Empowering public impact on policy-making and the role of public managers as gatekeepers

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Over the past few decades deliberative democracy, and democratic innovations more broadly, have emerged as a compelling counterbalance to claims of a 'democratic deficit'. Scholars have argued that these practices mitigate the perceived limitations of elected representation by shifting in the locus of political decision-making from a select group of elected representatives to the much broader 'public' (see Gutmann & Thompson, 2009). This is founded on the normative premise that a group of citizens, selected usually at random and without political agendas, ought to contribute to decision-making because their deliberations will be unhindered by bias or political persuasion, and therefore, best consider the common good. Whilst these practices have been prolific and have been described as a 'deliberative wave' (OECD, 2020), relatively limited attention has been given to how they interact with public administration.

This paper examines the role of public managers when applying democratic innovations. It explores how the dispositions of public managers, the institutional constraints and organisational cultures impact the way public participation is designed, who is invited to participate and how it is integrated into policy-making. It is premised on an understanding that the role of institutional actors is critical for democratic innovations to be operationalised in a manner that is more likely to achieve the normative and epistemic aspirations they were conceived to address; and that without institutional allies, the practical application of democratic innovations is likely to be met with pragmatic constraints.

To explore these issues, the paper analyses how policy actors responded to the introduction of mandatory 'deliberative engagement practices' through the *Victorian Local Government Act 2020.* The paper examines how public managers interpreted and applied the practices through a mixed methods research approach that included interviews, surveys and document analysis.

The research findings highlight public managers' consequential role in empowering democratic innovations. It demonstrates how public managers act as gatekeepers and control which 'publics' are invited into policy-making processes and how much those publics inform decision-making. Furthermore, it challenges assumptions that public managers will diligently and capably support democratic innovations once their benefits are better understood and mandated by the authorising environment.

1. Introduction

Over the past few decades, there has been a growing scholarship around democratic innovations (for an overview, see Elstub & Escobar, 2019) and what has been described as a 'deliberative wave' of activity at different levels of government. Governments across the world are increasingly applying processes such as deliberative engagement and participatory budgeting to tackle complex policy problems (OECD, 2020), and in line with this, there has been a burgeoning of public management initiatives which putatively devolve power and encourage, or legislatively mandate, for broader public participation.

This has resulted in various forms of legislation that mandate democratic innovations, many of which are expressly aimed at renewing the relationship between government and their constituents by bringing the public closer into the process of government decision-making. However, despite clear intentions, much of the application of democratic innovations has failed to achieve its stated aims around institutional change. As an example, two years into the implementation of the *Community Empowerment (Scotland) Act 2015*, a report on community engagement practices found that, despite the perceived value of community engagement having increased, the legislation had not necessarily resulted in improved community impact on decision-making (What Works Scotland, 2019). Earlier studies around Britain's New Localism found similar results, where, although localities were being afforded some autonomy, most initiatives were not supporting the enhancement of local democracy (Pratchett, 2004, p. 358). In fact, work by Smith (2019) found that there is very little evidence of democratic innovations being institutionalised effectively into political processes in a way that effects meaningful change. Overall, democratic innovations have mostly continued to be conceived as short-term efforts and the 'deliberative wave', by and large, has not created the substantive long-term democratic change it espouses (Font et al., 2018). To date, there has been limited empirical research that explores what might be underpinning this stifled progress around institutionalising democratic reforms.

To understand what might be causing this reticence, it is perhaps useful to reflect on some of the early scholars of deliberative democracy, Gutmann and Thompson

(2004), who once wrote that 'the future of deliberative democracy depends on whether its proponents can create and maintain practices and institutions that enable deliberation to work well' (p. 59). While over the last two decades proponents successfully ensured that deliberative democracy became one of the most productive research paradigms within democratic theory (Warren, 2017), it cannot be said that this research focus has explored what 'institutions enable deliberation to work well'. As Smith (2019) argues, without a more complete understanding of how democratic innovations can be effectively institutionalised, they risk being applied in contexts that may not be appropriate, as well as not well designed or integrated into the political process. Further to this, our understanding of how public officials work to embed democratic innovations is limited (Escobar, 2022; Pera & Bussu, 2024).

This paper posits that greater attention is required towards the public managers who are entrusted to interpret, design and oversee how democratic innovations are realised. It does so by examining the role of public managers in framing how democratic innovations are implemented and exploring the constraints and motivations that inform how public managers respond to these practices. To examine this focus empirically, the paper utilises the legislative changes of the *Victorian Local Government Act 2020*, which requires that local authorities develop their major strategic plans through 'deliberative engagement practices', as a case study. This is a pertinent case study because the stated aim of the legislation was to 'improve local government democracy' (LGV, n.b.) and legislators repeatedly claimed that it had at its core the aim of ensuring all Victorians could engage with local government on municipal priorities and the future of their community (see examples DELWP, 2021a and DELWP, 2021b). Furthermore, legislators clearly set an agenda of democratic renewal, claiming that 'As the level of government closest to the people, local governments have both the opportunity and arguably the responsibility to enable participatory democracy' (DELWP, 2016, p. 60).

The paper begins with an overview of existing literature regarding democratic innovations, focusing on the manner in which the role of public managers is usually conceived by scholarship. It then considers some examples where legislation has been passed to improve citizen involvement in decision making, drawing attention to what scholars have found in terms of institutional resistance to embedding

democratic innovations. The paper then turns to the *Victorian Local Government Act 2020* and explores research findings regarding the implementation of deliberative engagement practices across 79 local governments in Victoria, Australia. These findings demonstrate the conceptual divergence between the stated intention of the legislation, which was anticipated to 'improve democracy', and how deliberative engagement practices were interpreted and applied by local authorities. It then explores what might have informed this dissonance, highlighting that the confluence of several conditions, including how public managers framed participation in deliberative engagement practices, the level of influence these practices were given and the how the individual agency of policy actors may have impacted their propensity to engage effectively with the practices.

2. Democratic innovations and public administration

2.1 The consequential role of public managers

As noted earlier, democratic innovations were developed as a compelling counterbalance to claims of a 'democratic deficit' and the perceived limitations of systems of elected representatives by arguing for a shift in the locus of political decision-making from a select group of elected representatives to the much broader 'public' (see Gutmann & Thompson, 2009). Over the subsequent decades, while the extent to which different designs or models realise the ideals of democratic innovations is well subscribed in the literature, there has been less emphasis on how they are integrated into public management processes or how institutional constraints influence the practices that emerge. Cooper and Smith (2012) noted that, while the literature on the potential contribution of democratic innovations continued to expand, less was known about the 'intentions, commitments and perspectives of those who organise' these processes (p. 2). This omission is also recognised by public administration scholars who indicate that 'the issues of democracy and participation are under-studied by administrative theorists despite these issues being at the heart of the public nature of public administration' (Kurkela et al., 2023).

While the scholarship may have been modest, public managers have nevertheless been recognised as having a fundamental role in determining the application of democratic innovations. Firstly, it is acknowledged that public managers can define

the extent of participation, shape the ways that the participation takes place, and decide whether or not participation is valuable for their work (Eckerd & Heidelberg, 2020, p.133). Further to this, how public managers conceive of and engage with the practices is critical. At a webinar discussing citizens' assemblies, Professor Jane Suiter, who is a long-time scholar and a proponent of deliberative democracy, highlighted that barriers to institutionalising processes are the 'ongoing reluctance within the machinery of government where policy makers are used to having control, an inertia and a wedding to the status quo' (2021). Suiter's reflections are echoed in a recent article that examined embedding practices in local government in Finland, where scholars underscored how public participation can be in conflict with established government practices and thus embedding these processes can be complicated because they 'cannot be just "added into" existing structures' (Jantti et al., 2023, p. 1533). This is noted by other scholars who have focused specifically on public servants, drawing attention to the fact that their role has changed from being traditionally viewed as administrators guided by 'technical expertise, rationalism, formal rules and procedures' to being increasingly expected to engage and empower active citizens (Blijleven et al., 2019, p. 209). How public managers therefore interpret democratic innovations *vis à vis* their own roles can have a consequential impact on how they are realised.

Further to this, there has been a tendency to assume public managers are supportive of democratic innovations in the existing scholarship around the practices. Nabatchi (2010), one of the few scholars who explore democratic innovations through the lens of public administration, asserts that scholars need to give critical and sustained attention to the role of public administration in a democracy. They propose a research agenda that contemplates questions such as 'What are the obstacles to greater use of deliberative processes? How do (or might) deliberative processes affect the discretion, power, and control of administrators and other public decision makers?' (p. 392). However, Nabatchi argues that it is the 'moral imperative of public servants to support greater public participation' and then focuses their attention on detailing what is required of public servants to fulfil this imperative. Nabatchi's underlying assumption is that public servants would be mobilised by this 'moral' compulsion. Not only does this assumption infer public servants are operating from similar value frameworks to proponents of deliberative practices, but it also

does not address the 'inertia and wedding to the status quo' flagged by Suiter (2021).

This suggests that, even where scholars recognise the importance of the broader governance ecology, further elaboration is often lacking. Instead, this aspect is subsumed by assumptions that public managers will diligently and capably support democratic innovations once their benefits are better understood and mandated by the authorising environment.

The following section relays some of the existing scholarship in this area with analysis of how public managers have responded to legislation that called for increased public participation. It is not exhaustive as an account, however provides salient insights and positions this paper within this area of research.

2.2 Embedding democratic innovations in public administration

<u>Local government legislation in the United Kingdom</u>
The United Kingdom has what could be considered a long-running history of embedding public participation through legislation, spanning back to what is referred to as New Labour's 'democratic renewal' agenda which commenced over 20 years ago. Through legislation such as the *Local Government Act 2000*, new institutional arrangements were developed which, amongst other things, required local authorities to consult with and involve the public in decision-making on an ongoing basis (Lowndes & Wilson, 2001).

In their analysis of the impact of this legislation, Lowndes and Wilson (2001) found that the institutional design choices made by local authorities were crucial in determining whether groups of citizens were able to gain access to decision-making, whether decision-makers had a capacity to respond, and whether certain groups were privileged over others regarding the influence they exerted (p. 641). This meant that local authorities had significant discretion, to which Lowndes and Wilson warned there was a danger that 'new participatory institutions may be effectively hijacked by those involved in the management of local services' (p. 637).

Also in the United Kingdom, the *Community Empowerment [Scotland] Act 2015* is an

interesting example of government legislating public participation under the banner of pursuing democratic renewal. The overall purpose of the Act was to strengthen communities' voices in decisions about public services and increase community ownership or control of land and buildings (What Works Scotland, 2019). Since its inception, the Act is reported to have resulted in at least 300 participatory budgeting processes (Bynner et al., 2023) and has been described as a 'unique site for the study of participatory systems and the political and administrative cultures that enable or hinder their development' (Escobar, 2022).

In an analysis of the Act's outcomes, What Works Scotland (2019) highlights that some of the key challenge regarding its implementation were that participatory processes required long term resource commitment, ongoing learning, and adaptation, and 'sometimes institutional reform'. In a section discussing implications for 'policy and practice', the report suggests investing in capacity and skills and stresses the importance of 'fostering a participative culture in public authorities'. The report states that commitment and buy-in is particularly required at a strategic, political, and senior management level, and that administrative reforms such as procurement practices or staff recognition and promotion criteria may support this change. Another What Works Scotland report primarily focused on practices in West Dunbartonshire also found that 'while resources, methods, planning mechanisms and communications may be important, values and attitudes were regarded as by far the most significant driver or barrier to change' (Bynner, 2015, p. 26). This position is reiterated in research conducted eight years later, which identifies culture change as important for improving public participation because it 'was regarded as very much an add-on and seen as just another demand' (Bynner et al., 2023, p. 10).

Local government legislation in Finland

In Finland, local councils are responsible for enabling citizen participation and have played an active role in promoting citizen participation over the last two decades with the introduction of the *Local Government Act (410/2015)* and the *Land Use and Building Act (132/1999)*. These both mandate citizen participation; as a result, Finnish local governments have introduced a range of mechanisms to systemise public participation.

Taking a rare public administration lens to the practices, Kurkela et al. (2023) sought the key organisational elements that enable citizen participation and focused their research on local government organisations. They examined the City of Helsinki, which had applied its practices in a particularly extensive, ambitious, and well-resourced manner. In this city, each division has its own participation plan, and its program is regularly monitored and reported. In addition, the principles of participation have been integrated into the administrative rules of the city at the strategic level and thus guide the actions of the entire organisation.

Kurkela et al. (2023) found that there are a variety of organisational structural issues that are important to consider which enhance public participation and that these practices require changes to institutional culture and attitudes. To reinforce organisational culture, they identify the management of citizen participation as a key issue, stating that a systems approach with strong support from management is needed. They determined that administrative rules and principles steer how participation is organised, and that, whilst the legislation mandated practices and provided some guidance, further structure is needed at an organisational level. They propose that more enabling organisational structures require rules and delegated authority so that responsibility and leadership for participation is across the whole organisation and not reliant on a handful of champions.

Participatory Budgeting in Brazil
Participatory budgeting emerged in Brazil and, without ever being enshrined in legislation, nonetheless became an entrenched mechanism for involving the public in government decision-making, creating an institutional blueprint around the world (Ganuza & Baiocchi, 2012; Christensen & Grant, 2016).

Whilst much has been written about participatory budgeting, Montambeault (2019) is one of the few scholars that focuses on the role of public managers. Taking an institutionalist approach to their research, Mountambeault found that while seemingly stable, participatory budgeting processes had, in fact, adapted over time as a direct result of the choices and influence of public managers. Montambeault determined that, while public managers did not directly challenge the existence of participatory budgeting processes, they markedly changed the practices by redefining and

adapting the methodology and scope of each participatory budgeting cycle according to their own priorities, interests, and agenda (p. 34). This transformation has been substantiated by other scholars who noted that Porto Alegre's participatory budgeting regime has been 'stifled overtime by the council's technocrats' (Bua & Bussu, 2021, p. 721).

2.3 'Institutional stickiness'

These examples demonstrate a risk that, even if legislated, democratic innovations at best become intermittent sites for greater public participation and government organisations quickly revert to 'business as usual' once completed. The section overall has shown the public manager's consequential role in empowering public participation and how it can be circumscribed to meet organisational norms. This aligns with what Lowndes (2005) described as an 'institutional stickiness' (p. 296), where the practices of government agencies are effectively no different despite legislation for more public participation. If this is the case, 'it is worth considering the extent to which the participatory turn has democratised administration and the extent to which participation has been subsumed into administration' (Eckerd & Heidelberg, 2020, p.134).

As governments continue to set intentions through policy positions and legislative reforms, such as the case study under analysis for this paper, examining how those intentions translate to embedded practice in government organisations is critical. Inherent in this, how policy actors interpret democratic innovations is tantamount to whether the practices prevail over the myriad spoken and unspoken incentives or disincentives that influence policy actors' decisions and courses of action.

3. Deliberative engagement and the Victorian Local Government Act *2020*

3.1 Methodology

The research presented in this paper derives from case study research conducted on the *Victorian Local Government Act 2020* requirements around 'deliberative engagement practices'. It followed how local government organisations in Victoria interpreted and operationalised these requirements over a two-year period between 2020 - 2022.

Whilst designed as a single case study method, the research benefited from multiple sources of evidence and, therefore, a variety of embedded units of analysis (Yin, 2012). These included both in-depth engagement with three councils and broader sector data such as consultant interviews and surveys. Data collection involved a mixed methods research approach, and, therefore, both qualitative and quantitative data were collected, which included interviews, observation, artefacts, and surveys. This allowed for a plurality of viewpoints and increased opportunities for extensive analysis.

The analysis for this paper draws mainly from the thematic analysis of 45 interviews with council staff, councillors, and deliberative engagement consultants[1]; statistical analysis of 204 survey responses; and analysis of all 79 Victorian councils' community engagement policies, deliberative engagement processes and recruitment strategies. These sought a broad understanding of how deliberative engagement practices were interpreted and applied across Victoria, in different councils, and with varying degrees of capacity and resolve. To contextualise the findings within the local government sector overall, data is also derived from a select number of artefacts and observations of webinars during the early stages of the Act's implementation. Collectively, this data presents a holistic rendering of the norms and incentives likely to have shaped or constrained councils' approaches to their legislative obligations.

The research applies an institutionalist lens and therefore recognises that there are inherent incentives and deterrents within any organisational structure and that these can either support or prevent policy actors from taking certain courses of action (Lowndes & Roberts, 2013). An institutionalist lens means that the research pays particular attention to the constraints and conditions that influence and shape the decisions of policy actors, therefore, acts as a useful reference point to better analyse how public managers engage with, interpret, and then implement deliberative engagement practices.

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[1] In Victoria the majority of local government organisations outsourced the facilitation of deliberative engagement practices to commercial providers (referred to as consultants in this paper). This occurred to such an extent that the 11 organisations that consultants who participated in interviews worked for had been engaged by over 60 councils in Victoria.

3.2 'Improving' democracy through legislation

Before moving to the findings, this section provides some contextual information about the V*ictorian Local Government Act 2020*. In Victoria, Australian, local government is made up of 79 councils. As with other Australian jurisdictions, local government is established by an Act of the state's parliament; in this case, the *Victorian Local Government Act 2020*. This is the principal legislation that governs local government; it outlines the purposes and functions of local government as well as provides the legal framework for establishing and administering the responsibilities for local government (otherwise known as councils).

The stated aim of the *Victorian Local Government Act 2020* was to '*improve local government democracy*, accountability, and service delivery for all Victorians' (LGV, n.d., emphasis added). The Act was repeatedly described as having at its core the aim of ensuring all Victorians have the opportunity to inform municipal priorities (see examples DELWP, 2021a and DELWP, 2021b), and its implicit agenda for democratic renewal can be deduced from the early stages of the Act's development with statements such as: 'As the level of government closest to the people, councils have both the opportunity and arguably the responsibility to enable participatory democracy' (DELWP, 2016, p. 60). More recently, the legislator has conveyed similar positions, stating 'deliberative engagement practices are designed to protect the democracy of local government practices and decision making while ensuring the community's voice and priorities match that of the council' (LGV, 2022, p. 8).

The legislation's intention can therefore be understood as an attempt to augment, or modernise, representative democratic practices in local government with deliberative engagement practices. Considered through the lens of in-built problem representations, or what Bacchi (1999) refers to as 'the shape of the problem' (p. 66), these narratives also indicate what there was a perception that Victorian local governments were not sufficiently involving their constituents in decision-making. It also reveals a set of assumptions around institutionalising deliberative engagement practices, namely, that they would enhance local government's strategic planning processes through greater public participation. Perhaps not surprisingly, these assumptions are aligned with the normative premises espoused by advocates of

democratic innovations, and the ascension of these ideas discussed earlier.

4. How public managers' perceptions of representation inform deliberative engagement practices.

Given deliberative democratic theory emerged as a corrective to what were regarded as the limitations of aggregative forms of democracy, it is not surprising that one of its main tenets is that 'those affected by decisions must have equal opportunities to participate, and equal influence over the outcomes of discourse' (Beauvais & Baechtiger, 2016, p. 2). This is founded on the normative premise that a group of citizens, selected usually at random and without political agendas, ought to contribute to decision-making because their deliberations will be unhindered by bias or political persuasion, and therefore, best consider the common good. Therefore, implicit in the concept of democratic innovations is the notion that a collective consisting of individual citizens can be a reliable arbiter of the 'common good', and that this collective is capable of understanding the plurality of values and identities represented at any one context. The analysis of the implementation of the *Victorian Local Government Act 2020* therefore begins with how these collectives of individuals were established and how then deliberative engagement practices were undertaken to ensure that the 'common good' was arrived at.

To establish what types of deliberative engagement processes were undertaken, a desktop review of each of the 79 Victorian councils' deliberative engagement processes was conducted. Council reports and descriptions in council plans found that 63% (n = 50) of Victorian local governments implemented processes that can generally be described as mini-publics, with many referring to them as a 'community panel'. Consistent with the point made earlier, whereby deliberative democracy usually involves a representative sample of citizens, the processes generally bought together a group of approximately 40–50 community members to 'deliberate' on the priorities of the municipality. The remaining 37% (n = 29) of councils conducted processes such as town hall meetings, pop up consultations, or conducted stakeholder consultation meetings. As such, based on these figures alone, regardless of the legislation, over a third of councils' continued to deliver traditional consultation methods and formats only to call them 'deliberative engagement

practices'.

Putting aside that a large section of local governments in Victoria did not change their engagement processes despite the new legislation, for the remaining 63% of councils, it would seem that attracting broader descriptive involvement in deliberative engagement practices was compelling. In interviews, engaging community members who do not otherwise participate in council engagement processes or reach beyond the limited 'usual suspects' who tend to get involved was consistently highlighted as a perceived benefit:

> *And usually, the interest in those projects [traditional community engagement] comes from a small number of individuals that are already engaged and already have, like we all do, a particular view on what policies should look like. And so, there's advantages in that if we take a deliberative approach, we'll hear from some broader voices.* (CEO Bologna[2])

Interview data and surveys found that, broadly speaking, public managers at Victorian councils believed there had been broader and more inclusive public participation in their deliberative engagement processes. However, this was also caveated by some apprehension around the influence of a relatively small group of community members on municipal-wide strategies. As such, although the likely traits of participants were not generally questioned, there was some doubt about whether they had the authority to make recommendations on behalf of their fellow constituents.

This is a common criticism of deliberative engagement practices because, as Parkinson (2003) explains, 'in complex societies, deliberative participation by all those affected by collective decisioning is *extremely implausible*' (p. 180, emphasis added). This is echoed by Dryzek (2002), who also recognises that any meaningful participation in collective decision-making by more than a small minority is inconceivable in contemporary nation-states. Inevitably, any deliberative process will comprise a select group of citizens who participate in lieu of the collective whole.

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[2] Interviewees from local government that participated in the research were anonymous and were given pseudonyms based on Italian cities.

Consequently, deliberative engagement can be interpreted as a way of delegitimising some democratic channels in favour of a privileged connection between a select few citizens and decision makers (Parkinson & Mansbridge, 2012 cited in Courant, 2022, p. 171). This limitation, described by Parkinson (2003) as 'deliberative democracy's scale problem', was not lost on the Victorian local government sector. Interviewees expressed concerns, or scepticism, about the influence of a relatively discrete group of community members at the perceived expense of broader public participation:

> *… [through the deliberative engagement process we] have created a mini council. And I'm wondering if that, as a by-product, has made it a bit more exclusive – it's an exclusive group … we tried to get representation, and I think we had really great representation … but we've got thousands of community members out there that we didn't involve too* (Coordinator Verona)

> *How do you sort of still give the community some ownership because there's still very much an opinion from elected representatives that, 'this is some privileged body [referring to the Community Panel], but what about the rest of the community?'* (Consultant 9)

Analysis of the interview and survey data suggests that even when there is legitimacy conferred on the cohort that participated in the deliberative engagement processes, it does not automatically transfer to legitimating recommendations on behalf of the broader community; some reconciliation with the wider constituency still needs to occur.

The reliance on sources of legitimacy beyond a deliberative cohort can best be demonstrated through the almost blanket use of a public exhibition consultation process by local governments in Victoria. Public exhibition is a process where draft council strategies are put out for public comment and anyone from the community is invited to share their feedback. It is well recognised in the local government sector that this usually solicits input from the most engaged and vocal community members. Despite the *Victorian Local Government Act 2020* removing legislative requirements to have a public exhibition stage, replacing it with the requirement to undertake deliberative engagement practices, 92% (n = 73) of Victorian councils decided to

have their strategic plans undergo this process. In addition, a large proportion (64%; n = 47) made amendments to their strategic plans following this public exhibition stage. To further explain, the recommendations arrived at through a deliberative engagement process were put out for consultation to the broader community, and the feedback generated from this broader participation informed the final council endorsed strategies.

Reasons for continuing this practice were varied; some referred to 'best practice', while some inaccurately stated that the public exhibition process was 'in accordance with the Local Government Act'. All councils involved in the study acknowledged that they no longer had to conduct a public exhibition stage, but they decided to maintain it because they understood it to be more inclusive.

There is clearly incongruence between planning a deliberative process which aims to engage participants that don't usually engage with council only to then incorporate activities that privilege those with greater political agency. This was noted in interviews with consultants who had worked with councils on their deliberative engagement processes:

> *Even though it's no longer a legislative requirement, I've seen in a lot of council groups who wanted to avoid the squeaky wheels, but they come back during the public exhibition period and get their thing passed.* (Consultant 1)

> *You need to be clear about what level of influence that will have, and how you weigh that up against this process. Because I think you can confidently say that the Act and the resources that go into this, the deliberative process should have more weight than something going out for comment and hearing from the usual suspects.* (Consultant 3)

However, despite this paradox between public exhibition processes and deliberative engagement practices, much of the sector continued these practices, justifying them by suggesting that it was required to legitimate decisions. The almost unilateral application of a public exhibition process underscored the reality that, whilst deliberative engagement practices may have attracted more descriptive

representation in the deliberative cohorts that participated, the practices alone were not sufficient in creating overall confidence in their recommendations. Instead, what pervaded were existing channels of public participation despite them no longer being legislated and irrespective of their known limitations and biases.

This tension between the legitimacy of a select cohort in a deliberative engagement process 'speaking for' broader constituents has been recognised by various scholars. Moore (2019, p. 360) refers to what he calls an 'enduring paradox': 'how could a 'public' that consists of individuals with many different ideas about how the society in which they live should be organised for the common good, possibly speak articulately and coherently about the particular conditions that they as a 'public' value?'. Similarly, theorists of democratic innovations have consistently grappled with how deliberative spaces are created which enable the equal participation of pluralistic and competing opinions (Mansbridge, 2003; Dovi, 2016). The practice cannot do without notions of representation, and therefore, who participates in democratic innovations, or not, is fundamental.

Within this, it is important to recognise that the 'public' is not a pre-existing or static entity; it is a social construct (Barnes et al., 2007), designed and judged based on whether it is sufficiently representative to legitimise decisions (Bohman, 2012). This assembling of a representative group, or 'the public,' is described in different ways by theorists of democratic innovations; Escobar (2014) describes it as 'public—making' and Goodin (2008) as 'constituting the demos'. They recognise that who participates in deliberative engagement processes is created depending on what it means to be part of, and participant in, the public sphere at that moment in time and in that place (Benington, 2009). As such, who does and does not participate is highly consequential to which people and interests are considered part of the public domain at the time. When applied to the analysis in this paper, perceptions around the 'representativeness' and legitimacy of the deliberative cohort is therefore subject to which groups or views public managers in Victorian local governments considered pertinent. Consideration therefore needs to be given to what is described as the 'design space' of participation, where democratic architects can manipulate what kinds of stakeholders participate (Fung, 2015, p. 514).

Furthermore, it is possible the continuance of the public exhibition stage is related to the institutionalist concepts of 'path dependency' or 'logics of appropriateness' whereby policy actors privilege their instinct to legitimise actions over responding to situations with new and bespoke solutions. The inherent need to seek stable conditions, leads policy actors to employ trusted templates and fit problems into pre-existing solutions that they have used in the past (Lowndes & Roberts, 2013, p. 115). This might explain why the public exhibition process continued, even though it was no longer legislatively required and despite the fact it demanded both extra resources and time, neither of which councils reported having.

> *I think that gives them a level of comfort that it's still going out, it's still going through the normal process anyway.* (Consultant 9)

> *… they seem to be stuck in that rut of just doing the things that they know because they know them, but they end up causing themselves more problems and not achieving what they want to achieve.* (Consultant 5)

Therefore, while rationales for continuing the public exhibition process were often positioned around inclusion, it is also possible that council staff had not considered an alternative to managing existing stakeholders.

This section has demonstrated how public managers, either consciously or unconsciously, can act as gatekeepers and control which 'publics' are invited into policy-making processes.

5. Public managers' role in enabling outcomes from deliberative engagement practices

Based on the legislation's expressed intention of bringing communities closer to the decision-making of council, the research explored how deliberative engagement practices informed councils' decision-making. This was achieved primarily through the survey, which asked respondents to indicate what level of influence their deliberative engagement process had on the final council decisions. The categories respondents were asked to choose from were broadly based on those of the International Association of Public Participation (IAP2) Spectrum. This spectrum was

applied because it is widely recognised in the local government sector and would have been a familiar mechanism for describing the level of influence given to a consultation activity.

<u>Table 1 Level of influence on strategic planning</u>

Survey question: What level of influence do you think the deliberative engagement process had on the Council Plan?

		Organisational survey	Councillor survey
Inform	The recommendations were presented to Council, but they didn't change the strategies in the final Council Plan either at all or very much	15%	14%
Consult	The recommendations were considered, and some changes were made. Council provided feedback to community about how their input influenced the decision.	40%	27%
Involve	Council worked with community members involved in the deliberative engagement to ensure that their priorities and recommendations were reflected in the strategies that were developed.	26%	41%
Collaborate	Council provided the community members involved in the deliberative engagement the opportunity to come up with their own solutions to issues that were discussed during deliberation and then incorporated these to the maximum extent possible.	13%	14%
Empower	Council committed to implementing whatever the community decided through the deliberative engagement process.	6%	5%

As demonstrated in Table 1 (above), most practices were reported to be at the Involve or Consult level of the IAP2 Spectrum. There were slight differences between the level of influence reported by councillors compared to organisations: 40% of organisational respondents said that the level of influence was at Consult level, followed by 26% at Involve; whereas councillors had a perception of greater influence, with 41% saying it was at Involve, followed by 27% at Consult. Combined, this survey data suggests that the level of influence given to deliberative engagement processes was weighted more heavily towards the lower end of the

IAP2 Spectrum. This is also consistent with data from the desktop review of council reports regarding all 79 councils' processes, as well as what was observed at councils across the sector during data collection. The comment below indicates the resistance to deliberative processes influencing decision-making:

> *I think a key limitation of our process was not the deliberative engagement itself but the extent to which it actually influenced the council plan. There was an attitude internally that we would progress with our plans no matter what it said.* (Organisational survey response)

Whilst it is not possible to determine the level of influence community members had on council plans prior to the legislation, it is fair to assume there has only been a notional change with deliberative engagement practices.

To understand what may have contributed to the level of influence given to deliberative engagement practices, as shown in Table 2 (below), surveys asked: Why do you think your Council decided on this level of influence for the council plan?

Table 2   Rationales for level of influence

Survey question: Why do you think your Council decided on this level of influence for the Council Plan?

	Organisational survey	Councillor survey
This was considered the most appropriate level of influence by Councillors.	12%	20%
It was line with our understanding of deliberative engagement practice and the expectations of the legislation.	51%	30%
It was in line with what we would usually do for the development of the Council Plan.	10%	14%
This was the level of influence suggested by the Executive Leadership and organisation.	12%	21%
This was what the consultant recommended as appropriate.	7%	10%
Other	8%	5%

Most responses stated that the level of influence given to deliberative engagement practices were in line with their understanding of the practices and the expectations of the legislation. Therefore, most respondents either understood, or said they understood, that deliberative engagement processes should have limited influence on decision-making despite the expressed intentions of the legislation.

To further interrogate this data, survey responses from the question regarding the level of influence given to the practices was cross-referenced with responses from a question regarding the rationales underpinning that level of influence. In this manner, the analysis could consider rationales that supported decisions for each individual level of influence.

Table 3 Breakdown of rationales for each level of influence: Organisational responses

	Empower	Collabo-rate	Involve	Consult	Inform
This was considered the most appropriate level of influence by Councillors.	33%	15%	8%	8%	20%
It was line with our understanding of deliberative engagement practice and the expectations of legislation.	67%	54%	58%	45%	40%
It was in line with what we would usually do for the development of the Council Plan.			4%	15%	20%
This was the level of influence suggested by the Executive Leadership and organisation.		8%	19%	10%	13%
This was what the consultant recommended as appropriate.		15%	12%	5%	
Did not specify why:		8%		18%	7%

Table 3 provides the response from the organisational responses, however, the councillor responses were very similar. These responses highlight, irrespective of the level of influence given to the deliberative engagement practices, respondents mostly stated it was 'in line with our understanding of deliberative engagement practice and the expectations of the legislation'. As such, even at the lower levels of influence, both elected representatives and council staff reported believing it was what they thought was appropriate. Most telling is that 40% of organisational survey

responses who said their deliberative engagement practices were at the Inform level, and therefore 'the recommendations were presented to Council, but they didn't change the strategies in the final Council Plan either at all or very much', also said it was in line with their understanding of deliberative engagement practices.

This interpretation, where strategic planning can essentially be carried out with little or no input from community members, is inherently contradictory to the legislation's expressed intent. Therefore, it can be inferred that some councils either fundamentally did not understand the core principles of deliberative engagement practices or they intentionally distorted them. Whichever is the case, this data indicates that narratives emerged to justify practices irrespective of how antithetical they were to commonly held perceptions of deliberative engagement practices.

This section illustrates the 'institutional stickiness' (Lowndes, 2005) described earlier in the paper and indicates the findings of Eckerd and Heidelberg (2020) that that public managers tend to see public participation an opportunity to acquire more information and support their own decision-making rather than share it. They argue that the work of administration is instrumentalist in its orientation and that that public managers are less invested in fostering democracy and more interested in determining the boundaries through which things get done. They conclude that 'if participation is not formalized, it may well not occur, but when participation is formalized, it is shaped to fit within the administrative function' (Eckerd & Heidelberg, 2020, p.144).

Along with Eckerd and Heidelberg, the findings echo other contributions found in the extant literature, namely, the work of Lowndes and Wilson (2001) who emphasised the tenacity of bureaucratic institutional frameworks that frequently persist alongside innovations or adapt to incorporate (and effectively 'defuse') reforms. This was also identified in the work on public participation by Brown and Head (2019), who found that public servants were anchored in existing organisational cultures and therefore, existing norms not only crowded out efforts at reform but could work against them.

6. Dispositions of public managers and their propensity to enable deliberative engagement practices

Moving to more micro level analysis, this section examines policy actors and considers how individual council staff responded to the requirements of the *Victorian Local Government Act 2020*. It outlines the two broad dispositions that were identified in council staff when operationalising deliberative engagement practices that are referred to as 'the willing explorer' and 'the functionalist'. The two dispositions responded quite differently to the changed legislative requirements and the research found this impacted the design and implementation of practices.

6.1 The 'willing explorer'

The title of this disposition was based on what Moore describes as 'willing explorers' in their account of how public managers take up their role as 'explorers commissioned by society to search for public value' (cited in Fisher & Grant, 2013, p. 254). This descriptor was selected based on how interviewees responded to questions about the qualities or traits council staff demonstrated that supported deliberative engagement practices. Several traits were highlighted in these willing explorers; most significant was their enabling and adaptive approach:

> *We had a bunch of people with some new energy that were really keen to try some different things and weren't dogmatic in what they thought was the 'right thing' or the answer to deliberative engagement.* (CEO Bologna)

> *A lot of people would have just gone too hard, but [Community Engagement Person], sort of said, 'I can do this', and really took on the challenge. I'm sure underneath, they are like the duck on the water kind of thing.* (Executive Perugia)

In addition to an aptitude that was constructive and adaptive, the ability to communicate effectively, in a way that was both compelling and brought clarity to the process, was noted as significant in interviews. They needed to not only perceive the benefits of deliberative engagement practices but importantly, convince others in their organisation that it was worthwhile. This aligns to Lee's (2014) assertion that those tasked with delivering engagement need to design processes that are more manageable within the bureaucracy and, amongst other things, make democracy 'less messy'. It could be said that willing explorers navigated this 'messiness' and

supported their organisations to understand deliberative engagement in a way that was both potent and viable.

Also to consider was the willing explorer's ability to build relational capital across the organisational hierarchy. This could be linked with existing literature that suggests those tasked with community engagement can often rank low in organisational hierarchies and have limited formal power to compel others (McKinlay et al., 2011). Therefore, they need to build an 'ecology that supports their work' (Escobar, 2022). Fung (2015) describes organisational champions in a similar manner, highlighting that they need to be adaptive as well as have enough political savvy to identify and organise allies (p. 520). As such, people tasked with designing and delivering deliberative engagement practices in Victorian local governments needed to be capable of cultivating influence across their organisation. The success of these willing explorers would have relied strongly on how they are able to relate to actors across the organisational hierarchy and create buy-in at different authoritative levels. The willing explorers were, therefore, the enabling champions of deliberative engagement practices; they were able to work within the messiness and guide their organisations in making sense of the legislative requirements, presenting them as an opportunity rather than an obligation.

6.2 The 'functionalist'

The other disposition found in the research was labelled the functionalist since policy actors in this category tended to use narratives that focused on control, stability, efficiencies, and pragmatic challenges rather than approaching deliberative engagement practices from a more favourable perspective of the benefits they might produce.

Fundamentally, interviewees described people of a functionalist disposition as resistant to changing established norms. For these actors, the disruption to the status quo brought about by the legislation was met with aversion and contention. Exploring this resistance a little further, the data suggests that rationales underpinning this disposition revolve around some key factors, including an unwillingness to share control of the strategic planning processes, coupled with an

overall wariness of community input. In a similar vein, functionalists also tended to favour limiting community's influence on decision-making because it would impact council staff's obligations going forward:

> *I would say that's very difficult in an organisation for people giving up their power or giving up 'do I want to have that decision made by others when it's going to affect me and what I do'.* (Director Imola)

Whilst the comment above refers to uneasiness associated with losing oversight of their functions, at times the apprehension was connected to a sense that the process challenged staff members' professional expertise:

> *And for some of them, their mindset was, we don't think anything could come out of this that will help us with our plans because we've basically written it. So we just hope it doesn't interfere and become inconvenient for us in any way.* (Consultant 3)

> [Describing how some colleagues felt:] *You know, people have studied for a very long time to be content matter experts, and now we're going to ask some community members, who have all different educational backgrounds, to have genuine input into something that we've been working on for decades? You know, this is how local government functions and we're a well-oiled machine and don't mess with the process.* (Coordinator Sassari)

The perception that community members did not properly understand council because it was a complex organisation pervaded many of the interviews where the functionalist disposition was discussed; this was coupled with a questioning of the community's motivations:

> *There's a fundamental lack of trust in the public by government. I think, people do not trust in the public's capacity to actually weigh in or understand or get their heads around complex policy issues.* (Consultant 5)

> *So for some, there was a bit of a fear around that, who was going to turn up, but then for others it was a fear around what would a general member of the community know? You won't get much out of them.* (Consultant 7)

In interviews, and also at observations, council staff who seemed to align with this disposition often expressed concerns around the public making either uninformed or self-serving recommendations.

This functionalist disposition demonstrates that a degree of gatekeeping was occurring, with some council staff actively attempting to limit the influence that deliberative engagement practices had on strategic planning decisions.

Therefore, this functionalist disposition could be interpreted not only as a way of safeguarding policy actors' own sense of authority or professional leanings, but also a way of 'reducing the disabling effects of uncertainty' (Lowndes & Roberts, 2013, p. 99) and maintaining a degree of reliability and conformity as normatively expected of bureaucracies (Merton, 1940).

6.3 The impact on deliberative engagement outcomes of these dispositions

The sections above provide some insight into different inclinations of council staff based on what were broadly identified as two dispositions. They highlighted how these dispositions impacted the way deliberative engagement processes were understood and the perceived value, or risk, they presented. As such, they played a critical role in shaping how local governments designed and delivered their initiatives, including the level of influence that deliberative engagement outcomes achieved.

When considered in the context of the legislation's intention to put 'community at the centre of decision-making', the research demonstrates this was dependent in large part on the willingness of council staff to adapt and create processes for it to occur. What is also evident is that public managers are not just 'passive bystanders'; they are interpreting and applying policy based on their own constructs of what is an appropriate or worthwhile course of action.

7. Conclusion

This paper has demonstrated what Eckerd and Heidelberg (2020) referred to as the

'uneasy coexistence' of public participation and administration where public managers 'largely determine the extent of participation, shape the way participation takes place and decide whether or not it is valuable to their work' (p. 133). The empirical findings illustrate how, whether expressly or innately, existing norms, organisational cultures, and individual agency have consequential influence over how deliberative engagement practices are framed and operationalised. In addition to this, rather than reconfiguring how local government conceptualised public participation, the deliberative engagement practices implemented tended to reaffirm the primacy of existing engagement channels. These findings highlight the need for greater recognition of the role of institutional actors such as public managers if democratic innovations are to achieve the normative and epistemic aspirations they were conceived to address.

By mandating deliberative engagement practices, the *Victorian Local Government Act 2020* intrinsically hypothesised that deliberative engagement practices would 'improve democracy'. However, this paper has identified several contested principles and a latent apprehension towards deliberative engagement practices, which indicates that appeals to 'protect the democracy of local government practices and decision making while ensuring the community's voice and priorities match that of the council' (LGV, 2022, p. 9) through deliberative engagement practices did not resonate with Victorian councils in the way the legislation intended. Indeed, what emerges from the analysis could perhaps be described as a dichotomy between theory and praxis. Where perceptions about democratic innovations continue to benefit from dominant discourses about the epistemic and normative value of democratic innovations, those tasked with operationalising the practices are not necessarily driven by these and were perhaps more cognisant of the pragmatic constraints.

These findings suggest that rather than pursuing public participation for its emancipatory potential, public managers operate from distinct value propositions that centre around the instrumental value of involving the public in decision-making. Whilst democratic innovations are often championed as a means for improving democratic decision-making, founded on the belief that through public participation governments become better informed and more likely to make decisions based on

the 'common good', the findings from this paper suggest that policy actors also need to be aware of the commonly rooted demands for efficiency and effectiveness in public administration (Dean, 2023). It has highlighted how institutional constructs that guide the norms of public managers need to be resolved against the demands of democratic innovations. This research finding aligns with what Lowndes and Sullivan (2004) describe as the 'equally important, but rarely recognised, task of de-institutionalising old ways of working' (p. 67). The paper reaffirms and provides a comprehensive empirical account of this critical standpoint.

Overall, it can be said that the findings show a clear dichotomy between the hegemonic ideals of improving democracy that are consistently attributed to democratic innovations and the pragmatic constraints of those tasked with operationalising these practices.

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