1. We are submitting this evidence as academics whose areas of research lie on Parliament, legislation and public engagement. We have published extensively in these areas and, specifically, we have developed a research project over the past year which investigated Parliament’s 2013 public reading stage pilot. This project was funded by a British Academy / Leverhulme Trust grant [reference: SG141934]. Our evidence to this inquiry stems from this research project and its final summary report.¹

2. Parliament’s public reading stage pilot took place during the scrutiny of the Children and Families Bill (2013). Public reading stage enabled members of the public to submit over 1400 comments on the proposed legislation. Our project explored the impact of public reading stage on Parliament’s scrutiny of the bill, the integration of public scrutiny into the legislative process and its impact on public engagement. Our submission focuses on the coherence and accessibility of legislation, the means by which technology can be used to enhance public scrutiny of legislation and the factors which inhibit effective public scrutiny at present. We recommend that:

- **Public scrutiny of legislation can be a valuable tool for legislative scrutiny. Where this type of scrutiny is considered appropriate, it should take place in the pre-legislative phase and with a more formal integration into Parliament’s formal legislative process in both chambers.**

- **The public should be provided with additional information and resources about the content of proposed legislation. This should be specifically developed for the general public in a format which is more “issue led” rather than “bill structure led”, and more accessible than the information ordinarily produced for each piece of legislation which suits a more specialised audience (such as Explanatory Notes). This should also include explanation about the process through which it will be scrutinised. There should also be feedback mechanisms ensuring the public is kept informed about the scrutiny of the bill.**

3. **Using technology to enhance scrutiny of legislation**

3.1 Parliament’s experience of enabling the public to comment directly on the Children and Families Bill demonstrated the real value of using online technology to open up legislative scrutiny to citizens. Those participating left very coherent and detailed comments on the bill, the vast majority of which referred to specific clauses or schedules². Its value lay most obviously in the very personal contributions which were submitted. These included very vivid testimonies of people who had experienced painful separations, distressing adoption processes or huge

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¹ Full details of the public reading stage project can be found at www.publicreadingstudy.com. Our final report is also available from our website https://publicreadingstage.files.wordpress.com/2016/02/prs-research-report.pdf

² 74% of comments left referred to a specific clause or schedule of the bill.
struggles to support children with very complex health needs, to name but a few. They provided concrete evidence of the potential impact of the bill and had huge potential value to MPs considering the consequences of the bill. Many of the concerns raised by the public mirrored those expressed by MPs during their later debates on the bill and some of the changes which the public highlighted (particularly the inclusion of children with disabilities and long term medical conditions in the bill) were later incorporated into the text of the bill.

3.2 Although public involvement in the public reading stage was extensive (and went beyond the figures reported from parliaments engaging in similar mechanisms), its impact on the content of the bill was significantly hindered by its timing. Inviting the public to comment on a bill after its second reading debate brings significant constraints. At this stage the fundamental principles of the bill are more or less fixed and even those opposing the bill will already have decided which areas to focus on. It leaves little time for MPs to consider issues raised by the public and to table suitable amendments in response.

3.3 It was also constrained by its lack of formal integration into the traditional legislative process. Although a summary of the public’s comments was submitted to the House of Commons public bill committee, more could be done to disseminate the contribution made by the public within Parliament. This may mean for example, dedicating a short period of time specific to the discussion and debate of the public’s view (either at committee stage or in a general debate) in either chamber.

3.4. Public scrutiny of legislation can be a valuable tool for legislative scrutiny. Where this type of scrutiny is considered appropriate, it should take place in the pre-legislative phase and with a more formal integration into Parliament’s formal legislative process in both the House of Commons and the House of Lords.

4. Coherence and accessibility of legislation

4.1. Parliament’s experience of public reading stage also demonstrated the need to improve the accessibility of legislation to the public. This can be seen in terms of both the content of legislation and the process of scrutiny itself. Citizens are time pressured, have their specific interests and are not always able to read long and complex legislation in detail. One participant in the public reading web forum asked “How many families would read a document 185 pages long with over 70 confusing clauses?” (GC121). Others sought basic information about what the bill would change and how many people would be affected by the various clauses, but were unable to find the information on parliament’s website.

4.2. Understanding legislation is a challenge, due to its complexity in language, structure and process. We found that the public struggled to understand what the bill’s clauses meant, except when they were guided by intermediary “interpreters” such as interest groups. We also found that the bill’s structure came across as very specialised and not necessarily easy to engage with, despite the fact the House of Commons presented it to the public through clear identifiable separate sections. We also found that the public was drawn to comment on the bill
because they were passionate about the issues covered. So translating a bill’s purpose into issues would seem the best way to communicate its complexity to the public.

4.3 We also found that it can be difficult for the public to distinguish between different types of consultations (departmental consultations, pre legislative scrutiny by select committees, calls for evidence from bill committees) and this means that they often feel disheartened by what feels like repeated requests for them to give the same information on bills. It adds to a sense of distrust in the political system as it appears that their contributions are being ignored. There was also a lack of feedback to the public about their comments and the bill’s scrutiny. This closing-the-loop feedback is very important to communicate to the public that their effort in submitting comments was worthwhile and that they were listened to.

4.4 The public should be provided with additional information and resources about the content of proposed legislation. This should be specifically developed to the general public in a format which is more “issue led” rather than “bill structure led”, and more accessible than the information ordinarily produced for each piece of legislation which suits a more specialised audience (such as Explanatory Notes). This should also include explanation about the process through which it will be scrutinised. There should also be feedback mechanisms ensuring the public is kept informed about the scrutiny of the bill.

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