

SUBMISSION OF ISLE OF MAN FREETHINKERS
IN RESPONSE TO THE PUBLIC
CONSULTATION DOCUMENT ON A DRAFT
CODE OF PRACTICE ON CONSULTATION

Submitted by Stuart Hartill as Secretary, Isle of Man Freethinkers

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Preliminary Remarks

We welcome the public announcement of this Draft Code, and also the chance to make comment on it.

However we have to say at once that the manner of the announcement, the timing and the period for response each demonstrate the inadequacy of the framework and suggest that the exercise is not a genuine attempt at change. We hope this is not so, and respond in good faith in the expectation that our comments will be noted and put on record.

We also note immediately that the UK government document from which much of the framework appears to have been taken differs in one important detail. It suggests a twelve week consultation period, not six weeks, as standard practice. Given the relative speed at which things work on the island and 'informed amateur' nature of those respondents whose views are most needed this is quite important.

The Main Problem

The main problem we note with such 'public consultations' is that they come at the end of a process in which impending legislation has been decided well in advance by private negotiations of which the public are unaware, and from which most groups who could usefully contribute have been barred. This makes them rubber stamping exercises, not open and democratic government.

Even someone with an elementary political education understands that future legislation follows a long process of private lobbying, and that such Bills as do emerge have, effectively, been agreed before they even reach the stage of a First Reading in order to speed up a process of nominal parliamentary democracy. Anyone who has ever been involved in, say, human rights or environmental campaigning understands that the real battle is to be part of the elite list of lobbyists with easy access to key politicians and civil servants. S/he also understands that professional lobbyists who can attend daytime meetings with policy makers and have immediate access to funds and resources can make their anti-democratic demands with ease, while the rest of us try to put our case in between full time jobs, family responsibilities and the other chores of everyday life.

In a country the size of the Isle of Man this is not necessary, and totally unacceptable. If our government is unwilling to change this situation, then it is revealed at once as a democratic sham.

The committees of most island community groups only meet monthly - if that frequently. The committees of the effective ones are made up of people of working age who run such groups during their evenings and weekends, while unfortunately more vociferous groups are comprised of privileged people with little or no practical experience of the difficulties most face in modern life. In fact, one local group whose general membership is particularly well informed on national and international affairs meets only every three months – mainly because those members are so busy turning theory into community practice in addition to holding full time jobs, raising families and all the usual business of everyday life from which politicians, senior civil servants and some of their underemployed friends appear so detached.

Examples From Personal Experiences of ‘Public Consultation’

Our experience of both previous responses to public consultations and repeated polite attempts to gain basic information from government departments has been..... interesting!

In one of our earliest attempts I personally wrote regularly and politely to the Education Department over a period of about a year in order to get basic information on the structure of religious education which, as a parent with a child about to start school, I thought should be readily available. In the course of the same year, during which there was no response, I had useful replies of varying length and detail to the same questions from almost every major education authority in the British Isles, and some from Europe and beyond. All replied promptly and courteously to a total stranger and seemed glad to help.

By comparison, I finally received my reply from a local education official just before a public consultation on exactly the same matter was announced by press notice. The reply did not mention this. To the best of my knowledge I was one of only two individuals who responded to the request for public views, and though both of us raised issues and gave information which did not appear to be known to or considered by the Education Department, subsequent secondary legislation so archaic and misguided it made the island into an international laughing stock wandered through Tynwald and into law without a second glance.

In a more recent consultation last year – on reform of the Marriage and Civil Registry Act – we supplied information and contact details concerning important Scottish changes of which the Manx Registry was totally unaware. In early November this year we checked and found no-one in Scotland had been contacted, even though we understand a Bill is drawn up and due for presentation by the end of this year.

In the most recent case, we only learnt of an impending ‘public consultation’ from a chance private conversation with one of the ‘usual suspects’ consulted well in advance on such occasions, and were thus on the lookout for a press announcement. When it came, it announced a ‘public consultation’ but not where the consultation document could be found, any civil servant or government department from whom information could be sought, an address to which responses should be sent or date by which they should be received. We eventually found this by asking around ‘government insiders’, and were further amused to find that the civil servant responsible had moved department, and when traced admitted that the only person with access to the consultation document was on holiday.

The document was finally supplied to me on the afternoon before I myself went on a holiday from which I would not return until the consultation period was closed (if it was ever truly open). Luckily, I had previously established from other sources the previous ‘track record’ of the report’s author and read his best known work (which, amusingly but helpfully, he had simply adapted to Manx ‘needs’ without bothering to research or establish them). If I had not put more effort into my own research than the report’s author I would have been unable to make even the brief response I could write in the few hours left – in between holiday packing, child care and other domestic duties.

The Solution

If it is serious about participatory democracy, the Manx government must move immediately towards establishing public consultation as a process at the beginning of discussions about future legislation, not a 'blink and you miss it' validation of ill considered decisions before they finally blunder into law.

The government must prioritise opening the door to genuine community groups with useful contributions and experience to offer, not private liasons with those who fear open scrutiny or the democratic process (e.g. property developers and institutionally sexist and homophobic faith-based 'service providers').

If it is to create a genuine process to which the public can contribute, the government must recognise that most potential contributors have families and full time jobs, and cannot simply wander round to government departments on weekdays for a chat.

As part of the larger process of 'participatory democracy' we also suggest that government must consider a ridiculous situation whereby the only suitable buildings for large public meetings on the island are owned by either church or government; thus in practice they are not available to any group which raises questions which some priests or civil servants might prefer to ignore.

This also has some impact on the nature of 'public meetings' advertised as such on these premises. They are rarely public, in that the public has no part in organising them, no way of setting the agenda and no mechanism for ensuring that if it bothers to turn up to such shams and express an opinion then that opinion will be noted (and acted upon if the obvious will of most attendees and typical of wider public opinion).

At the very least, recognise that schools, youth and community centres or town halls are public property, not the private domain of a handful of self-interested 'professionals', and remove the restrictions which prevent the public (not just friends who share the private views of those 'professionals') from actually using them.

Conclusion

This 'public consultation' is so far from what it needs to be that the only point worth responding to of the original 'consultation criteria' is that their UK parent suggests a twelve week consultation period, not six weeks.

The introduction talks glibly about 'openness, accountability, and integrity', but our experience is of a government which has yet to demonstrate even a basic knowledge of or commitment to those terms.

Unless that government is willing to consider how it will introduce a process of public consultation which begins when change is first mooted, is truly open to all views and can guarantee that they will be judged on their true merits (not the socio-economic connections of the group or individual offering them) then is it really committed to the democratic process? It would be sad if a national government serving a population smaller than the average English market town cannot even attempt it.