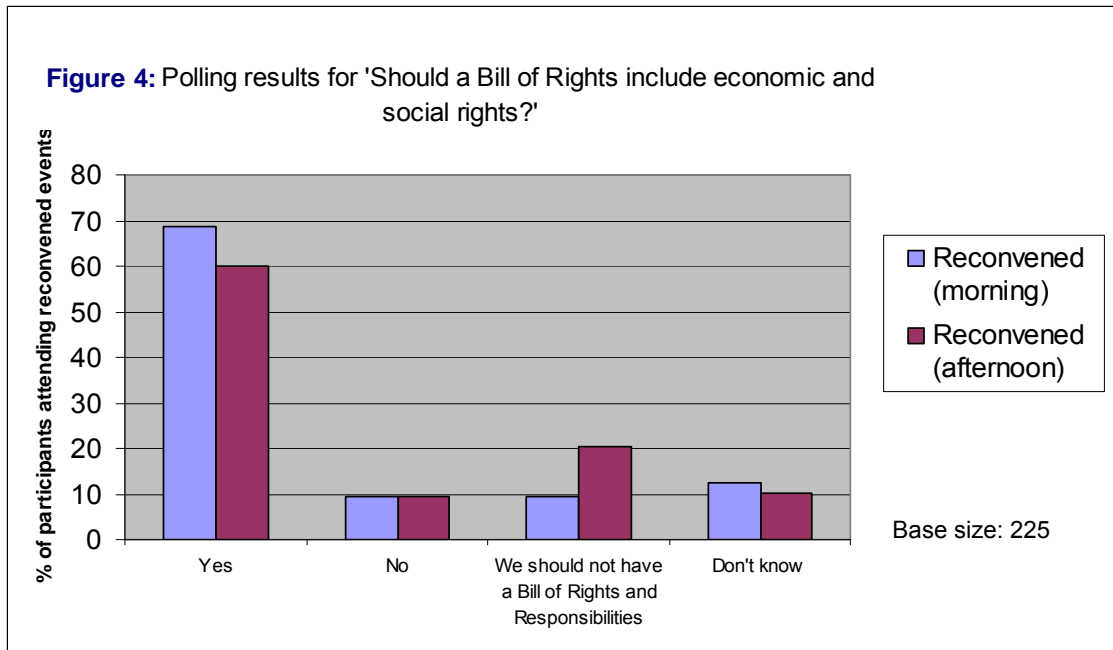
Analysis of the polling results revealed that the majority of participants at the reconvened events (about 6 in 10 people) maintained their views about the inclusion of economic and social rights throughout. Of those who changed their mind, most moved away from the idea of having a Bill of Rights and Responsibilities altogether; while other shifts were roughly evenly spread between becoming more in favour of including economic and social rights; becoming less in favour; and becoming less certain. These results were confirmed by the table discussions, which saw relatively consistent views about overall support for including economic and social rights. However, this support appeared to become more conditional over the course of the reconvened event; specifically on issues of contingency on behaviour and implementation. These areas are explored in greater detail below (see 3.4 'Views about enforceability').

Responsibilities

As with economic and social rights, the principle of including responsibilities within a Bill of Rights was initially well received by participants (see figure 5). Early discussions about a perceived decline in values within society, combined with concerns about the perceived way the rights under the Human Rights Act had been used, prompted a widespread desire from participants for greater clarity about social responsibilities and how these relate to rights.

With further space to develop these views, participants remained broadly positive. However, more nuanced debates revealed a number of issues; specifically relating to how responsibilities would be clarified, interpreted, enforced, and their relationship to rights. These issues are outlined below:

- **Clarifying responsibilities** – Participants felt that expressing individual responsibilities, both towards the state and society, would go some way towards addressing falling standards of behaviour: providing a reminder about acceptable behaviour and emphasising a balance between rights and responsibilities. This was particularly valued in relation to educating children and young people in order to entrench the idea of social responsibility over time. Participants were less optimistic that it would have an impact on those who currently failed to meet their responsibilities and the exercise would instead merely *'preach to the converted'*. Further to this, some participants felt the state should not become involved in defining responsibilities, and that behaviour and morality were better left to *'common sense'* and social or family norms.

- **Interpreting responsibilities** – Difficulties interpreting responsibilities were identified by participants. For example, a responsibility to 'treat public sector staff with respect' was felt to be a loose definition that could be interpreted and assessed in a number of ways. Participants felt this was particularly problematic if consequences were associated with responsibilities. Fears were expressed that this could lead to vulnerable people being penalised for behaviour beyond their control, such as for mental health, financial or social reasons.

- **Enforcing responsibilities** – There was general agreement that responsibilities would be taken more seriously if there were consequences to them. However, participants recognised inherent difficulties with the practical implications of enforcing responsibilities; specifically around interpreting, assessing and policing responsibilities.

- Relationship between responsibilities and rights – Participants generally resisted attempts to discuss rights and responsibilities separately, viewing them rather as complementary elements. Responsibilities were perceived to provide a balance to those who would take advantage of rights. In fact, for many their support for a Bill of Rights was dependent on the inclusion of responsibilities. Further to this, many participants initially felt that certain rights should be conditional on responsibilities. Frustration was voiced regarding people who *'abused the system'* or broke the law, and participants felt that they should not automatically be given the same rights as others, but should earn them by abiding by their civic duties. However, when considering practical implications of making rights contingent on responsibilities, most participants recognised that this approach would be unworkable.

Overall, participants remained overwhelmingly positive about the principle of including responsibilities within a Bill of Rights; even more so than including economic and social rights (see figure 5).
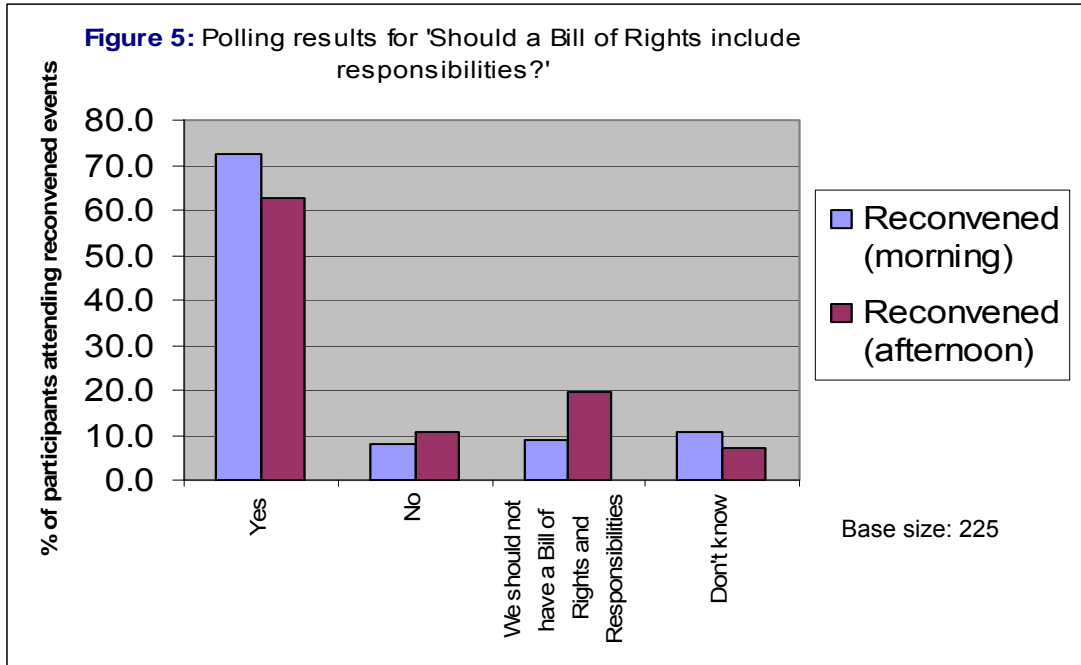
Figure 5: Polling results for 'Should a Bill of Rights include responsibilities?'

Analysis of the polling results revealed that the majority of participants, just over 6 in 10, maintained their views about the inclusion of responsibilities throughout the reconvened event. Of those who changed their mind, most moved away from having a Bill of Rights altogether, while other shifts appeared to be roughly spread between becoming more in favour of including responsibilities; becoming less in favour and becoming less certain. Once again, these results were confirmed by the table discussions, which saw relatively consistent views about overall support for including responsibilities.

3.4 Views about enforceability

Further to exploring whether additional rights and responsibilities should be included within a Bill of Rights, participants were asked to debate the extent to which these rights and responsibilities should be legally enforced. Information was provided about different options along a continuum of enforceability, ranging from declaratory to full legal status (see figure 6). These were explained and then discussed in detail.

Figure 6: Continuum of enforceability
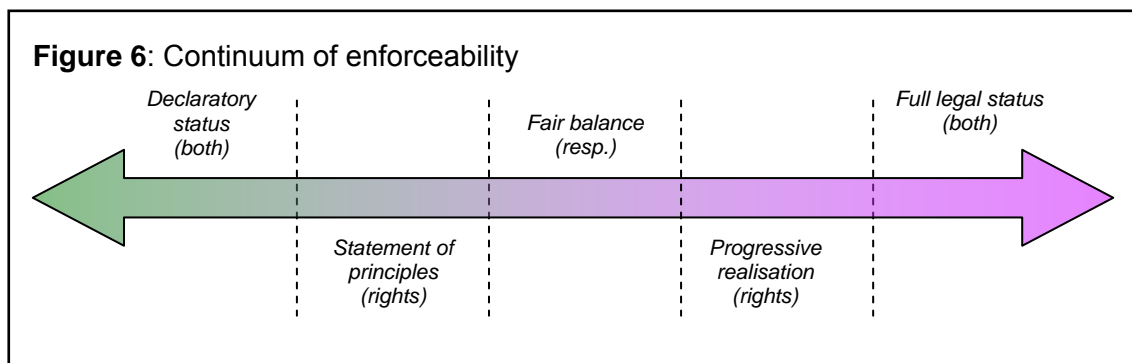
Participants described mixed views about the principle of applying each of these options on rights and responsibilities. Each option is briefly explained below and then participants' views are discussed:

- **Declaratory status** *(considered in relation to both rights and responsibilities)* – offers a purely symbolic status for both rights and responsibilities. The *'lack of teeth'* of this option prompted queries from participants about the purpose and usefulness of going through a potentially resource intensive process of establishing a Bill without allocating some degree of power.

- **Statement of principles** *(considered in relation to rights only)* – this would only provide guidance to courts when considering challenges to decisions by public authorities without establishing new legal status. Participants were cynical about the perceived *'vagueness'* of this option and this prompted concerns that the state would be provided with *'too many get out clauses'* to provide the sense of certainty and permanence that participants favoured.

- **Fair balance and proportionality** *(considered in relation to responsibilities only)* – provided for behaviour and individual circumstances to be taken into account when considering legal challenges to rights. This option was strongly valued by participants due to persistent concerns about the way new rights might be misused, particularly in relation to economic and social rights. However, the *'room for doubt'* implied by giving courts flexibility to take behaviour into account prompted concerns about inconsistent rulings and potential discrimination of vulnerable individuals.

- **Progressive realisation** *(considered in relation to rights only)* – offered a *'half-way house'* between legal force and flexibility for governments to account for changing economic and social circumstances. Participants valued the flexibility of this option, however, a perceived lack of certainty meant it did not convey the protection and security required for more *'fundamental'* economic and social rights, such as access to healthcare and social security. In addition, participants felt the *'woolly'* nature of this option could potentially lead to more legal challenges on the state, implying increased costs and inconsistencies in state provision if left to individual court rulings.

- **Full legal status** *(considered in relation to both rights and responsibilities)* – full legal enforcement. Views were split about the merits of full legal status for rights and responsibilities. In relation to rights, participants valued the clarity and security implied by full legal status. However, concerns about a *'litigation culture'* dampened support for full legal status beyond certain 'fundamental' rights, such as access to healthcare. In contrast, participants became increasingly worried about the *'Orwellian'* implications of having legally enforceable responsibilities, paving the way for an authoritarian state to define social behaviour and potentially restrict access to rights and services.

Overall, when considering the principle of enforceability, participants tended to favour options conferring some degree of legal status on both rights and responsibilities. They felt this was necessary in order for them to have any significant value within a Bill of Rights and Responsibilities. Where views varied, this was typically due to differing levels of importance placed on providing flexibility to accommodate changing circumstances, rather than a specific preference for symbolic or aspirational statements.

In addition to discussing the principles of varying legal status, table groups were given the opportunity to debate the practical and ideological issues associated with placing specific rights and responsibilities at different points along their own enforceability continuum (see Appendix for a description of this exercise and a full list of rights and responsibilities included). This exercise revealed consistent views about specific rights and responsibilities. For example, groups consistently placed issues affecting health and children and young people's well-being towards the legal end of the continuum, while civic and environmental responsibilities tended to be placed towards the declaratory end (see figure 7).

Key factors driving participants' views about the legal status of specific rights and responsibilities included perceptions of their: impact on individual freedom; complexity; need to retain flexibility; degree of importance. Participants' views on each of these factors are explored below:

- **Individual freedom** – Perceptions of potentially negative personal consequences of enforcing certain responsibilities prompted participants to place these towards the declaratory end of the continuum. In particular, legal responsibilities to report crime, vote, or participate in local democracy were felt to inhibit freedom by limiting personal choice and decision-making. Participants felt that a legal responsibility in these areas would fail to take into account wider circumstances, such as whether or not an individual was placing herself in danger by reporting a crime, or abstaining from civic participation for political reasons.

- **Perceived complexity** – Certain rights and responsibilities were considered to be too difficult to define or implement if legally enforced, and were therefore placed towards the declaratory end of the continuum (see figure 6). For example, perceived difficulties identified by participants, of implementing a right to choice in healthcare provision in light of limited resources, or policing a responsibility to live within environmental limits, meant that they were cautious about conferring any specific legal status beyond either a statement of principles or the principle of fair balance and proportionality.

- **Need for flexibility** – Many rights and responsibilities were considered to be important but required a degree of flexibility, therefore groups placed these towards the legal end of the continuum, yet stopped short of full legal status (see figure 7). Reasons given by participants for requiring flexibility included a desire to take personal circumstances into account, both to limit the assertion of the right by those who were perceived not to

deserve its protection, and prevent discrimination; and the need for government to retain control over policy decisions whilst reasonably meeting certain rights and responsibilities. In relation to the former, groups placed responsibilities to look after your own health and treat NHS staff with respect within the principle of fair balance and proportionality. Participants felt this would provide a degree of personal accountability without penalising vulnerable individuals. In relation to government flexibility, the right to receive welfare payments if unemployed and the right to patient involvement in healthcare decisions, groups placed these within the principle of progressive realisation, in order to enable governments to make reasonable decisions based on changing political, social and economic priorities.

- **Perceived importance** – Finally, tables felt that certain rights and responsibilities were *'fundamental'* to ensuring quality of life and these were conferred full legal status (see figure 7). These tended to focus on certain policy areas, including children and young people (i.e.. right for children to achieve health, safety, and economic wellbeing; a duty of care of parents to their children); health (right to access healthcare free at the point of need); and crime (right to a fair trial by jury for serious cases; responsibility to obey the law). Despite variations, participants felt that these rights and responsibilities were generally less contentious or problematic to implement than others.

Figure 7 shows where participants' generally felt certain rights and responsibilities should be placed along the continuum from declaratory status to legal status.

Figure 7: Views about legal status for rights and responsibilities
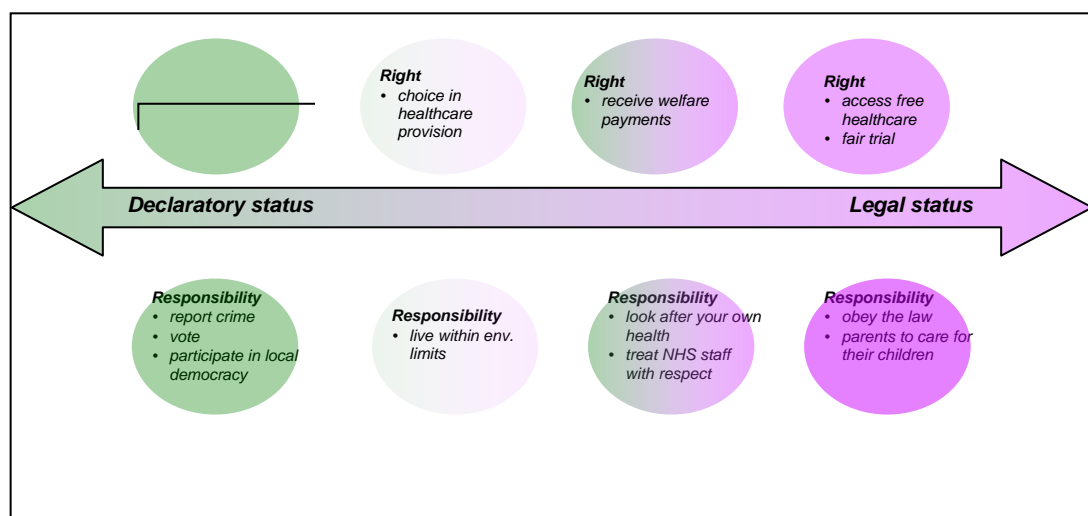
Once again, this exercise revealed a general preference amongst participants for conferring some degree of legal status on rights and responsibilities. Where groups placed certain issues towards the declaratory end of the spectrum, this was typically in response to limiting negative implications of
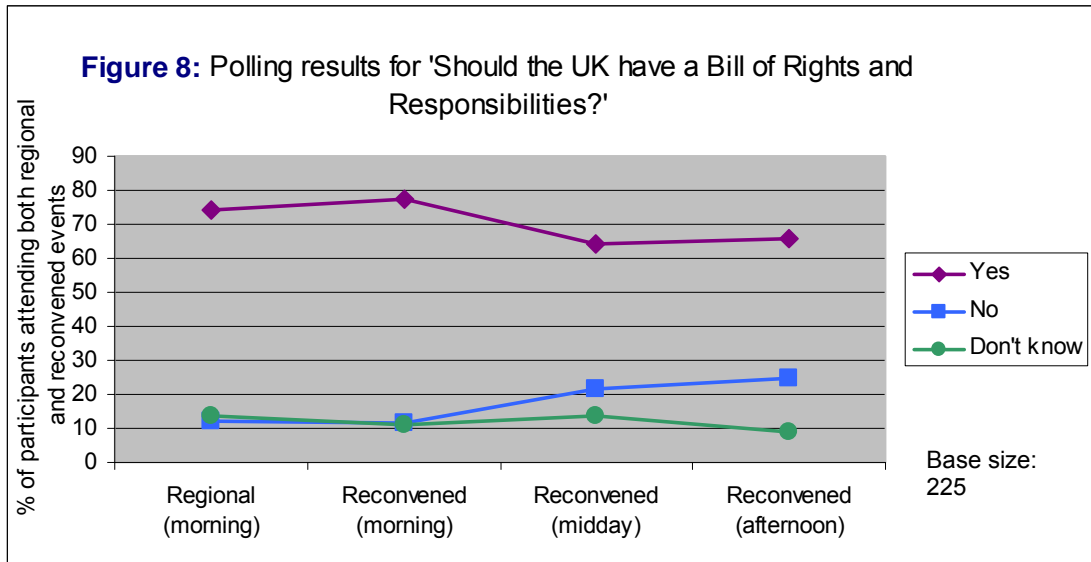
enforcing those rights and responsibilities, rather than a specific preference for symbolic or aspirational statements.

3.5 Support for a Bill of Rights and Responsibilities

As noted above, the structure of the discussions enabled participants to gradually build a more detailed understanding of a Bill of Rights and Responsibilities. Throughout these discussions, participants were repeatedly asked to vote on whether the UK should have a Bill of Rights and Responsibilities. These took place at four distinct stages:

- An initial vote during the regional events prior to discussing the issue although following a brief introduction by the Rt Hon Michael Wills MP (see Appendix for details);

- A second vote at the start of the reconvened events, prior to any further discussions yet after having conducted a pre-task about specific rights and responsibilities in the intervening period (see Appendix for pre-task);

- A third vote in the middle of the reconvened events, prior to further discussion about a Bill of Rights, although following information and discussions about protection for existing rights and responsibilities;

- A final vote at the end of the reconvened events, following discussions about enforceability of specific rights and responsibilities.

Analysis of the polling results confirmed findings from the table discussions, revealing consistently high levels of support for a Bill of Rights and Responsibilities (see figure 8). However, variations were noted; specifically in relation to support dipping after discussions about existing rights and responsibilities and solidifying following discussions about enforceability. As illustrated in the table discussions during this time, the dip in support following a focus on protection for existing rights and responsibilities could perhaps be understood by participants' concerns about perceived ways in which rights could be misused and their relatively negative reactions to existing human rights legislation. Further discussions about the inclusion of economic and social rights and responsibilities then appeared to solidify participants' views, although this perhaps belies the complexity of participants' views during these discussions, as outlined above.

Figure 8: Polling results for 'Should the UK have a Bill of Rights and Responsibilities?'

% of participants attending both regional and reconvened events

Base size: 225

Legend: Yes, No, Don't know

X-axis: Regional (morning), Reconvened (morning), Reconvened (midday), Reconvened (afternoon)

Analysis of individual voting patterns revealed that from the initial to the final vote, the majority of participants (just over 6 in 10) kept the same vote. Of the participants who changed their mind, most moved from 'Yes' or 'Don't know' to No', although this was largely offset by changing votes in other directions. This degree of voting change implies slightly less participant uncertainty about a Bill of Rights and Responsibilities than was demonstrated by voting patterns for a Statement of Values.

Overall, participants were consistently supportive of the UK having a Bill of Rights and Responsibilities. Variations over the course of the events highlighted the impact of discussions about the complexities of establishing and implementing a Bill, both positive and negative, although these had a relatively minor impact on general levels of support.

4 Responsibilities in relation to values and policy

Key findings

- Participants identified responsibilities that should be linked to each of the eleven shared values which had come out of the previous events. The most common responsibilities are highlighted below.

- For the most part, participants were positive about the idea of including responsibilities in the development of new policies as a means of instilling values within British society.

- Three scenarios were discussed relating to responsibilities for being a good neighbour, finding a job and a pupil parent guarantee. For those in support of formalising responsibilities, clear guidelines of what each party should expect from the other party was important. The consequences of failing to deliver should also be outlined clearly.

- However, participants believed there were already unwritten rules in place to help govern the relationship between the citizen and the state. The need for formal agreements or codification was questioned.

At the national event, discussions about responsibilities was broadened beyond a Bill of Rights and Responsibilities, to their relationship with the shared values identified at previous events, and their potential use in policy development.

4.1 Linking responsibilities to values

After discussing the meaning of each of the list of eleven shared values, participants were asked to identify what responsibilities came to mind for each. The most commonly raised responsibilities are listed and discussed below.

Value	Responsibilities
Patriotism	To protect important heritage sites.
	Promote positive image of Britain abroad.
	Educate younger generations about British history and heritage.
	Media must report positive news as well as negative.
	Acceptance and protection of other heritages.
Freedom of person and expression	Respect freedom of others.
	Respect for law, individuals, and free speech.
	Be non-judgemental, open and encouraging.
	Freedom to express opinions but not force them upon others.
	Accept consequences of being outspoken.
Fair Play	Teach children about mutual respect between individuals, communities, religions, and so on.
	Abide by the rules.
Respect for law and institutions	Show respect for the laws of the country.
	Abide by just laws, and fight to change unjust laws.
	Better understand institutions and encourage respect.
	State must enforce the law properly.
Justice	Treat people equally irrespective of financial situation, background, status, or connections.
Resilience	Be strong and optimistic to inspire strength in others.
	Not being reliant on the state.
Compassion	Kindness, caring, and helping those less fortunate.
	Having respect and empathy for others.
Manners/ politeness	Politeness/courtesy - Say 'please' and 'thank you'.
	Treat others with respect, kindness and empathy.
	Should be taught in schools and at home to the younger generation.

Tolerance	Have respect for others' feelings and views and property.
	Don't make judgements based on race, religion, gender.
	Must earn respect not expect it.
	Don't force views onto others.
	Stand up for your beliefs.
Political freedom	Be tolerant of others political views.
	Keep abreast of policy and make an informed decision at the ballot box.
Equality of opportunity	Make the most of opportunities in life.
	Treat others people how you would want to be treated.
	Uphold principles in institutions that you are involved with (eg schools).
	Promote equality of opportunity and eradicate discrimination.

4.2 Building responsibilities into policy development

Building on the discussions around what responsibilities should be linked to the list of shared values, participants were then asked to discuss their views on whether responsibilities should be incorporated into policy development more generally. Three scenarios of where this has recently occurred were outlined, in order to give participants practical examples to reflect on:

- Neighbourhood agreements: a contract designed and agreed by the residents and the providers of services in an area. It covers issues such as police response times; how to reduce the likelihood of being a victim of crime; and fire safety.

- Home-school agreements: describe a school's and parents' respective responsibilities with regard to pupil attendance, behaviour and homework; what the school expects of its pupils; and what they can expect of the school.

- Responsibilities to find work: improving the services available to job seekers in return for those out of work making greater efforts to gain employment: for instance making out-of-work partners of benefits recipients who can work, look for a job.

The benefits and limitations are discussed below:

Overall, participants were positive about the idea of including responsibilities in the development of new policies; however they did highlight potential difficulties with implementation. These difficulties reiterated many of the concerns highlighted in the reconvened events - and related to the detail of how responsibilities would work in practice.

A major benefit of responsibilities being clearly set out within policies was having clear guidelines about what each party should expect to do, and what they should expect from the other party involved. Participants felt that this could help to avoid disputes at a future point, because it would be much easier to identify who was at fault. This was felt to be particularly the case with regard to schools agreements and the potential for pupil exclusion. Overall, the consequences of failing to deliver should be outlined clearly.

The biggest concern for participants was around how to ensure that responsibilities would be taken up within society more generally.

For example, when discussing the neighbourhood agreements, participants recognised the benefits of responsibilities helping to foster a spirit of partnership between service providers and local residents; and promoting a greater sense of community.

However, participants highlighted the declining lack of community spirit as a major barrier to take up of such agreements. The transient population in many areas, the high numbers of tenants, as well as the 'British reserve' were seen as impacting negatively on local people and service providers getting to know one another.

Participants also recognised that there were already many initiatives in place to promote responsibilities locally - from community policing to Neighbourhood Watch schemes. Moreover, informal responsibilities around being a good neighbour were well known and the need for formalised agreements or documentation was questioned.

A final concern was enforcement. Despite acknowledging the complexities, participants argued that people were unlikely to follow through with responsibilities without some kind of enforcement or consequence

When discussing responsibilities to find work, while participants supported the idea of helping claimants into work and uncovering fraudsters, they highlighted the need for sensitivity. If no suitable jobs were available, then it was said to be unfair to place unrealistic expectations on job-seekers and potentially penalise those who, through no fault of their own, do not comply with the new responsibilities. Participants also felt that those who abuse the system will simply find new ways to do so.

Finally, the different systems of entitlement in health, law and government across the four nations of the United Kingdom were highlighted by some participants, particularly those from Wales and Scotland, as problematic when considering the inclusion of responsibilities. In addition, health was spontaneously identified as a further policy area which should have responsibilities attached.

5 A written constitution

Key findings

- Mixed views were noted about who participants trusted most to protect their rights, between the government, Parliament and the courts.

- Courts were said to be more objective as they were not subject to political pressures and were bound by rules of law. At the same time, participants recognised that judges were not accountable to the electorate.

- A key theme highlighted by participants centred on the current lack of trust in Parliament and government due to the revelations about MPs expenses

- In light of this, participants articulated a general lack of trust in any of these institutions and courts were viewed as the 'least bad' option for protecting rights.

- Participants valued the principle of providing greater clarity about constitutional arrangements. However, debates around the benefits and limitations of introducing a written constitution to this end revealed a more mixed response.

- Participants struggled to make the connection between a written constitution and improving levels of trust between the public and the government, MPs and courts.

5.1 Who people trust most to protect their rights

Mixed views were expressed about whom participants most trusted to protect their rights between government, parliament and the courts. Participants felt that courts were likely to be more objective as they were not subject to political pressures like the government or MPs. Furthermore, they were bound by rules of law which shaped their decision-making and restricted what action they could take. However, participants recognised that judges were not accountable to the electorate and therefore there were difficulties attached to giving them responsibilities for deciding priorities in public spending.

The government had democratic accountability because they are an elected body. Participants highlighted the current lack of trust in Parliament and government – with the recent revelations about MPs expenses leading to a perception that MPs were motivated by personal interests rather than the

common good. Despite their democratic legitimacy, participants were less trusting in the government and MPs than of courts.

Overall, participants articulated a general lack of trust in any of these institutions and were initially uncertain about how a written constitution could provide a solution. In this respect, polling results reflected the view that courts were the *'least bad'* option for protecting rights. At the regional events just over 4 in 10 ten people put the most trust in the courts with a similar number unsure – with support for the courts rising marginally over the course of the day. This pattern was continued at the reconvened events (see figure 9 for polling figures for those who attended both events), and the national event.

Figure 9: Who do you most trust to protect your rights

5.2 Views about introducing a written constitution

Participants were given a very high level introduction to the possibility of introducing a written constitution. While participants valued the principle of providing greater clarity about constitutional arrangements in the United Kingdom; debate highlighted the complexities involved in drafting a constitution in practice. Participants also struggled to make the connection between a written constitution and improving levels of trust between the public and the government, MPs and courts.
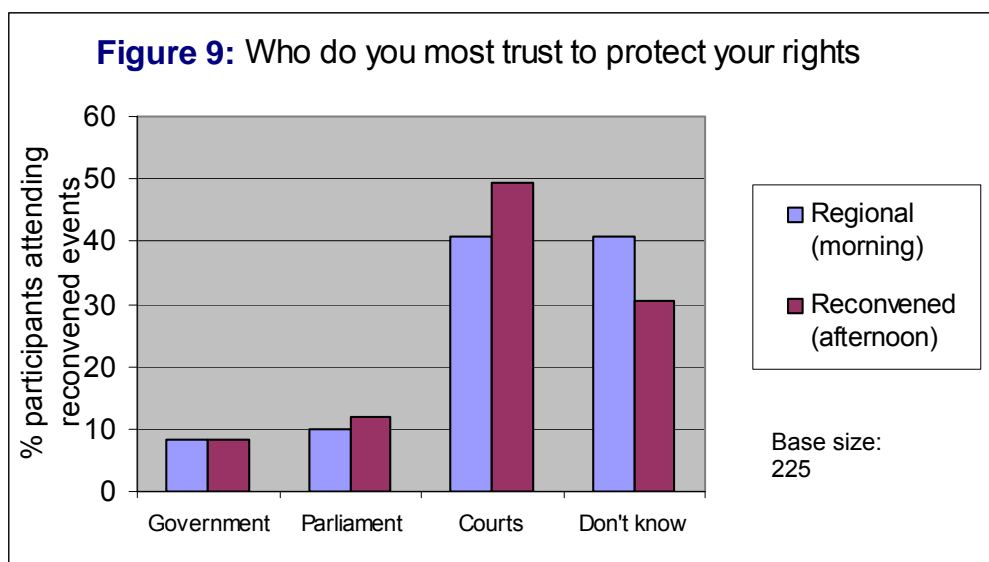
Potential benefits highlighted by participants included providing clarity and certainty to individuals about how constitutional arrangements worked. A further benefit could be that the process of introducing a written constitution has the potential to invigorate democracy in the United Kingdom. In addition, participants felt that this could instil a sense of pride in Britain's democracy thereby building national identity. It could also provide an insight for migrants into how the British system of government is organised and what key principles are upheld. Finally, participants felt that a written constitution could provide a transparent, secure framework which would constrain future

governments from making substantial changes to existing rights and responsibilities.

Participants also identified a number of potential limitations of introducing a written constitution. A key theme centred on concerns about the possible unnecessary replication of existing legislation which would waste time and financial resources. Participants also raised concerns about the perceived inflexibility of a written constitution which would mean that once formalised, it could not be changed in light of social changes. This was most strongly stated in light of international examples, such as negative perceptions of the entrenched right to bear arms in the US, which was an argument cited against a written constitution by one of the 'talking heads' as part of the balanced stimulus material presented to participants. A further issue highlighted by participants was the possibility of negative financial impacts, both in relation to the cost associated with producing the document and from potential increases in litigation resulting from it.

In particular, the polling results revealed an overall mixed response to introducing a written constitution, with just over 4 in 10 ten participants supporting the introduction of a written constitution, compared to just under 4 in 10 who did not support this (see figure 10).

Figure 10: Polling results for 'Should the UK have a written constitution?'

6 Conclusions

In relation to the three key constitutional questions posed to the participants:

1. There is support for a written Statement of Values. Though such a statement is viewed as most effective when part of a wider suite of documents that enforce those values; the practical application of this is complex. Direct uses of a statement outside of schools and citizenship ceremonies were contested.

2. There is support for a Bill to give further protection to social and economic rights, and to express the role of responsibilities in society. Responsibilities are also seen to play a role in policy development.

3. People were undecided on the need for a written constitution. In relation to the power between the courts, government and parliament to protect people's rights: while courts were most trusted, they were seen as the least bad option – with particular concerns around democratic accountability of judges and the potential interference of the courts in public policy priorities.

Conclusions in relation to these three areas will now be explored in more depth.

Statement of Values

Polling demonstrates that a majority of participants believed there should be a written Statement of Values across all three phases of the deliberative events. In total 11 values were identified of which the most significant were: freedom of person and expression; equality of opportunity; political freedom and democracy; patriotism/pride in heritage; fair play/respect for others; respect for laws and institutions; justice; and tolerance. The three additional values identified - manners, resilience and compassion – were believed to be more personal than national attributes after further debate and reflection.

A majority of participants also felt that there were a set of shared ideals and principles that bind us together as a nation. Rather than values being viewed as exclusive, a greater issue was the differing importance of values to different groups. Factors affecting an individual's relationships to values particularly included geographic and cultural identity. In this regard, despite the wide range of participants engaged in the process, certain respondents were concerned that there may be others who placed emphasis on certain values and less on others – freedom of expression over tolerance for instance. The relationship of values to responsibilities was therefore key in this regard.

The primary benefits of a Statement of Values related to strengthening British culture, values and norms, thereby building social cohesion. It was felt to have particular relevance for young people and immigrants - with specific uses most readily identified within the teaching environment in schools and citizenship

ceremonies. Notwithstanding this, the family was still seen as the main place where values were developed in society. Without finding ways of embedding such principles in day-to-day routines of family life, the potential impact of such a document may be limited.

In this regard, one of the key issues regarding a Statement of Values related to how it would work in practice. There was no clear preference on the choice between a general statement that would be intuitive and inclusive; versus a more detailed document that spells out what values mean in practice, but potentially suffers from being inflexible or inaccessible.

Indeed, other than examples for use in education contexts, participants found it difficult to envisage uses in their lives, exemplified by the discussion of the Oldham example.

Furthermore, while a preference was expressed for linking a Statement of Values to other documents in order to provide greater legal standing - people acknowledged that this would be complex in practice.

If a decision is taken to produce a Statement, further work is recommended (which was consistently the view of most participants) exploring how it will be used in detail. Evaluation of its impact in pilot areas may also be instructive.

Following on from this, participants suggested the next steps for a Statement of Values should include expanding the project to include a greater proportion of the UK. While local group discussions were highlighted, any process needed to be deliberative – with the standards of inclusion, learning and debate at its core. This stage should involve tangible suggestions for discussion, such as a draft version of a possible Statement of Values. While participants welcomed the opportunity to build on their experiences and play a role in drafting this document, for instance working with a professional writer, a key principle moving forwards is that any document has oversight and scrutiny from members of the public when being produced.

Bill of Rights and Responsibilities

There was support for a Bill of Rights and Responsibilities – to provide further legal protection to certain social and economic rights, as well as provide greater expression of responsibilities in society.

There were a number of factors driving this view including:

i. Limited understanding of existing rights and responsibilities

ii. Concerns that certain social and economic rights did not have greater legal protection

iii. Responsibilities in relation to social and economic rights were generally seen as distinct from fundamental rights; they needed to be earned as part of a social contract with the State.

In this regard, the principle benefits of a Bill related to providing greater awareness, clarity and transparency around rights and responsibilities; as well as increased protection for certain rights. However, there were concerns about increasing the justiciability of rights – specifically reduced flexibility for government to respond to changing circumstances; encouraging a 'rights culture' (which was deemed to be negative); and increased costs associated with establishing a Bill and a potential increase in litigation.

Overall, there was not a single view as to whether social and economic rights should have greater legal effect or that duties should be given greater prominence in society: rather distinct rights and responsibilities were seen to lie on a continuum between the declaratory and the justiciable. Factors shaping whether to increase legal effect included the impact on individual freedom; the complexity of the issue; the need to retain flexibility in policy making; and the personal significance of specific policy areas.

In this regard, greater justiciability was related to:

- children and young people - for instance the right for children to achieve health, safety, and economic wellbeing; a duty of care of parents to their children;

- health – a right to access healthcare free at the point of need;

- crime – a right to a fair trial by jury for serious cases; a responsibility to obey the law.

Responsibilities were generally viewed as more declaratory and included such things as reporting a crime; a responsibility to live with environmental limits; a duty to vote and participate in local democracy. Whilst all these duties were seen as valuable, any obligation to perform them was felt to limit personal choice. A right for choice in healthcare provision was also placed at the declaratory end of the spectrum – due to the need to ensure flexibility in policy and minimise potential litigation costs.

The principles of fair balance and proportionality were the watchwords in considering other social and economic rights and responsibilities – illustrated most clearly through a right to receive welfare payments – with any provision of payment related to a responsibility to find work.

Overall, if the Government moves forward with such a Bill, it will be important to consider the trade offs in relation to specific policy areas and provide a reasonably granular level of detail of how this will work in practice. It should be underscored that there were high levels of support for a Bill – and as such the existing framework is not seen as sufficient. However, any new constitutional expression of our rights and responsibilities needs to be mindful of principles of freedom and flexibility, whilst protecting the welfare of the public on issues they value most.

Written constitution

There was only limited discussion on a written constitution and it was the only substantive issue explored by participants where there was no clear preference on an option to move forwards.

Nonetheless, three key issues emerged that will be instructive in taking forward debate in this area.

First, while participants valued the principle of providing greater clarity about constitutional arrangements in the United Kingdom, debate highlighted the complexities involved in drafting a constitution in practice. One of the key benefits was that it would provide a transparent framework for how power worked in the UK and circumscribe the ability of future governments from eroding rights and liberties. However, this strength was also one of its flaws – with the inflexibility of a written constitution meaning that once formalised, it could not be easily changed in light of changing social circumstances.

Second, a written constitution was not seen as the most pressing issue for parliament to wrestle with, given other social and economic priorities. Participants struggled to make the connection between a written constitution and improving levels of trust between the public and Parliament – though this may well have been because there was insufficient time to discuss constitutional reform options. Trust in government was seen as very important, and there is certainly potential to use reform as a means to reinvigorate the relationship between citizen and state. If the written constitution merely aimed to codify existing rights, there were substantial concerns about the potentially unnecessary replication of existing legislation which would waste time and financial resources.

Finally, while the courts were the most trusted institution to protect people's rights, they were generally seen as the least bad option. While not subject to political pressures and restricted through law as to what action they could take – ultimately it was recognised that judges were not accountable to the electorate and there were difficulties in them shaping public spending priorities. Much of the kick back against Parliament related to the expenses scandal and a perception that MPs are motivated more by personal interests than the common good. When this controversy dies down, there is scope for exploring reform options in more depth.

In conclusion, there is clear appetite to take further these aspects of the debate on constitutional reform: stating our values, building on existing rights protection, clarifying our responsibilities. Deliberative approaches are clearly valued by participants as a means to build public views into the heart of decision making. In the wake of recent controversies, there is now an ideal opportunity to build on the platform provided by this study and explore wider constitutional reform to help reinvigorate democracy and our sense of who we are.

7 Appendices

7.1 Topic guide and stimulus materials for the regional events

45107955 TG FINAL

bmrb

MoJ – People and Power

Regional Events: A Statement of Values and initial views on a Bill of Rights and Responsibilities

TOPIC GUIDE

The **overall aim** of the People and Power consultation events is to involve all parts of the country and society in a discussion about the following key issues:

- The values that people in the UK subscribe to

- How power is distributed in our society

- How our rights and freedoms are protected

- How we ensure that our responsibilities to one another are fulfilled

Specifically, the **regional events** aim to explore:

- Issues of identity, including:
  - How people describe their identity
  - Sense of belonging
  - Sense of national identity

- Views about shared values, including:
  - What is good about being living in the UK
  - Values associated with being British
  - How values have changed over time
  - The relative importance of different values

- Views about having a written statement of values, including:
  - Potential uses of a statement of values
  - Perceived   limitations
  - Practical   considerations
  - Process of establishing a statement of values

- Views about rights and responsibilities, including:
  - The need for formal social and economic rights
  - The need to highlight responsibilities

People and power: shaping democracy, rights and responsibilities

Arrival and registration	9.30 – 10.00: 30 mins

- Name badges and registration
- Table   allocation
- Data cards / equipment distributed for polling
- Coffee / tea / refreshments in reception area

Note to floor runners: Lead in participants at 9.55 for prompt start at 10am

Note to moderators: Assist with lead in of participants at 9.55 for prompt start at 10am

SESSION 1 (PLENARY): Welcome and introductions	10.00 – 10.25:	25 mins

- CHAIR (BMRB) to welcome participants (5 mins)
  - Introduce BMRB – independent research company
  - Research carried out on behalf of MoJ
  - Briefly outline deliberative nature of event; incl ground rules
  - Housekeeping
    - Fire   exits/security
    - Toilets
    - Smoking
    - Refreshmen   ts
  - Introduce themes and agenda for the day
  - Introduce   Minister
- Minister to welcome participants *[EITHER LIVE OR FILMED]* (10 mins)
  - Explain policy context for events
  - Outline aims for the research
  - Explain role of participants in informing policy decisions
- CHAIR to summarise background   and provi de example (see present ation slide) (2 mins)
- Ministerial Q&A session (8 mins)
  - Moderated by event CHAIR
  - [If Minister is not present, Q&A session to be covered by MoJ representatives]

SESSION 2 (PLENARY): Polling on identity and values	10.25 – 10.40:	15 mins

- CHAIR to introduce polling and explain process
- Chair to talk through e ach polling question in turn and co mment on results (pol ling questions outlined below)

  Q1: How important is **where you live** to your sense of who you are?

  (1) Very important

  (2) Quite important

(3) Not very important

(4) Not at all important

(5) Don't know

Q2: How important are **your interests** to your sense of who you are?

(1) Very important

(2) Quite important

(3) Not very important

(4) Not at all important

(5) Don't know

Q3: How important is **your family** to your sense of who you are?

(1) Very important

(2) Quite important

(3) Not very important

(4) Not at all important

(5) Don't know

Q4: How important is **your occupation** to your sense of who you are?

(1) Very important

(2) Quite important

(3) Not very important

(4) Not at all important

(5) Don't know

Q5: How important is **your ethnic or racial background** to your sense of who you are?

(1) Very important

(2) Quite important

(3) Not very important

(4) Not at all important

(5) Don't know

Q6: How important is your **national identity** to your sense of who you are?

(1) Very important

(2) Quite important

(3) Not very important

(4) Not at all important

(5) Don't know

Q7: How important is **your religion** to your sense of who you are?

(1) Very important

(2) Quite important

(3) Not very important

(4) Not at all important

(5) Not religious

(6) Don't know

How much do you agree or disagree with the following statements:

Q8: There are a set of shared ideals and principles that bind us together as a nation?

(1) Agree strongly

(2) Agree

(3) Neither agree nor disagree

(4) Disagree

(5) Disagree strongly

Q9: Shared values aren't really important in UK society?

(1) Strongly agree

(2) Agree

(3) Neither agree not disagree

(4) Disagree

(5) Strongly disagree

(6) Don't know

Q10: Our society has fewer shared values now than it did 20 years ago?

(1) Strongly agree

(2) Agree

(3) Neither agree not disagree

(4) Disagree

(5) Strongly disagree

(6) Don't know

Q11: The UK should have a statement that expresses shared ideas and principles?

(1) Agree strongly

(2) Agree

(3) Neither agree nor disagree

(4) Disagree

(5) Disagree strongly

Now I'd like to ask a question about trust:

Q12: Who do you most trust to protect your rights?

(1) Government (the party in power)

(2) Parliament (all MPs)

(3) The courts (judges and lawyers)

(4) Don't know

| SESSION 3 (TABLES): Who do you think you are? | 10.40 – 11.30: |
| 50 mins | |

> **Note to moderator:** *Introduce yourself and briefly explain ground rules:*
> − *Want to hear from everyone*
> − *No right/wrong answers; important to respect all views*
> − *Not expected to be experts; informal discussion*

- **Group introductions:** Participants to briefly introduce themselves to the group (5 mins)

  − Name

  − Family situation; who they live with; age of children

  − Job / hobbies

- **Ice-breaker** (15 mins)

> **Note to moderator:** *Participants were asked to bring in an object that helps to define their identity and values; where participants have not brought in an object, ask them to outline what they might have brought, such as a picture, school tie, football scarf, flag, car keys, music etc.*

- Ask participants to BRIEFLY describe the **personal object** they brought with them (or would have brought) and explain how it defines who they are

- *Briefly* explore what **'identity'** means to participants (15 mins)

- Spontaneously explore how participants would describe their identity

  − Brainstorm spontaneous words/phrases that people use to describe their identity as an individual

> **Note to moderator:** *Note words / phrases down on post-its to form 'poster' of phrases; these can be used to prompt participants during discussions*

  − Consider what factors they base their identity on - **prompt** for the following:

People and power: shaping democracy, rights and responsibilities

- □ Where you live; Family; Friends; Social class; Work/income; Level of education; Interests/hobbies; Ethnic/racial background; Religion; Gender; Age/lifestage
- □ Other/issues raised during brainstorm
- – Consider the importance of different factors; are certain factors more/less important than others; outline reasons this

- Explore views on **sense of 'belonging'** (10 mins)

  - – Spontaneously explore whether participants feel a sense of belonging

  - – Spontaneously explore what they feel a sense of belonging to – **probe:** geographical area, culture, faith group, social class, age, other; reasons for this

  - – Spontaneously explore where they feel they belong in terms of geography – **probe:** country, region, neighbourhood, other, multiple area types; consider reasons for this

    - □ How are these areas defined / understood; where are the boundaries

  - – Consider how geographical belonging compares to other forms of belonging (consider those previously outlined); whether more/less important

    - □ If relevant, how are these non-geographical groups defined / understood; where are the boundaries

  - – How does sense of belonging relate to how participants define their 'identity'; if differences emerge between identity and belonging, probe for reasons

- Explore **sense of 'national identity'** (5 mins)

  - – Do participants consider themselves as having a national identity; outline reasons

  - – Does national identity matter; outline reasons for this

---

| **SESSION 4 (PLENARY): Video on identity** | **11.30 – 11.40:** |
| 10 mins | |

- CHAIR to introduce film of talking heads describing range of views on being British
- *M to run film*

| **SESSION 5 (TABLES): Our values** | **11.40 – 12.45:** | **65 mins** |

- Explore views about **what is good about being British** (10 mins)

  - – Explore spontaneous views about what participants like about living in the UK

    - □ Consider views on what is 'best' about living in the UK; reason for this

    - □ Consider views on what others might think is good or best about living in the UK

    - □ **Probe** on the following issues: people (national treasures); places; institutions; music; other

  - – Spontaneously explore how far our day-to-day life experiences bind us as a nation; what type of experiences bind us together; reasons for this

    - □ **Probe** on the following: queuing for things; talking about the weather; supporting a football team; driving on the left side of the road; other

- Explore **range of values** associated with the UK / being British (20 mins)

> ***Note to moderator:*** *If necessary, clarify that by 'values' we mean beliefs and characteristics that influence how we behave.*

- Explore spontaneous views about what values are associated with being British

- **Probe:**

  □ Respect   for law

  □ Tolerance and politeness towards others

  □ Freedom of speech / expression

  □ Justice and fair play

  □ Equality of opportunity

  □ Other

- Consider reasons for their views

> ***Note to moderator:*** *Write down selected values on individual cards to use in ranking exercise about relative importance of values.*

- Spontaneously consider views on how far these values are **shared** within society

- Take each value noted in turn and explore extent to which this is a 'shared' or 'common' value; reason for this

  □ Consider views on how relevant each value might be for different groups – **probe**: old/young; men/women; people from different ethnic backgrounds; people from different religions; people with a disability; others

  □ Consider what underpins or drives differences and similarities

- Explore   **how values have changed** within the UK over time (15 mins)

  - How have values within the UK changed over time

    □ What has changed; which values have become more/less relevant

      ▪ If necessary, probe using list of values identified at start of this session

    □ What is driving these changes – **probe:** perceptions of increasing diversity; individualism; consumerism; socio-economic variations, other

  - Are values important in modern society; outline reasons

- Explore   **relative importance of values** (20 mins)

  - Considering all the values highlighted, which are thought to be the most important; outline reasons for this

> ***Note to moderator:*** *Ask participants to work together to order values (highlighted on cards) into a hierarchy of importance – encourage them to discuss reasons why they are ranking them in this way*

  - Explore how far people agree about the relative importance of certain values; where there are differences of opinion, what is driving these differences

  - Can some values be considered as more universal than others; identify these values and outline reasons

Lunch	**12.45 – 1.30: 45 mins**

People and power: shaping democracy, rights and responsibilities

> ***Note to moderators:*** *Liaise with BMRB floor runner to identify two participants from each event to undertake video ethnography AND people willing to take part in a vox pop with MoJ film crew, either during lunch or end of event (edited film to be shown on MoJ website)*

SESSION 6 (PLENARY): Statement of values	1.30 – 1.45:	15 mins

- CHAIR to introduce Minister / MoJ representative

- Minister / MoJ representative [TBC] to introduce concept of having a formal written statement of values (5 mins)

- CHAIR to talk through polling question

    Q13: Should the UK have a shared Statement of Values?

    1. Yes

    2. No

    3. Don't know

SESSION 7 (TABLES): Writing our values (initial) 1.45 – 2.15: 30 mins		

- Explore **initial views** about having a formal written statement of values based on explanation received within presentation (10 mins)

    – Probe for impact of having a statement of values as:

    □ a standalone document

    □ linked to other documents that would enforce those values

> ***Note to moderators:*** *Throughout this session, explore participants views in relation to having a formal written statement of values BOTH as a standalone document AND linked to other documents which would enforce those values.*

- Explore potential **benefits** of having a formal written statement of values (10 mins)

    – Spontaneously consider the possible uses and benefits of a formal written statement of values *(standalone / linked)*

    – **Probe** on the following:

    □ Promote shared identity

    □ Encourage social cohesion / bind the nation

    □ Defend against division and extremism

    □ Guide acceptable behaviour

    □ Educate children around issues of citizenship

    □ Element of process for gaining British citizenship

    □ Pre-amble for official documents, such as passports and laws

    □ Starting point for debating rights and responsibilities

    – For each of the benefits identified by participants, probe for specific examples of how a statement of values could be used

    □ What impact would a statement of values have in each example

- Explore perceived **limitations** of having a formal written statement of values (10 mins); spontaneously consider limitations of having a formal statement of values *(standalone / linked)*

  − Consider difficulties establishing a statement of values

  − **Probe:**

     ▫ Challenge of plural identities - diversity, individualism, consumerism, geographical / socio-economic variations; impact on establishing common values

     ▫ Challenge of justifying need for a statement of values – lack of historical imperative; why now; what for

     ▫ Other

  − Consider difficulties using a statement of values

  − **Probe:**

     ▫ Public support – are there limitations around gaining public support for people to accept and support a statement of values

     ▫ Application – are there limitations around how a statement of values might be practically used; issues of lack of enforcement / relevance

     ▫ Other

  − Do participants have any suggestions for how these difficulties could be addressed; consider difficulties establishing and using a statement of values

SESSION 8 (PLENARY): Video on SoV	2.15 – 2.25:	10 mins

- CHAIR to introduce film of talking heads describing contrasting views about having a formal written Statement of Values

- *M to run film*

SESSION 9 (TABLES): Writing our values (continued)	2.25 – 2.50:	25 mins

- Explore **reactions to film** showing contrasting views about having a formal written statement of values (10 mins)

  − Views about debate for and against written statement of values

  − Re-explore views about Statement of Values

     ▫ Should we have a written statement of values

     ▫ What should it include

     ▫ How should it be used

  − Explore whether participants' views have changed over the course of discussions; consider any changes and reasons for this

- Explore reactions to three **scenarios** (15 mins)

  > **Note to moderator:** *Hand out and read individual scenarios [STIMULUS A] (one at a time); discuss as a group using probes below – allow 5 mins per scenario*

  − Consider the following issues for each scenario:

     ▫ Whether a written statement of values be useful in this situation

67

People and power: shaping democracy, rights and responsibilities

- ▫ How could a statement of values be used in this scenario
  - ▪ In what way / format
  - ▪ By whom
- ▫ What impact would it have
  - ▪ What would be the benefits
  - ▪ What would be the limitations

**SESSION 10 (PLENARY): Polling on statement of values   2.50 – 3.00:
     10 mins**

- CHAIR to talk through polling questions

How much do you agree or disagree that:
Q14: There is a set of shared ideals and principles that bind us together as a nation?

> (1) Agree strongly
> (2) Agree
> (3) Neither agree nor disagree
> (4) Disagree
> (5) Disagree strongly

Q15: Shared values aren't really important in UK society?

> (1) Strongly agree
> (2) Agree
> (3) Neither agree not disagree
> (4) Disagree
> (5) Strongly disagree
> (6) Don't know

Q16: Our society has fewer shared values now than it did 20 years ago?

> (1) Strongly agree
> (2) Agree
> (3) Neither agree not disagree
> (4) Disagree
> (5) Strongly disagree
> (6) Don't know

Q17: A shared Statement of Values would help combat extremism?

> (1) Strongly agree
> (2) Agree
> (3) Neither agree not disagree
> (4) Disagree
> (5) Strongly disagree
> (6) Don't know

Q18: A shared Statement of Values would help combat anti-social behaviour?

> (1) Strongly agree
> (2) Agree

(3) Neither agree not disagree
(4) Disagree
(5) Strongly disagree
(6) Don't know

Q19: A shared Statement of Values would help bring us together as a nation?

(1) Strongly agree
(2) Agree
(3) Neither agree not disagree
(4) Disagree
(5) Strongly disagree
(6) Don't know

Q20: Should the UK have a shared Statement of Values?

(1) Yes
(2) No
(3) Don't know

Q21: Should the UK have a shared Statement of Values…

(1) as a stand alone document
(2) as part of a wider set of documents that enforce those values
(3) We should not have a Statement of Values
(4) Don't know

Q22: Who do you most trust to protect your rights?

(1) Government (the party in power)
(2) Parliament (all MPs)
(3) The courts (judges and lawyers)
(4) Don't know

Break	3.00 – 3.15:	15 mins

SESSION 11 (PLENARY): Introducing the BoRR	3.15 – 3.30:	15 mins

- CHAIR to introduce MoJ representative

- MoJ representative [TBC] to introduce Rights and Responsibilities Green Paper (10 mins)

  – Presentation to outline proposal for BoRR, and highlight three key elements for discussion:

    ▫ Economic and social rights are not protected in same way as fundamental (civil and political) rights – at discretion of parliament

    ▫ Therefore, is there a need to firm up social and economic rights

    ▫ Is there a need to highlight responsibilities in relation to rights

- CHAIR to talk through polling question

  Q23: Should the UK have a Bill of Rights and Responsibilities?

    1. Yes
    2. No

3. Don't know

SESSION 12 (TABLES): Initial thoughts	3.30 – 4.15:	45 mins

- Explore **reactions to MoJ presentation** about rights and responsibilities (10 mins)

> *Note to moderator: Clarify participant understanding of the Minister's presentation. If necessary, reiterate information provided in **GREEN PAPER INFOSHEET***

  − Explore spontaneous views about MoJ presentation / Green Paper info sheet

  − **Probe:**

    ▫ What was understood by it

    ▫ Whether were previously aware of these issues; how

    ▫ What were the key issues raised from their perspective; reasons for this

    ▫ Whether they recognised the issues; whether had considered them before; in what sense

    ▫ How confident are participants in their knowledge about rights and responsibilities; reasons for this

      ▪ Consider different types of rights and responsibilities – very briefly

    ▫ How confident do they believe others are about their rights and responsibilities; reason for this

> *Note to moderator: Explain to participants that the remainder of this session is intended only to introduce the idea of a Bill of Rights and Responsibilities and explore some potential principles (social and economic rights; responsibilities) in a spontaneous way. The BoRR will be explored in more depth at later events.*
>
> *The following discussion should be guided using the HANDOUT provided **[STIMULUS B]**. Hand out to participants and read through together, then explore the broad issues using the example outlined in the HANDOUT. Broad probes are provided below, although these should only be used if the conversation goes off track or dries up.*

- Explore views about need for formal **economic and social rights** (15 mins)

> *Note to moderators: Hand out and read through **STIMULUS B1***

  − Confirm participants' understanding of economic and social rights

  − Explore whether participants were aware of differences between how their fundamental (civil and political) and economic and social rights are protected; how

  − What are the perceived benefits of formalising economic and social rights for individuals and society

  − Consider whether they can see any problems in formalising economic and social rights

- Explore views about need to highlight **responsibilities** within a Bill of Rights and Responsibilities (15 mins)

> *Note to moderators: Hand out and read through **STIMULUS B2***

  − Confirm participants' understanding of responsibilities

  − Explore whether participants aware of how responsibilities are currently outlined; how

  − Is there a need for highlighting responsibilities; outline reasons

- – What are the perceived benefits of highlighting responsibilities

- – Would there be any problems in highlighting responsibilities

- Wrap-up (5 mins)

BMRB moderator *needs to identify one person from each table to* **feedback** *in the next plenary session. This BRIEF feedback should be* **one key point to come out of the day's discussions**. *(Note: If no one is willing to do this the facilitator should feedback).*

BMRB moderator *needs to ask video ethnographers to stay behind for 10-15 mins at end of session to receive the equipment and instructions (NB all travel arrangements will have taken this into account).*

SESSION 13 (PLENARY): Wrap up/pre-task	**4.15– 4.30:**	**15 mins**

- CHAIR to lead summary of feedback from the day (10 mins)

  - – Moderator to briefly outline one key point to come out of discussions

- CHAIR to outline next steps / pre-task (5 mins)

  - – Highlight that we will b e exploring BoRR in mo re depth at a subsequent event, to which some participant s will be invit ed *[NB participants are aware of this; though may need to clarify that selection of participants will be undertaken randomly and they will receive further information shortly after this event]*

  - – For all participants, th ere is a simple pre-ta sk we would them to undertake *[instructions are included; participants are asked to either bring the scrapbook to the next event or post it to us in the pre-paid envelope provider]*

    Note to moderators: Hand out scrapbooks (in plain envelopes in researcher pack)

  - – Thank you payments will be pro vided by the events te am at the registration location

- CHAIR [or Minister – TBC] to thank participants and close even GREEN PAPER INFO SHEET

Event ends	**4.30**

Government proposals for a Bill of Rights and Responsibilities

Why does the Government want to debate rights and responsibilities?

The Government believes that in a time of social and economic change, a Bill of Rights and Responsibilities could clarify our existing rights and responsibilities and set out possible further rights and responsibilities. The Government has identified a handful of further rights and responsibilities that could be included, such as victims' rights, children's wellbeing, environmental rights and responsibilities, a right to equal treatment before the law, a right to healthcare, as well as responsibilities like obeying the law and reporting crimes. But these lists aren't exhaustive and it might be that you think there are other things that should be recognised and protected.

What would a Bill of Rights and Responsibilities do?

Our existing rights and responsibilities are located in a large number of different documents, including the Human Rights Act. A Bill of Rights and Responsibilities could bring them together in one place so they are easily accessible. It could also make clear the importance of exercising rights responsibly, and the ways in which responsibilities have always been a part of how we apply our rights.

Why is government considering including responsibilities?

The Government does not believe that rights should be dependent upon responsibilities. Rather it wants to highlight that all sorts of existing rights are balanced – that the interests of the wider community do need to be considered against the rights of the individual. While only symbolic, it is hoped that including responsibilities may help people exercise rights responsibly.

Would this replace existing protections for rights?

Any new Bill of Rights and Responsibilities should, in the Government's view, build on existing protections, such as those contained in the Human Rights Act. It would aim to clarify the relationship between people and the state and make clear what each can expect from the other. But it would not replace the current protection of your civil and political rights under existing UK law.

Where can I find more information about these issues?

The Ministry of Justice has set up a website that provides links to different sources of information about rights and responsibilities:

http://governance.justice.gov.uk/

The Government has published a Green Paper in which many of these issues are considered. This can be found at: **http://www.justice.gov.uk/publications/docs/rights-responsibilities.pdf**

In 2008, the Joint Committee on Human Rights discussed whether the UK needs a Bill of Rights and Responsibilities. The report can be found at:

http://www.publications.parliament.uk/pa/jt200708/jtselect/jtrights/165/16502.htm

SCENARIO 1

Sharon teaches in a primary school with children from many different ethnicities, religions and cultures. These differences sometimes cause friction between the children.

Sharon struggles to unite such a diverse group of children.

SCENARIO 2

Richard is 45 years old and lives with his wife and two small daughters in a close knit neighbourhood in the north west of England.

A group of local lads regularly hang out outside the local community centre. Recently, the group have started harassing other residents, including a young girl with learning disabilities and a homosexual couple. Richard finds it difficult to challenge their behaviour.

SCENARIO 3

Violent clashes recently occurred in west London between anti-Islamic protesters and counter demonstrators.

An anti-Islamic demonstration was organised to protest against the opening of a mosque in the area. Anti-fascist groups and local Muslim residents staged a counter protest and the two groups soon clashed directly, requiring police intervention.

ECONOMIC AND SOCIAL RIGHTS

What are economic and social rights?

Economic and social rights include such things as a right to work, housing, social security, education and health. Economic and social rights are different to **civil and political rights**, which include the right to privacy, freedom of thought, and the right to vote, among others.

How are they currently protected?

While certain economic and social rights are legal rights (such as a guaranteed right of access to education), that is not the case for all economic and social rights. In these cases, upholding individual entitlements is at the **discretion of parliament**. For example, while we currently enjoy access to healthcare free at the point of need, this is not something we are legally entitled to.

What does this mean?

Without formal legal status, some economic and social rights could be changed at the discretion of Parliament. For example, Parliament could decide to introduce charges for accessing healthcare. While we can vote for political parties, we would not be able to legally challenge such changes.

On the other hand, making such rights legal rights would remove some of flexibility for policy makers to make decisions in relation to changing circumstances – the global recession for instance. It also means that such rights would be upheld though a court, rather than through a democratically elected body.

Issues for discussion:

• Were you aware of economic and social rights before today?
• Does it matter how they are protected?
• What do you think might be the advantages and disadvantages of making certain economic and social rights legal rights?

STIMULUS B2

RESPONSIBILITIES

What are responsibilities?

The Human Rights Act require a balance to be struck between our rights and responsibilities. Many duties and responsibilities already exist in the UK. These include the responsibility to obey the law, engage in jury service, pay taxes, and a duty upon parents to care for their children.

Should rights be balanced by responsibilities?

Government believes that some existing responsibilities are very important and should be given more prominence in society – for instance, to accompany a right to healthcare we could have a responsibility to treat NHS staff with respect. This would help impress on people their duties as citizens and help promote common values. However, while the government thinks rights should be balanced by responsibilities, they do not think they should be conditional on them.

People who are less in favour of placing responsibilities alongside rights have argued that responsibilities are only symbolic and are therefore meaningless. They also claim that by highlighting responsibilities the government runs the risk of being a nanny state.
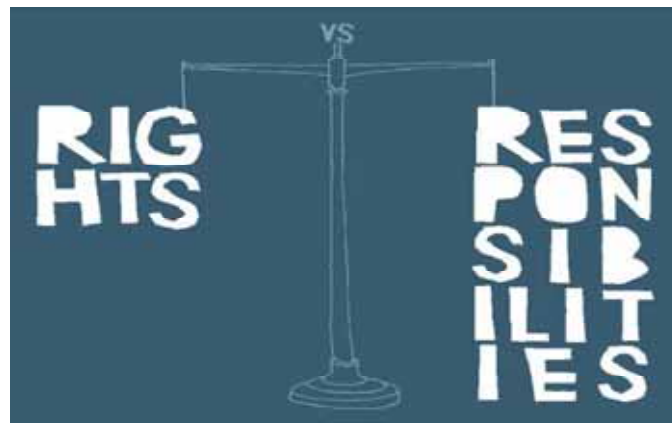
Issues for discussion:

- Were you aware of responsibilities before today?
- Is there a need for highlighting responsibilities?
- What do you think might be the advantages and disadvantages of balancing rights and responsibilities?

People and power: shaping democracy, rights and responsibilities

Any other thoughts or comments?

(Please use the space below)

Thank you for giving your views. Please either bring this with you to the next e vent (i f you ar e co ming) or return **by 13th November** in th e enclosed freepost envelope (or send to: FREEPOST RLTY-JCKX-BCLR, FAO V icky Ca mpbell-Hall (45107955) , B MRB, 26-3 0 Uxbridge Road, London W5 5BR).

If you have any questions please contact Vicky on 020 7656 5661 or Zoe on 020 7656 5770

RIGHTS AND RESPONSIBILITIES

SCRAPBOOK

Over the next couple of weeks, we would like you to complete a **scrapbook**, noting down your thoughts and views about some of the things we discussed today.

The aim is to think about how some of the rights and responsibilities we discussed might have an impact on your **day-to-day life**.

You don't need to complete each page, just pick a few areas and note down your thoughts and/or stick in some pictures. For each one, think about **how these rights and responsibilities might affect your life**, at home, at work and in your community.

For example, you might want to note your thoughts about having a responsibility to look after your own health when you're planning a trip to the gym. Or you could jot down your thoughts about the right to free healthcare when you're arranging a doctor's appointment. You could also talk to your family and friends to find out what they think and put these thoughts down too.

Please eit her pos t this back t o us in t he f reepost envelope provided, or bring it with you to the next event (if you are coming to this). More details are provided on the back cover.

People and Power
Shaping democracy, rights and responsibilities

HEALTH

RIGHTS

- Free access to healthcare at the point of need
- Choice in healthcare provision (e.g. GPs, hospitals)
- Patient involvement in healthcare decisions

RESPONSIBILITIES

- Treat NHS staff with respect
- Look after your own health

Your thoughts / experiences:

ECONOMIC

RIGHTS

- Receive welfare payments if unemployed

RESPONSIBILITIES

- Pay axes
- Not to claim benefits if able to work
- Take art in work-related activities (such as training)

Your thoughts / experiences:

CRIMINAL JUSTICE

RIGHTS
- Right to a fair trial by jury (for serious cases)
- Free from arbitrary detention (arrest without evidence or due process)
- Witnesses and victims treated with respect and dignity and right to be heard

RESPONSIBILITIES
- Obey the law
- Report criminal behaviour
- Co-operate with prosecuting agencies

Your thoughts / experiences:

ENVIRONMENT

RIGHTS
- Environmental justice to improve your own and others quality of life (such as equal access to clean air and water)

RESPONSIBILITIES
- Live within environmental limits (such as pollution or energy restrictions)
- Public sector organisations to promote sustainable development through their own activities

Your thoughts / experiences:

CIVIC / POLITICAL

RIGHTS
- Decision making (by the public sector) which is lawful, rational and procedurally fair (e.g. open, accountable, reasonable)

RESPONSIBILITIES
- Vote
- Engage in jury service
- Participate in local democracy

Your thoughts / experiences:

EDUCATION / FAMILY

RIGHTS
- Children to achieve health, safety, and economic well being

RESPONSIBILITIES
- Duty of care of parents to their children
- Nurture child development and promote well being

Your thoughts / experiences:

7.2   Topic guide and stimulus materials for the reconvened events

45107955 TG v4

MoJ – People and Power

Reconvened Events: Bill of Rights and Responsibilities and a Written Constitution

TOPIC GUIDE

The **overall aim** of the People and Power consultation events is to involve all parts of the country and society in a discussion about the following key issues:

- The values that people in the UK subscribe to

- How power is distributed in our society

- How our rights and freedoms are protected

- How we ensure that our responsibilities to one another are fulfilled

Specifically, the **reconvened events** aim to explore:

- Views about existing rights and responsibilities, including:

  – Reflections on previous discussions

  – Views about human rights

  – Understanding of current protections for economic and social rights, and responsibilities

- Views about a Bill of Rights and Responsibilities, including:

  – Whether a BoRR should include economic and social rights

  – How economic and social rights should be enforced

  – Whether a BoRR should include responsibilities

  – What significance responsibilities should have

  – Whether we should have a BoRR

- Views about a written constitution, including:

  – Who people trust most to protect their rights

  – Potential benefits of a written constitution

  – Potential disadvantages of a written constitution

  – Views about introducing a written constitution

- Review implications of regional event findings about a SoV

  – Reactions to regional findings

  – Views about what government should do with this information

| Arrival and registration | 10.00 – 10.30: |
| 30 mins | |

- Name badges and registration
- Table   allocation
- Data cards / equipment distributed for polling
- Coffee / tea / refreshments in reception area

Note to floor runner: Lead in participants at 10.25 for prompt start at 10.30am

Note to moderators: Assist with lead in of participants at 10.25 for prompt start at 10.30am

---

| SESSION 1 (PLENARY): Welcome and introductions | 10.30 – 11.00: | 30 mins |

- CHAIR (BMRB) to welcome participants (2 mins)
    - Re-introduce BMRB – independent research company
    - Research carried out on behalf of MoJ
    - Briefly reiterate deliberative nature of event; incl ground rules
    - Housekeeping
        - Fire   exits/security
        - Toilets
        - Smoking
        - Refreshmen   ts
    - Introduce themes and agenda for the day
- CHAIR to introduce Minister
- Minister to welcome participants *[EITHER LIVE OR FILMED]* (5 mins)
    - Outline aims for the research
    - Explain role of participants in informing policy decisions
- Ministerial Q&A session (5 mins)
    - Moderated by CHAIR
    - [If Minister is not present, Q&A session to be covered by MoJ representatives]

- CHAIR to introduce film of highlights from regional events (3 mins)
- *M to run film*
- CHAIR to recap findings from regional events (5 mins)
    - Issues of identity / belonging

People and power: shaping democracy, rights and responsibilities

- – Views about shared values

- – Views about having a written Statement of Values

- – Views about rights and responsibilities

- CHAIR to introduce polling and explain process (10 mins)

- Chair to talk through each polling question in turn and comment on results (suggested polling questions outlined below)

Q1: Should the UK have a shared Statement of Values?

(1) Yes
(2) No
(3) Don't know

Q2: Should the UK have a shared Statement of Values…

(1) as a stand alone document
(2) as part of a wider set of documents that enforce those values
(3) We should not have a Statement of Values
(4) Don't know

Q3: Should the UK have a Bill of Rights and Responsibilities?

(1) Yes
(2) No
(3) Don't know

Q4: Should a Bill of Rights and Responsibilities include economic and social rights?

(1) Yes
(2) No
(3) We should not have a Bill of Rights
(4) Don't know

Q5: Should a Bill of Rights and Responsibilities include responsibilities?

(1) Yes
(2) No
(3) We should not have a Bill of Rights
(4) Don't know

Q6: Who do you most trust to protect your rights?

(1) Government (the party in power)
(2) Parliament (all MPs)
(3) The courts (judges and lawyers)
(4) Don't know

SESSION 2 (TABLES): Warm up and reflections	**11.00 – 11.20:**	**20 mins**

- CHAIR to introduce participants' films exploring rights and responsibilities (5 mins)
- *M to run film*

> *Note to moderator: Introduce yourself and briefly explain ground rules:*
>
> − *Want to hear from everyone*
>
> − *No right/wrong answers; important to respect all views*
>
> − *Not expected to be experts; informal discussion*

- **Group introductions:** Participants to briefly introduce themselves to the group (5 mins)
  - Name
  - Family situation; who they live with; age of children
  - Job / hobbies
  - Where they are from
- **Reflections** on rights and responsibilities since previous event (10 mins)

> *Note to moderator: If necessary, use summary slide* **'REVIEW OF REGIONAL EVENTS'** *to prompt discussions.*

  - Spontaneous reactions to the video ethnography films; if necessary, probe:
    - Whether reflects their views; agree / disagree with issues raised
    - Anything stands out / surprising
  - Reflections on issues discussed at the previous event
    - Whether views have changed since last event; in what way
    - Whether anyone has discussed these topics with friends / family; any conclusions reached

SESSION 3 (PLENARY): Existing rights / responsibilities	**11.20 – 11.35: 15 mins**

- CHAIR to explain focus of the morning – clarifying some issues from regional events

> *Note to CHAIR: Explain that the discussion will take a brief diversion to clarify some issues that came out of the regional events about existing protections for rights and responsibilities. As the Minister explained, the aim of these events is to explore people's views about whether we should build on existing protections, not whether they should be removed or replaced. However, we thought it might be useful to clarify some issues around these existing protections before we come back to whether we should build on them.*

- CHAIR to introduce Minister / MoJ representative
- Minister / MoJ representative [TBC] to reiterate focus of this event (5 mins)
  - Clarify government position on existing protections (such as HRA)
  - Explain focus on whether we should build on existing protections (i.e. consideration of economic and social rights / responsibilities)

People and power: shaping democracy, rights and responsibilities

- CHAIR to introduce films about the history of human rights / existing protection for economic and social rights and responsibilities (10 mins)

- *M to run film*

SESSION 4 (TABLES): Existing rights / responsibilities 11.35 – 12.05:   30 mins

- Initial   views about **Human Rights** (5 mins)

  – Spontaneous reactions to the following questions:

    ▫ What does the term 'Human Rights' mean to you?

    ▫ Should Human Rights should be universal (i.e. apply to everyone)?

- **Human Rights 'fact or fiction' exercise** (10 mins)

  – Explore reactions to press statements about existing human rights

  > *Note to moderator:*
  >
  > - *Ask participants to work in groups of 3-4*
  >
  > - *Hand out 2 statements to each small group (one fact / one fiction per small group); if necessary, clarify that these are taken from genuine press articles*
  >
  > - *Ask them to quickly decide whether each statement is 'fact' or 'fiction'*
  >
  > - *After 3 mins – bring together as a group; moderator to read through clarifying info*
  >
  > - *Briefly explore reactions to clarifying info as a whole group (using probes below)*

  – Consider the following issues for each statement:

    ▫ Spontaneous reactions to the statement

    ▫ Views about whether the statement is accurate; outline reasons

    ▫ Views about which rights and responsibilities are involved in each situation

    ▫ Reactions to clarifying information provided about each statement

  > *Note to moderator: Collect any points for further clarification raised by participants and, if participants are unwilling to raise these themselves, pose these to the Minister / MoJ rep during the next session.*

- Explore   **understanding of existing rights and responsibilities** (15 mins)

  – Explore spontaneous reactions to the film

  > *Note to moderators: The following discussion should be guided using the HANDOUT provided **[STIMULUS B]**. Hand out to participants and read through together. Confirm participants' understanding and collect any points for further clarification raised by participants. These should be raised by the moderator during the next session (clarification / Q&A).*

  – Confirm participants' understanding of each element outlined within the film / handout:

    ▫ What are economic and social rights / responsibilities

    ▫ How they are currently protected (using *'enforceability continuum'*)

    ▫ Who is responsible for protecting these rights

> *Note to moderator: Collect any points for further clarification raised by participants and, if participants are unwilling to raise these themselves, pose these to the Minister / MoJ rep during the next session.*

SESSION 5 (PLENARY): Clarification / Q&A   12.05 – 12.15:
10 mins

- Rights and responsibilities Q&A / clarification session (10 mins)

    − Moderated by CHAIR

    − [If Minister is not present, Q&A session to be covered by MoJ representatives]

Lunch   12.15 – 1.00: 45 mins

SESSION 6 (PLENARY): Presentation on the BoRR   1.00 – 1.15:   15 mins

- CHAIR to introduce MoJ representative

- MoJ representative [TBC] to present further detail from the Rights and Responsibilities Green Paper (5 mins)

    − Presentation to outline government proposal for BoRR, and highlight key elements for discussion:

        ▫ Concept / scope of BoRR (economic and social rights; responsibilities; issues of enforceability)

- CHAIR to introduce video montage of contrasting views about concept and scope of BoRR (10 mins)

- *M to run film*

SESSION 7 (TABLES): What should a BoRR include   1.15 – 2.20:   65 mins

> *Note to moderator: Clarify that a BoRR would bring together our existing rights into one document. In addition, further economic and social rights could be included. It could also highlight some key responsibilities. The purpose of this session is to reflect on whether or not economic and social rights / responsibilities should be included.*

- Reflections   on including **economic and social rights** within a BoRR (10 mins)

    > *Note to moderator: If necessary, refer participants to STIMULUS B1 (reminder re what are economic and social rights and how they are currently protected). This was handed out before lunch.*

    − Confirm participants' understanding of economic and social rights

    − Recap perceived benefits of including economic and social rights (from regional events)

        ▫ Increase clarity, transparency, and awareness about rights and entitlements

        ▫ Protect entitlements that people thought were already legal rights (such as free health care, pensions)

        ▫ Reduce political time spent debating these provisions

People and power: shaping democracy, rights and responsibilities

- – Recap perceived problems with including economic and social rights (from regional events)
    - □ Potential for language / content to be unclear
    - □ Unclear how rights would be protected
    - □ Lack of flexibility for democratic institutions to make decisions about entitlements (i.e. during times of economic change / changing social priorities)
    - □ Shifts power to courts, who are not democratically elected
    - □ Would take a lot of work to organise all rights into one document; potential waste of resources
    - □ Public services could face greater legal challenges from dissatisfied service users
- – Overall views on including economic and social rights within a BoRR
- – Explore whether views have changed since the previous event; in what way
    - □ Whether anyone has discussed these issues with friends / family; what issues were discussed; any conclusions reached

- Explore views about **how economic and social rights should be enforced** within a BoRR (15 mins)

> **Note to moderators:** *The following discussion should be guided using the HANDOUT provided **[STIMULUS C]**. Hand out to participants and read through together, then explore the broad issues using the example outlined in the MODERATOR HANDOUT. Broad probes are provided below, although these should only be used if the conversation goes off track or dries up.*

- – Confirm participants' understanding of each option for enforcing economic and social rights:
    - □ *Declaratory or symbolic rights*
    - □ *Statement of principles to inform legislation*
    - □ *Progressive realisation of rights*
    - □ *Legally enforceable rights*
- – For each option, probe:
    - □ Spontaneous reactions to each option
    - □ Views about pros / cons of each options; whether certain arguments are more / less powerful than others; reasons for this
- – Overall views about which options are more / less appealing; reasons for this
- – Overall views about whether economic and social rights should be included within a BoRR; reasons for this

- Reflections   on including **responsibilities** within a BoRR (10 mins)

> **Note to moderator:** *If necessary, refer participants to STIMULUS B2 (reminder re what are our responsibilities and how they are currently outlined). This was handed out before lunch.*

- – Confirm participants' understanding of responsibilities
- – Recap perceived benefits of including responsibilities (from regional events)

□ Clarifying expectations of behaviour – Formalising responsibilities in a BoRR would help to ensure they were acknowledged and adhered to

□ Reinforce expectations of behaviour – Emphasise ideal social behaviour, particularly among children and young people

□ Impact on rights – People would value rights more if they were balanced against responsibilities (and particularly if rights had to be earned)

– Recap perceived problems with including responsibilities (from regional events)

□ Lack of need - responsibilities are common sense and people should know how to behave without being told

□ Nanny state – patronising for government to outline expectations of behaviour

□ Difficulty identifying – challenging to identify which responsibilities should be highlighted and how particular rights could be balanced by responsibilities

□ Meaningless unless enforced – people won't take seriously if purely symbolic, particularly those who already behave anti-socially

□ Difficulties of enforcing – important to have consequences of not fulfilling responsibilities, but could be unfair (particularly for vulnerable groups)

– Overall views on including responsibilities within a BoRR

– Explore whether views have changed since the previous event; in what way

□ Whether anyone has discussed these issues with friends / family; what issues were discussed; any conclusions reached

- Explore views about **how responsibilities should work** within a BoRR (15 mins)

> ***Note to moderators:*** *The following discussion should be guided using the HANDOUT provided **[STIMULUS D]**. This is on the back of STIMULUS C. Ask participants to turn over and read through together, then explore the broad issues using the example outlined in the MODERATOR HANDOUT. Broad probes are provided below, although these should only be used if the conversation goes off track or dries up.*

– Confirm participants' understanding of different options for how responsibilities could work within a BoRR

□ *Declaratory / symbolic*

□ *Principle of fair balance / proportionality*

□ *Fully justiciable*

– For each option, probe:

□ Spontaneous reactions to each option

□ Views about pros / cons of each option; whether certain arguments are more / less powerful than others; reasons for this

– Overall views about whether responsibilities should be included within a BoRR; reasons for this

- Overall views about **whether we should have a BoRR** (15 mins)

– Whether we should have a BoRR

□ What would it be good for

□ What problems may we encounter

– What should a BoRR include

People and power: shaping democracy, rights and responsibilities

    ▫ Inclusion of economic and social rights – whether these should be included; how they should be enforced

    ▫ Inclusion of responsibilities – whether these should be included; what significance should they have

  – Should the BoRR have a pre-amble (i.e. outlining the purpose and aims)

    ▫ Whether this should or could be a Statement of Values; benefits / limitations; outline views

---

Note to moderator: *In the next session the CHAIR will select 3-4 moderators to feedback one or two key points to come out of the table discussions from this session.*

SESSION 8 (TABLES): Legal effect	**2.20 – 2.50:**
30 mins	

Note to moderator: *This whole session should be conducted using the exercise outlined in **STIMULUS E**. The moderator should use the cards provided to prompt discussion about where on the continuum of enforceability each of the specific rights and responsibilities should be placed and why. Treat like 'Play Your Cards Right game', i.e. get participants to call out 'higher / lower' etc and probe for reasons. [NB not all participants may be able to clearly see the cards, therefore need to talk through exercise clearly and carefully]*

Summary of exercise:

- *Cards will be provided according to policy areas (colour coded by policy area)*

- *Each table will be allocated cards for three policy areas*

- *Rights should be placed along the continuum, depending on the degree to which participants feel they should be legally enforced*

- *Responsibilities should be placed along the continuum, depending on the level of significance participants feel they should have*

- *Throughout the moderator should probe and encourage discussion about reasons for placing rights / responsibilities in particular positions and the potential implications of doing so (i.e. challenge participants to think through a wide range of implications, not just knee-jerk reactions – using 'arguments for / against' probes in moderator sheet)*

Example of continuum
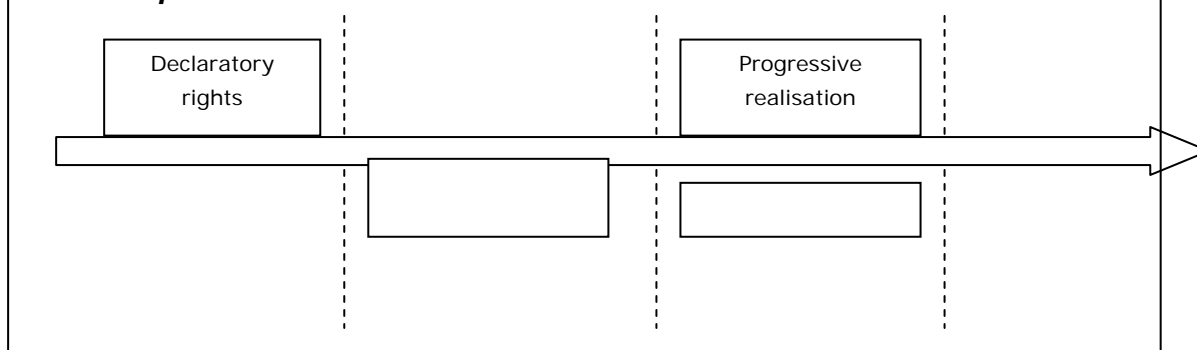
SESSION 9 (PLENARY): Polling on BoRR	**2.50 – 3.00:**	**10 mins**

- CHAIR to lead summary of feedback from the previous session (5 mins)

  – Moderator to briefly outline one or two key points to come out of discussions

- CHAIR to talk through polling questions (5 mins)

  Q7: Should the UK have a Bill of Rights and Responsibilities?

     1. Yes
     2. No
     3. Don't know

  Q8: Should a Bill of Rights and Responsibilities include economic and social rights?

     (1) Yes
     (2) No
     (3) We should not have a Bill of Rights
     (4) Don't know

  Q9: Should a Bill of Rights and Responsibilities include responsibilities?

     (1) Yes
     (2) No
     (3) We should not have a Bill of Rights
     (4) Don't know

Break	**3.00 – 3.15:**	**15 mins**

SESSION 10 (PLENARY): Intro to a written constitution	**3.15 – 3.25:**	**10 mins**

- CHAIR to introduce MoJ representative

- MoJ representative [TBC] to introduce concept of a written constitution (5 mins)

  – Explain current constitutional arrangements in the UK

  – Concept of introducing a written constitution

- CHAIR to introduce video montage of contrasting views about whether or not we should have a written constitution (5 mins)

- *M to run film*

SESSION 11 (TABLES): Need for a written constitution	**3.25 – 3.55:**	**30 mins**

> *Note to moderator: If necessary (i.e. if participants ask for more information / clarification) explain that this session is intended only to introduce the idea of a written constitution and explore some key issues in a spontaneous way. These issues will be explored in more depth at a later event and through other channels.*

- Explore views about who participants **trust <u>most</u> to protect their rights** – between government, parliament and the courts (5 mins)

  – Spontaneous views – outline reasons

People and power: shaping democracy, rights and responsibilities

- Explore issues affect trust of the following institutions in relation to protecting rights:
  - Govern ment *(who develops policies and laws)*
  - Parliament *(who holds government to account and passes laws)*
  - Courts *(who uphold the law)*
- Explore potential **benefits** of introducing a written constitution (10 mins)
  - Spontaneously consider the possible uses and benefits of a written constitution
  - **Probe** on the following:
    - Set clear limits to the power of the executive *(government / parliament)*
    - Could help invigorate democracy *(most flourishing democracies base their institutions on a written constitution)*
    - Symbolic
    - Provide clarity of rights and responsibilities for citizens
    - Protects against the erosion of liberties in uncertain times *(such as a security threat; terrorism)*
    - Can also protect against EU encroachment
    - Help citizens clarify their rights and protect themselves against the state
  - For each of the benefits identified by participants, probe for specific examples of how a written constitution could have an impact
- Explore potential **disadvantages** of introducing a written constitution (10 mins)
  - Spontaneously consider the possible problems of introducing a written constitution
  - **Probe** on the following:
    - Lack of flexibility
    - Practical considerations over what to include and leave out could be problematic (too much becomes unreadable; too little and it risks being abstract rather than detailing how rights are protected)
    - Lack of need (the UK has existed for hundreds of years without one)
    - Status in relation to other constitutional arrangements (lack of clarity over how it relates to existing arrangements)
    - Transfer power from parliament to unelected courts / issues of accountability
    - Resources involved in drafting and taking forward
    - Issues of trust in relation to who would take this forward
  - For each of the disadvantages identified by participants, probe for specific examples of how a written constitution could have an impact
- Explore overall **views about introducing a written constitution** (5 mins)
  - Spontaneous views about whether the UK should move towards having a written constitution; outline reasons for views

| **SESSION 12 (PLENARY): SoV review** | **3.55 – 4.00:** | **5** |
| **mins** | | |

- CHAIR to review issues covered over course of two events (5 mins)

  - Recap purpose of events (i.e. explore reactions to SoV; BoRR; written constitution)

  - Information coming out of the events so far *(PRESENTATION SLIDES)*:

    - Nature of support for SoV – level of support; variations between regions / groups; context (i.e. whether standalone / linked to constitutional documents)

  - Need to decide what Government should do with this information – whether or not to introduce SoV; conduct further research with groups who were more / less keen

| **SESSION 13 (TABLES): SoV review** | **4.00 – 4.30:** | |
| **30 mins** | | |

- Explore reactions to SoV findings (5 mins)

  - Level of support – whether surprising / expected; whether conclusive

  - Variations of support – views about why variations emerged; impact

  - Context of support (i.e. SoV link with constitutional documents) – whether conclusive

- Explore views about what the Government should do with this information (20 mins)

  - Reactions to 3 potential options

    - *Introduce a SoV*

      - Whether the Government should introduce a SoV

      - Implications – for groups who were less keen

    - *Not introduce a SoV*

      - Whether the Government should abandon the idea – temporarily / indefinitely

      - Implications – for those who are keen

    - *Conduct further research before reaching a decision*

      - What kind of research; with whom

      - Implications – if research reveals mixed views

  - Summarise views – *what should the Government do?*

- Wrap-up (5 mins)

> ***Note to moderator:*** *In the next session the CHAIR will select 3-4 moderators to feedback one or two key points to come out of the table discussions from this session; use this wrap up time to establish what the table feels are the key aspects of their discussions.*

| **SESSION 14 (PLENARY): Wrap up / polling** | **4.30– 4.45:** | |
| **15 mins** | | |

- CHAIR to lead summary of feedback from the day (5 mins)

  - Moderators to briefly outline key points to come out of discussions

- CHAIR to talk through polling questions (5 mins):

People and power: shaping democracy, rights and responsibilities

- *Explain aim to review questions in light of discussion across both event*

   Q10: Should the UK have a shared Statement of Values?

   (1) Yes
   (2) No
   (3) Don't know

   Q11: Should the UK have a shared Statement of Values…

   (1) as a stand alone document
   (2) as part of a wider set of documents that enforce those values
   (3) We should not have a Statement of Values
   (4) Don't know

   Q12: Should the UK have a Bill of Rights and Responsibilities?

   (1) Yes
   (2) No
   (3) Don't know

   Q13: Should the UK have a written constitution?

   (1) Yes
   (2) No
   (3) Don't know

- CHAIR to outline next steps (5 mins)

   - Highlight that we will be reviewing the issues discussed in this and previous events at a final event in the   New Year, to which some participants will be invited   *[NB participants are aware of this; though may need to clarify that selection of participants will be undertaken randomly and they will receive further information shortly after this event]*

   - Thank you   payments   will be provided by th   e events te   am at the   registration location

- CHAIR [or Minister – TBC] to thank participants and close event

Event ends	4.45

Human Rights - Fact or fiction exercise

STATEMENT 1:

"Dozens of councils may be in breach of the Human Rights Act by forcing elderly married couples to live apart. Help the Aged said it was "not unusual" for authorities to separate couples by ruling that one was eligible for a subsidised place in a care home while the other was not." The Telegraph, 4 February 2006

CLARIFYING INFORMATION (FOR MODERATOR):

FACT: This constitutes a potential breach of article 8 of the Human Rights Act, which gives everyone the right to "respect for his   private and family life, hi   s home an   d his correspondence". The British I nstitute of Human Rights add ed that councils could face huge legal costs if they were challenged in the courts for contravening the act – costs that would ultimately be borne by council tax payers.

STATEMENT 2:

"*Nine Afghan men arrested after a hijacking incident at Stansted Airport have won the right to stay in the UK. They were jailed in 2001 for hijacking an Afghan Ariana Boeing 727. A spokeswoman for the Home Office said the Immigration Appellate Authority had ruled that the men would be in danger of attack from members of the Taleban if they were deported. "It said to return them would be contrary to the European Convention on Human Rights," she said."* BBC, 13th July 2004

CLARIFYING INFORMATION (FOR MODERATOR):

FACT: In June 2004 an immigration panel ruled that the nine Afghan men faced a risk of torture and could not be sent back to Afghanistan. The men were jailed and on their release were allowed to remain in Britain.

STATEMENT 3:

"Serial killer, Dennis Nilsen, 60, received hardcore gay porn in jail thanks to human rights laws" The Sun, 13 May 2006

CLARIFYING INFORMATION (FOR MODERATOR):

FICTION: Nilsen, who was sentenced to life in prison in 1983 for multiple murders, tried to use human rights arguments to challenge the decision of a prison governor to deny him access to a mainstream top-shelf gay magazine. However his application was refused by a single judge at an early stage. He failed to establish that there was any arguable case that his human rights had been breached and he did not get any greater access to materials.

STATEMENT 4:

"A suspected car thief who bombarded police with bricks and tiles during a rooftop siege was given a Kentucky Fried Chicken takeaway meal by officers to ensure his well-being and human rights." The Telegraph, 8 June 2006

CLARIFYING INFORMATION (FOR MODERATOR):

FICTION: The man had no human right to receive food. He was given food as part of a negotiating strategy aimed at coaxing him down from the roof. However, this was widely reported as an example of a perverse outcome of the HRA.

STATEMENT 5:

[In an article about the death of Gordon Stewart, who died buried in rubbish that piled up in his house] "[Two environmental health officers] talk about how their work has changed since the Human Rights Act became law in 1998. Before that, if individuals were deemed incapable of looking after themselves, the council could intervene. Now, so long as they are not causing a public nuisance, they can live how they like." The Guardian, 28 March 2009

CLARIFYING INFORMATION (FOR MODERATOR):

FICTION: This is untrue. Indeed the state has a positive duty to protect people they know to be at risk from serious harm.

STATEMENT 6:

"Nearly a million innocent citizens could see their profiles deleted from the DNA database following a landmark court ruling. European judges said it was unlawful for police to store swabs and fingerprints from suspects later cleared of wrongdoing." The Daily   Mail, 5 December 2008

CLARIFYING INFORMATION (FOR MODERATOR):

FACT: The European Court of Human Rights ruled against police in a case brought by two British men. Their prof iles were to   be retaine d indefin itely by South   Yorkshire   Police despite neither being convicted of   an offence. The Strasbo urg court fo und the force had violated article 8 of the European Convention on Human Rights, which gives everyone the right to "re spect for h is private and family life, h is home an d his correspondence".   The Government has since   brought forward proposals to de   stroy records of peop   le not convicted of an offence after a definite period of time.

REMINDER: ECONOMIC AND SOCIAL RIGHTS

What are economic and social rights?

Economic and social rights include such things as a right to work, housing, social security, education a nd health. Economic and social rights are different to **civil and political rights**, which include the right to privacy, freedom of thought, and the right to vote, among others.

Economic and social rights include:

- *Equality between men and women*
- *The right to work*
- *The right to fair conditions of employment*
- *The right to form and join trade unions*
- *The right to social security*
- *The right to protection of the family*
- *The right to an adequate standard of living (including the right to food, clothing and housing)*
- *The right to health*
- *The right to education*

How are they currently protected?

- The UK lacks legal protection for most economic and social rights as rights.

- This means there is no constitutional level protection of un iversally applicable human rights standards of the type provide d by t he Human Rights Act in relation to civil and political rights.

- That is not to say that the substance of economic and social rights are unprotected.

- Under current legislat ion relating t o housing, healthcare, employment relations a nd discrimination (some of which can differ in different part s of the U K), significa nt aspects of economic and social rig hts are th e subject of o bligations o n public bo dies which may be judicially reviewed in the courts.

- The courts, in delivering judgements on this legislation, regularly make decisions about the application and limits of economic and social rights.

REMINDER: RESPONSIBILITIES

What are our responsibilities?

Many duties and responsibilities already exist in the UK. A few of these have specific legal effect, such as a respo nsibility to obey the law, engage in jury service, pay taxes, and a duty upon parents to   care for th eir childre n. Others are outlined   within government policies, such as a duty to search fo r work in order to receive unemployment benefits. Ye t more are implied throug h norms of behaviour – from our religions and b eliefs, our cultural or ethnic communities, our professional codes of conduct and the values that we sh are as members of society.

Should responsibilities be balanced against rights?

The Go vernment thinks rights sh   ould be balanced by   responsibilities, althoug h not conditional on them. So me existing responsibilities are felt to be so imp ortant they should be given more prominence in society – for instance, to accompany a right to healthcare we could have a responsib ility to treat NHS sta ff with respect . This would help impress on people their duties as citizens and promote common values.

Responsibilities hig hlighted for   possible in clusion wit hin a Bill of Right   s and Responsibilities include:

- Treating National Health Service and other public-sector staff with respect
- Safeguarding and promoting the wellbeing of children in our care
- Living within our environmental limits for the sake of future generations
- Participating in civic society through voting and jury service
- Reporting crimes and co-operating with the prosecution agencies
- Paying taxes, and obeying the law

People who are less in f avour of placing respon sibilities alongside rights have argued that responsibilities are only symbolic and are ther efore meaningless. They also claim that by highlighting responsibilities the Government runs the risk of being a nanny state.

ECONOMIC AND SOCIAL RIGHTS

STIMULUS C1: Reminder – Economic and social rights

What are economic and social rights?

- *Equality between men and women*
- *The right to work*
- *The right to fair conditions of employment*
- *The right to form and join trade unions*
- *The right to social security*
- *The right to protection of the family*
- *The right to an adequate standard of living (including the right to food, clothing and housing)*
- *The right to health*
- *The right to education*
- *The right to culture*

How are they currently protected?

While certain economic and social rights are legal rights (such as a guaranteed right of access to education), that is not the case for all economic and social rights. In these cases, upholding individual entitlements is at the **discretion of parliament**. For example, while we currently enjoy access to healthcare free at the point of need, this is not something that is protected as part of our constitution.

NOTE FOR MODERATORS: There is an argument that the various NHS Acts create legal rights of a sort. The important point is that this is, as you recognise, at the discretion of Parliament and not given any recognition or protection at a constitutional level.

People and power: shaping democracy, rights and responsibilities

STIMULUS C2: Options for protecting economic and social rights within a Bill of Rights and Responsibilities?

1. *Declaratory of symbolic rights*

   This is where a right is symbolic rather than having legal effect. For instance, a right to healthcare free at the point of need is a public policy goal rather than a right that is legally enforceable.

   Moderator probes

   Arguments in favour:

   - Provides scope to change public policy goals in relation to the wider environment – particularly in terms of available resources

   - Provides an aspiration for rights

   - Has democratic legitimacy

   Arguments against:

   - Social and economic rights can be eroded with changing political priorities

   - Rights have no legal effect – you can not go to court or take legal action to enforce these rights

   ---

2. *A statement of principles to inform legislation*

   This would increase the force of social and economic rights by setting out principles that would need to be taken into account by courts when considering challenges to decisions by public authorities - around healthcare or education for instance. It would work within existing law, rather than create new legal status for social and economic rights.

   Moderator probes

   Arguments in favour:

   - Provides more legal force to rights than a declaration, without encouraging an increase in litigation (e.g. court cases)

   - Provides greater clarity to courts and other authorities on how social and economic rights should be protected

   ---

> **Arguments against:**
>
> - Acts only to inform existing law – rather than strengthen the legal effect of social and economic rights
>
> - May be confusing for people as to precisely how their rights are protected

3. ***Progressive realisation of rights***

   This would provide power to the courts to ensure that Government takes reasonable legislative and other measures to realise social and economic rights, within available resources. For instance, in a South African case examining the right to housing, the Court ruled against the State in its failure to provide emergency accommodation for the homeless. In another case concerning the right to health, it ruled for the State that a patient did not have a right to receive kidney dialysis treatment - as their illness could not be prioritised over others in need of medical care.

> **Moderator probes**
>
> **Arguments in favour:**
>
> - Provides a duty for Government to realise social and economic rights in a reasonable manner, without providing directly enforceable rights for individuals
>
> **Arguments against:**
>
> - It blurs the line between Government and the courts deciding social and economic rights – and risks a form of priority-setting by the courts
>
> - It could potentially be costly if the government was taken to court

4. ***Legally enforceable rights***

   This provides full legal social and economic rights to citizens. For instance, Finland has a guarantee of the *'right to basic subsistence in the event of unemployment, illness and disability and during old age as well as the birth of a child or loss of a provider'*.

Moderator probes

Arguments in favour:

- Clear, enables people to understand their rights and is legally enforceable

- Protects the citizen against changes to government policy and wider economic and social uncertainty

- Places fundamental importance on rights to health or welfare, alongside political and civil rights

Arguments against:

- Undemocratic as courts are not accountable to the electorate

- Removes political freedom to change social goals

- Courts could interfere with government judgements about priority-setting

- Certain decisions – for instance choosing who should be given priority for a life saving treatment – lack any legal standards which make them capable of being resolved by a court

- Courts do not have the necessary expertise to make judgements about social policy

RESPONSIBILITIES

STIMULUS D1: Reminder – Responsibilities

What are our responsibilities?

Many duties and responsibilities already exist in the UK. There are only a few responsibilities that have specific legal effect. These include the responsibility to obey the law, engage in jury service, pay taxes, and a duty upon parents to care for their children. Other responsibilities are outlined within government policies, such as a duty to search for work in order to receive unemployment benefits. Yet more responsibilities are implied through norms of acceptable social behaviour – from our religions and beliefs, from our personal principles, from our cultural or ethnic communities, from our professional codes of conduct and from the values that we share as members of society.

Should responsibilities be balanced against rights?

The Government thinks rights should be balanced by responsibilities, they do not think they should be conditional on them. Further to this, the Government believes that some existing responsibilities are very important and should be given more prominence in society – for instance, to accompany a right to healthcare we could have a responsibility to treat NHS staff with respect. This would help impress on people their duties as citizens and help promote common values.

Responsibilities highlighted for potential inclusion within a Bill of Rights and Responsibilities include:

- Treating National Health Service and other public-sector staff with respect
- Safeguarding and promoting the wellbeing of children in our care
- Living within our environmental limits for the sake of future generations
- Participating in civic society through voting and jury service
- Reporting crimes and co-operating with the prosecution agencies
- Paying taxes
- Obeying the law

People who are less in favour of placing responsibilities alongside rights have argued that responsibilities are only symbolic and are therefore meaningless. They also claim that by highlighting responsibilities the government runs the risk of being a nanny state.

People and power: shaping democracy, rights and responsibilities

STIMULUS D2: Options for including responsibilities in a Bill of Rights and Responsibilities

1. *Declaratory / symbolic*

   This is where a responsibility is symbolic rather than having legal effect. For instance, a responsibility to treat NHS staff with respect is aimed at clarifying expectations of behaviour rather than a measure for deciding our entitlement to healthcare.

   Moderator probes

   Arguments in favour:

   - Raise awareness of expected behaviour
   - Highlight a link between the rights we enjoy and the duties and responsibilities that are expected of us
   - Challenge the commoditisation of rights – highlight that we have duties and responsibilities to each other within society, rather than asserting rights without regard to the rights of others

   Arguments against:

   - Patronising; assumes people do not know their responsibilities to one another
   - Placing emphasis on duties and obligations would water down a focus on rights

   ---

2. *Principle of fair balance / proportionality*
   The principles of fair balance and proportionality are often used when considering rights – for instance balancing the rights of one individual against another. One option may be a provision in a Bill of Right and Responsibilities requiring courts to decide on an individual's *behaviour* when considering awarding damages in relation to a breach of rights. For example, a man in Germany took the Government to court after his trial for fraud took 17 years to complete. He complained it breached his right to liberty and right to a fair trial. Although the court found that the man's rights had been breached, he was not awarded damages due to the serious nature of the crime he had committed.

Moderator probes

Arguments in favour:

- Principles of fair balance and proportionality would be more transparent for individuals
- Could help to guide the courts when they come to balance individual rights against the wider interests of the community
- Emphasises the importance of responsibilities

Arguments against:

- Complexity of the decisions involved may be beyond the expertise of courts

---

3. Fully justiciable

Some duties are legally enforceable. For example, if called upon to serve on a jury, there is a legal obligation to do so, and failure without reasonable cause is itself a criminal offence. However, this duty is currently outlined in relation to specific offences or procedural matters, rather than highlighted as a civic responsibility.

Moderator probes

Arguments in favour:

- Clear expectations of behaviour, which can be upheld by the law

Arguments against:

- Authoritarian to assert responsibilities as legal obligations
- Some responsibilities may be difficult to assess within a legal context, such as 'treating public sector staff with respect'

NOTE FOR MODERATORS: If there is time in this session, can potentially explore the following questions about whether thinking about issues of enforceability affects people's views about whether rights should be contingent on responsibilities:

- What would be the issues in having rights contingent on responsibilities? What if you lost a right to healthcare if you smoked or played dangerous sports?
- What may happen when considering this in relation to other responsibilities such as looking after your own health and the provision of healthcare?

STIMULUS E: 'ENFORCEABILITY CONTINUUM'
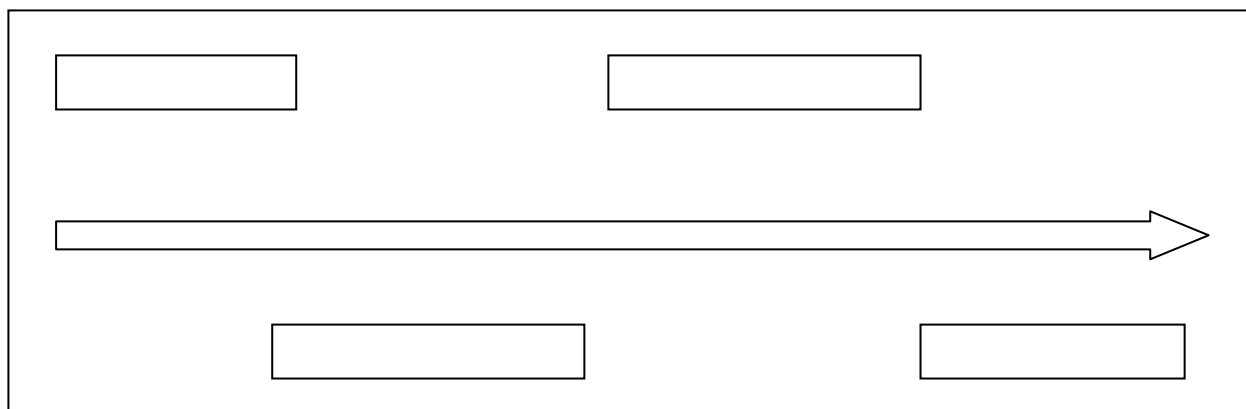
CARDS FOR EACH OF THE FOLLOWING RIGHTS / RESPONSIBILITIES (coloured per policy area):

- *Each table will take cards for three policy areas*
- *Rights should be placed along the continuum, depending on the degree to which participants feel they should be legally enforced*
- *Responsibilities should be placed along the continuum, depending on the level of significance participants feel they should have*
- *Throughout the moderator should probe and encourage discussion about reasons for placing rights / responsibilities in particular positions and the potential implications of doing so (i.e. challenge participants to think through a wide range of implications, not just knee-jerk reactions – using 'arguments for / against' probes)*

HEALTH (RED)

- *Rights:*
    - *Free access to healthcare at the point of need*
    - *Choice in healthcare provision (e.g. GPs, hospitals)*
    - *Patient involvement in healthcare decisions*
- *Responsibilities:*
    - *Treat NHS staff with respect*
    - *Look after your own health*

ECONOMIC (BLUE)

- *Rights:*
  - *Receive welfare payments if unemployed*
- *Responsibilities:*
  - *Pay taxes*
  - *Not to claim benefits if able to work*
  - *Take part in work-related activities (such as training)*

CRIME (PURPLE)

- *Rights:*
  - *Right to a fair trial by jury (for serious cases)*
  - *Free from arbitrary detention (arrest without evidence or due process)*
  - *Witnesses and victims treated with respect and dignity and right to be heard*
- *Responsibilities:*
  - *Obey the law*
  - *Report criminal behaviour*
  - *Co-operate with prosecuting agencies*

ENVIROMENT (GREEN)

- *Rights:*
  - *Environmental justice to improve your own and others quality of life (such as equal access to clean air and water)*
- *Responsibilities:*
  - *Live within environmental limits (such as pollution or energy restrictions)*
  - *Public sector organisations to promote sustainable development through their own activities*

CIVIL (YELLOW)

- *Rights:*
    - *Decision making (by the public sector) which is lawful, rational and procedurally fair*
- *Responsibilities:*
    - *Vote*
    - *Engage in jury service*
    - *Participate in local democracy*

CHILDREN AND YOUNG PEOPLE (PINK)

- *Rights:*
    - *Children to achieve health, safety, and economic well being*
- *Responsibilities:*
    - *Duty of care of parents to their children*
    - *Nurture child development and promote well being*

7.3 Topic guide and stimulus materials for the national event

National Event: Statement of Values

TOPIC GUIDE

The **overall aim** of the People and Power consultation events is to involve all parts of the country and society in a discussion about the following key issues:

- The values that people in the UK subscribe to

- How power is distributed in our society

- How our rights and freedoms are protected

- How we ensure that our responsibilities to one another are fulfilled

Specifically, the **national event** aims to explore:

- Views about the content of a possible Statement of Values:

  – Reflections on previous discussions about shared values

  – Identifying and clarifying the meaning of specific shared values

- Views about how values can be used in everyday life such as in schools and councils

- Views about how values and responsibilities are connected

- The role of the public in constitutional reform and how a statement of values might be produced

People and power: shaping democracy, rights and responsibilities

Arrival and registration	9.30 – 10.00: 30 mins

- Name badges and registration
- Table   allocation
- Data cards / equipment distributed for polling
- Coffee / tea / refreshments in reception area

> *Note to floor runner:* Lead in participants at 9.55am for prompt start at 10.00am
>
> *Note to moderators:* Assist with lead in of participants at 9.55am for prompt start at 10.00am

SESSION 1 (PLENARY): Welcome and introductions	10.00 – 10.20:	20 mins

- CHAIR (BMRB) to welcome participants (2 mins)
  - Re-introduce TNS-BMRB – independent research company
  - Research carried out on behalf of MoJ
  - Briefly reiterate deliberative nature of event; incl ground rules
  - Housekeeping
    - Fire   exits/security
    - Toilets
    - Smoking
    - Refreshmen   ts
  - Introduce themes and agenda for the day

- CHAIR to recap findings from reconvened events (5 mins)
  - Views about having a written Statement of Values
  - Views about having a Bill of Rights and Responsibilities
  - Views about having a written Constitution

- CHAIR to introduce Minister

- Minister to welcome participants (5 mins)
  - Thank participants for their commitment
  - Comment on findings from previous events
    - Levels of support
    - Link to next stage of work (e.g. film of PM re constitution)

- Outline focus of final event

    - Explain wh at we are covering and why – di gging deeper into valu es and responsibilities as have headlines b ut keener to pin down i n greater d etail to better inform how to take forward

    - Explain what we are not covering and why – rights and written constitution

    - Looking at developments in other p olicy areas t hat are bein g informed by this process

    - Exploring how constitutional debate should be taken forward

    - Clarify that SoV ma y not be able limit use to single opt ion such a s a stand alone document

- Ministerial Q&A session (5 mins)

    - Moderated by CHAIR

    - [If Minister is not present, Q&A session to be covered by MoJ representatives]

- CHAIR to talk through polling questions (3 mins):

    Q1: Should the UK have a shared Statement of Values?
    (1) Yes
    (2) No
    (3) Don't know

    Q2: Should the UK have a shared Statement of Values…
    (1) as a stand alone document
    (2) as part of a wider set of documents that enforce those values
    (3) We should not have a Statement of Values
    (4) Don't know

    Q3: Where might a Statement of Values be used? You can select more than one option.
    (1) Schools
    (2) State documents
    (3) Public buildings
    (4) Citizenship ceremony
    (5) Passports
    (6) We should not have a Statement of Values

    Q4: Options for producing a statement of values [all would need to be agreed by parliament]
    A statement produced by...
    (1) Representatives of the deliberative events
    (2) Representatives of the deliberative events - working with a distinguished writer
    (3) A Distinguished writer - building on the work of the deliberative events
    (4) A national competition – building on the work of the deliberative events
    (5) A panel - after further debate on values with local people

    Q5: Who do you most trust to protect your rights?
    (1) Government (the party in power)
    (2) Parliament (all MPs)
    (3) The courts (judges and lawyers)
    (4) Don't know

People and power: shaping democracy, rights and responsibilities

SESSION 2 (TABLES): Warm up and reflection   10.20 – 10.35:   15 mins

> ***Note to moderator:*** *Introduce yourself and briefly explain ground rules:*
>
> − *Want to hear from everyone*
>
> − *No right/wrong answers; important to respect all views*
>
> − *Not expected to be experts; informal discussion*

- **Group introductions:** Participants to briefly introduce themselves to the group (5 mins)

  − Name

  − Where they are from

  − Family situation; who they live with; age of children

  − Job / hobbies

- **Review findings about values** from regional events (10 mins)

  − Explore spontaneous recall about what values (associated with being British) were raised at the first event

  − Explore reactions to values identified at previous events

  > ***Note to moderator:*** *Hand out **STIMULUS A**; values identified at previous events*

      ▫ Whether there is anything missing / unexpected; what / why

      ▫ Whether certain values are more / less important; outlines reasons

  − Whether views have changed since regional event; in what way

SESSION 3 (TABLES): Clarifying values and responsibilities   10.35 – 11.55: 80 mins

> ***Note to moderator:*** *Reiterate that the aim of this session is to dig deeper into some of the more difficult concepts around values. While we've previously explored **what** the key values in UK society are, we now want to explore **what these values actually mean**.*

- Clarify   **understanding of 'values'** as a concept (10 mins)

  − Explore views about what 'values' are; reasons for views

      ▫ Initially explore spontaneous views

      ▫ If necessary, prompt:

          ▪ Aspirations / ideals

          ▪ Shared characteristics / experiences / customs

          ▪ Religious and/ or cultural priorities / principles

          ▪ Other

  − Explore views about what 'values' *should* convey

      ▫ Spontaneous views

      ▫ Within context of UK society (e.g. policy / behaviour implications)

• Clarify **meaning of specific values and related responsibilities** (55 mins)

> ***Note to moderator:*** *Explain activity to participants – aim is to establish a comprehensive understanding of each of the values raised at previous events and then to discuss what responsibilities each would imply. There is approximately 55 mins to go through four values (i.e. approx. 14 mins per value). NB other tables will be exploring different sets of values.*
>
> *For each value:*
>
> − *Hand out blank cards to all participants (or in pairs if people prefer to work together)*
>
> − *Ask participants to quickly write down what that value means to them (2 mins)*
>
> − *Moderator to read through range of meanings; clustering similar responses if necessary*
>
> − *Discuss as a group whether the range / clusters of definitions make sense; whether there is broad consensus; whether the value needs to be renamed / split into more than one value / merged with another value / removed etc*
>
> − ***[MODERATOR TO RECORD MEANINGS/DEFINITION ON BUBBLE]***
>
> − *Ask participants to write down what responsibilities each value implies for them*
>
> − *Discuss as a group how the responsibilities would be used in day-to-day life*
>
> − ***[MODERATOR TO RECORD RESPONSIBILITIES ON BUBBLE]***

• Explore extent to which the values/responsibilities discussed are **shared** in UK society (10 mins)

  − Spontaneously consider views on how far these values/responsibilities are shared within UK society

  − Reasons for why certain values/responsibilities are / are not shared

    ▫ Probe for examples of groups who are more / less likely to share these values/responsibilities and reasons why – **probe**: old/young; men/women; people from different ethnic backgrounds; people from different religions; people with a disability; others

    ▫ Consider what underpins or drives differences and similarities

• Feedback from table discussions (5 mins)

> ***Note to moderator:*** *5 mins before the end of this session the CHAIR will select 3-4 moderators to feedback one or two key points coming out of the table discussions from this session.*

SESSION 4 (PLENARY): Options for responsibilities intro	**11.55 – 12.05: 10 mins**

- CHAIR to introduce Minister / MoJ representative

- Minister / MoJ representative [TBC] to outline potential for responsibilities to feed into policy development (6 mins)

  – Explain how govt might include responsibilities in policy areas (particularly re neighbourhoods, anti-social behaviour, children and families)

  – Clarify how this focus builds on previous discussions about including responsibilities within BoRR (link between constitutional rights and their practical application)

  – Aim of this session is to gauge views about whether this area should be developed

- MINISTER / MoJ REP to introduce film of Ben Jupp, Director of the Public Services Unit in the Cabinet Office (4 mins)

- *M to run film*

SESSION 5 (TABLES): Options for responsibilities	**12.05 – 12.35: 30 mins**

- Explore views about whether responsibilities should be used to feed into policy development (10 mins)

  – Spontaneous reactions to Minister's intro / film of Ben Jupp, Director of the Public Services Unit in the Cabinet Office

    □ Should responsibilities be used to feed into policy development; why / why not

    □ Outline initial benefits / limitations

  > **Note to moderators:** *The following discussion should be guided using the HANDOUT provided **[STIMULUS C]**. Hand out to participants and read through together.*

- Explore views about the scenarios of responsibilities feeding into policy development in Stimulus C (15 mins)

  - Following the discussion around values and responsibilities earlier, for each of the three scenarios discuss the following

    □ The type of responsibility there should be [building on cards from earlier]

    □ Views about potential benefits / limitations of including responsibilities

    □ Perceived impact of including responsibilities

    □ What can residents/parents/job seekers [depending on example] specifically do to ensure they are doing their best to be a good neighbour/support their child with school/find a job [depending on example].

  – Whether these three policy areas are the correct ones to be focusing on; should others be included

  – Whether the practical considerations affect views about the principle of using responsibilities to feed into policy development; in what way

- Feedback from table discussions (5 mins)

> **Note to moderator:** *5 mins before the end of this session the CHAIR will select 3-4 moderators to feedback one or two key points coming out of the table discussions from this session.*

Lunch	12.35 – 1.35: 60 mins

SESSION 6 (TABLES): Using a SoV	1.35 – 2.20: 45 mins

> **Note to moderators:** *The following discussion should be guided using the HANDOUT provided **[STIMULUS B].** Hand out **[Stimulus B]** to participants and read through together.*

- Explore how, if we had a Statement of Values, it could be used (15 mins).
  - Explore views on where it could be used:
    - Schools
    - State   documents
    - Public   buildings
    - Citizenship   ceremonies

- Looking firstly at Oldham Council Statement of Values. This is a genuine SoV which serves as a preamble to their constitution (15 mins).

> **Note to moderators:** *The Council is using it first and foremost to drive culture/ behavioural change within the organisation for example through incorporating them into business plans and staff appraisals; with a view to this forming the foundations for a new relationship between the Council and the people it serves (but only after they feel they've got it right internally). Probe views on the second stage - how the values might effect the relationship between the local authority and its residents (or anyone else who uses its services)*

  - Explore participants' views of the Oldham Council Statement of Values:
    - Views on the values included
    - Views on whether they would like to have something similar in their council
    - Benefits/con   cerns

- Education case studies – These are two examples of schools using values from their school charter and putting them into action (15 mins).
  - Explore participants' views of the two case studies:
    - Views on having a school charter
    - Views on using the charter as a basis for action/improvement
    - Views on how parents could support/learn from
    - Benefits/   concerns

SESSION 7 (TABLES): Role of public in constitutional reform 2.20 – 3.15:	55 mins

- Film – Highlights from reconvened events (5 mins)

- How important is it to represent the views of minorities? [10 mins]

    - Explore how views may differ between groups with different value systems

    - Explore whether it is more important to seek a statement that almost everyone can sign up to, with the risk it might be vague, or to seek a more specific statement that a majority can agree, with the risk that minorities might be excluded?

Note to moderators: *The following discussion should be guided using the HANDOUT provided* **[STIMULUS D].** *Hand out* **[Stimulus D]** *to participants and read through together.*

- Explore how a Statement of Values should be developed through exploring each of the five options on the handout (40mins)

    - Views of each option

    - Advantages and disadvantages of each option

    - Views on which they think would be the best option

SESSION 8 (PLENARY): Wrap up / polling	3.15– 3.30:	15 mins

- CHAIR to lead summary of feedback from the process (5 mins)

    – Moderators to briefly outline key points to come out of discussions

- CHAIR to talk through polling questions (5 mins):

    Q5: Should the UK have a shared Statement of Values?
        (1) Yes
        (2) No
        (3) Don't know

    Q6: Should the UK have a shared Statement of Values…
        (1) as a stand alone document
        (2) as part of a wider set of documents that enforce those values
        (3) We should not have a Statement of Values
        (4) Don't know

    Q7: Where might a Statement of Values be used? You can select more than one option.
        (1) Schools
        (2) State documents
        (3) Public buildings
        (4) Citizenship ceremony
        (5) Passports
        (6) We should not have a Statement of Values

    Q8: Options for producing a statement of values [all would need to be agreed by parliament]
    A statement produced by...
        (1) Representatives of the deliberative events

(2) Representatives of the deliberative events - working with a distinguished writer

(3) A Distinguished writer - building on the work of the deliberative events

(4) A national competition – building on the work of the deliberative events

(5) A panel - after further debate on values with local people

Q9: Who do you most trust to protect your rights?
(1) Government (the party in power)
(2) Parliament (all MPs)
(3) The courts (judges and lawyers)
(4) Don't know

- CHAIR to outline next steps (5 mins)

  − Findings fro m across all events will be sent to   participants shortly (end March – TBC)

  − Thank you   payments will be provided by th   e events te am at the   registration location

- CHAIR [or Minister – TBC] to thank participants and close event

Event ends	**3.30**

People and power: shaping democracy, rights and responsibilities

Freedom of person and expression

Right to freedom
Respecting views of others
Freedom to protest
Freedom of speech

Fair play

Waiting your turn
Not cheating
Queuing

Resilience

Getting on with life in the face of adversity

Compassion

Help vulnerable
No death penalty

Justice

Right to a fair trial

Political freedom and democracy

Right to vote
Democratic society

Equality of Opportunity

For all genders and ethnicities

Tolerance

Of other cultures
Too accepting

Respect for laws and institutions

Respect for rules

Manners/ politeness

Patriotism/ pride in heritage

Freedom of person and expression

Fair play

Resilience

Compassion

Justice

Political freedom and democracy

Equality of Opportunity

Tolerance

Respect for laws and institutions

Manners/ politeness

Patriotism/ pride in heritage

118

Oldham Council's Statement of Values (Preface to the Constitution)

Oldham Metropolitan Borough Council has adopted the values listed below. These will be used to inform the decisions taken by members and officers of the Council. Because decisions typically involve balancing various different considerations, none of these values can be interpreted absolutely.

Democracy

- The Council will actively promote participation in the democratic process and protect each citizen's right to vote fairly, freely and secretly.

- It will listen to and take account of the views of the people.

- It will be open in its decision-making, except where the law declares otherwise.

- It will obey the law of the land.

- Democracy entails a set of liberal values (below) including certain rights and their associated responsibilities.

Human Dignity

- Every citizen has a right to life and freedom from mental and physical harm, and also to self-determination in this respect. These rights will not be overridden, except possibly where this conflicts with the same right of another individual or group.

Liberty

- The Council will not interfere with those who do not jeopardise the freedoms of others.

- It will actively promote tolerance of all views and lifestyles which are not prejudicial to others.

- It will respect the right to hold and practise traditions and religious faiths, but only if those beliefs are not used to justify curtailment of human rights.

- It will not favour any religion over any other, nor hold an absence of religious faith to be inferior to having a faith.

- Members and officers of the Council are entitled to hold their own views, but when representing the Council must behave in ways which are consistent with the Council's values.

Social Development

- The Council will actively promote a sense of community which has the overriding values of cohesion and mutual support.

- It will encourage appropriate understanding, mutual respect and interaction between different individuals, groups, faiths, traditions, communities, cultures and lifestyles.

- It will share and promote its values as a model for good citizenship.

People and power: shaping democracy, rights and responsibilities

Equality, Equity and Justice

- All citizens are considered equal in personal dignity and in law.

- Disadvantage arising from the structure of society will be sought out and combated.

- Equity means a fair (just) chance t o enjoy life and achieve one's potential. It does not necessarily mean equal resources.   Positive action will be exercised to promote fair life-chances for all.

Solidarity

- The Council considers that a co   ncern for others is the basis of ethics and a cornerstone of a cohesi ve society. The Council will balance the freedom of its citizens against the need to promote the common good.

- The Council values its workforce highly. It will protect employees' welfare appropriately and provide suitable su pport in developing thei r potential. It will endeavour to provide an example to other employers in the Borough.

Rule of Law

- Every citizen has the right to enjoy a peaceful life.

- Conflict will be managed peacefully and positiv   ely, with conciliation preferred to enforcement.

- The Council will obey, and expect citizens to comply with, the law of the land.

- It has the right and duty to campaign against what it considers to be bad law, but not to disobey the law.

Social Market Economy

- Enterprise and wealth creation will be encouraged, in compliance with   the values of the Council.

- The Council will trade ethically.

Sustainable Development

- The Council has a duty to protect the environment, for its current citizens, for fut   ure generations in Oldham, and for the wider world.

- It will not compromise the environ ment, prosperity or qual ity of life of future years for short-term advantage.

Education case studies – From values to action

Participation

Central Foundation Girls School is a large, oversubscribed, and inclusive 11-18 girls school in B ow, London. This scho ol has developed a pro gramme called 'Voice' t o improve participation an d draw tog ether a wh ole school f ocus on co mmunication, empowerment and democracy through their GCSE Citizenship Studies course. They identify a cause of concern within the school or community, and as a grou p, investigate the issue s, identify sour ces of support, and un dertake act ion to chang e the situat ion. Example s of su ch projects ha ve been as wide-ranging as inter net safety for teenagers and support for Amnesty International.

The schoo l is working t o develop more effective approaches to consultation, an d students ar e involved in school de velopment and decisio n-making in a number of ways including an active school council.

Non-discrimination

Osscott Manor is a secondary community special school m eeting the n eeds of up to 70 pupils with moderate, severe, co mplex, profound and multiple le arning difficulties, autistic spectrum disorder, and sensory impairments.

Physical difficulties, whether of mobility, sight or hearing, do not exclude any student from taking part in a ran ge of act ivities. These include dance, swimming, sailing and a range of holidays. Some students go to the l ocal mainstream high s chool for art and swimming, and sch emes are in place to en courage the high school students t o learn to sign. This helps raise awareness abo ut the rights of students from Oscott Manor.

Responsibilities scenarios

Responsibility to be a good neighbour

Neighbourhood Agreement – Contract designed and agreed by the residents and the providers of services in an area. The service providers - such as the police, Fire and Rescue Service, and the Council – detail what they intend to do, and how, where and when they will do it. The residents also have specific roles and responsibilities so that they can work together with the service provider to ensure the best possible outcome for both. For example it covers: police response times; how to reduce being a victim of crime and fire safety.

Engagement as a parent

Home-school agreements - All maintained schools and city technology colleges are required to adopt a home-school agreement. The agreement should be drawn up by the governing body in consultation with the head teacher and set out: the school's aims and values; the school's and parents' respective responsibilities (including pupil attendance, behaviour and homework); what the school expects of its pupils.

Before adopting or reviewing an agreement, the school must consult parents. It should also involve pupils, teachers, other school staff and relevant agencies in the consultation process.

Breaches of the agreement by either party are not actionable through the courts. The head teacher should not discipline or exclude a pupil purely for a breach of the agreement. However, if the pupil effectively breaches the agreement by, for example, seriously breaking school discipline, he or she may be disciplined or excluded in accordance with the school's discipline policy.

Getting a job

Benefit system - The government is in the process of overhauling the benefit system by improving services available to job seekers. At the same time, in a recent White Paper, it was stated that, "*Rights and responsibilities should remain at the heart of the relationship between the customer and personal adviser. Customers able to prepare to return to work will be expected to engage at different stages throughout their benefit claim. However, the nature of this engagement should change, as the customer's needs change and the longer they remain on benefit.*"

For example, from next year, lone parents with children over 7 will be moved over to Job Seekers Allowance (with family-friendly safeguards so they can look for work that fits with school hours).

In addition, there are plans to make out-of-work partners of benefits recipients who can work, look for a job – ending the current situation whereby partners could claim benefit without seeking work when they are able to do so.

Stimulus D

Development of a Statement of Values

Options for producing a statement of values [all would need to be agreed by parliament].

Option 1: Representatives of the deliberative events would produce a statement.

Advantages: the work would be produced by representatives of the wider public who have had the experience of deliberating on these issues.

Disadvantages: writing by committee can struggle to produce work of literary merit and the representatives of the public might not command legitimacy as they would to some extent be self selecting and could not represent everyone.

Option 2: Representatives of the deliberative events - working with a distinguished writer – would produce a statement.

Advantages: a professional writer contributing their literary skills combined with representatives of the wider public who have had the experience of deliberating on these issues.

Disadvantages: the selection of a writer might divide opinion and the representatives of the public might not command legitimacy as they would to some extent be self selecting and could not represent everyone and they might not be able to agree the brief they gave the writer and it would be difficult to resolve any disagreements.

Option 3: A distinguished writer would produce a statement - building on the work of the deliberative events.

Advantages: the writer would have a free hand to write the best statement they could

Disadvantages: the selection of a writer might divide opinion and fail to command legitimacy

---

Option 4: A national competition would be held to produce a statement of values building on findings from the deliberative events – which would be selected by a panel.

Advantages: the work would be the product of an open competition giving as many people as possible the chance to contribute and therefore command legitimacy.

Disadvantages: the selection of the panel might be disputed as might their decision.

Option 5: Local authorities and local elected politicians should discuss values with local people. These would be fed to a panel who would produce a statement.

Advantages: the work would give as many people as possible the chance to contribute and therefore command legitimacy.

Disadvantages: the selection of the panel might be disputed as might their decision.