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## The Government's Draft Legislative Programme – Taking a wider view





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# The Government's Draft Legislative Programme – Taking a wider view

Presented to Parliament  
By the Lord Privy Seal, Leader of the House of Commons  
and Minister for Women and Equality  
November 2007

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## Ministerial Foreword



The Rt Hon Harriet Harman QC MP  
Leader of the House of Commons

In July, the Government published the *Governance of Britain*,<sup>1</sup> its proposals for constitutional reform. We want stronger accountability of the government to parliament, greater engagement between parliament and the people, greater engagement between the government and the people and a strong Cabinet government.

One of the principal suggestions and a step forward in all of these respects, was the proposal to publish a draft legislative programme – an early version of the list of laws the Government aimed to introduce – which would not normally be announced until the Queen's Speech.

This document sets out a summary of our first steps in taking the wider view after the publication of that programme.

This exercise has included a number of different elements, including online consultation and correspondence with stakeholders; events run by the newly appointed regional Ministers to talk to business, local authorities and third sector organisations in their area, and a National Workshop bringing together members of the general public from across the United Kingdom, which I also attended.

An important part of this year's exercise has been to ask people how they want to be involved in the process in the future.

I believe that opening up parts of the political process that have previously taken place behind closed doors, creates new avenues for ideas to come in, and also creates a new degree of transparency that makes Government ultimately more accountable to the public for its actions.

<sup>1</sup> Cm 7170

## Executive Summary

In response to the *The Governance of Britain – The Government's Draft Legislative Programme*<sup>2</sup> that was published in July 2007, the Cabinet Office co-ordinated the consultation with the public on the programme on behalf of the Leader of the House of Commons.

When the programme was published for the first time in July this year, the Government recognised that the scope for any possible changes to the programme would be limited, given the relatively short period of time available before the Queen's Speech in November. This meant that the focus of the process this year would be to seek to create a window on how Government developed the programme, and to learn lessons for how the process could develop in future years.

As well as debates in both houses of Parliament, comments have been received from a range of people and organisations, including members of the public, business leaders, local authorities and third sector organisations. Comments related to the concept of publishing a draft legislative programme, the process of consultation, and the content of the programme as a whole.

Through publication of the Draft Legislation Programme, the Government sought the opinions of Parliament and the people of Britain, instead of keeping the content of the legislative programme "behind closed doors", as it had been in the past.

This document outlines how the exercise was carried out (Chapter 1), and summarises the comments received on the process itself (Chapter 2) as well as on the content of the programme (Chapter 3). All responses concerning individual bills and any new proposals for legislation have been passed to the relevant lead departments who have been asked to consider these issues in planning future legislative priorities. In most cases the content of individual bills has been the subject of a separate and detailed departmental consultation so the comments received through this process will complement those wider processes.

Since July, a number of aspects of the legislature programme have changed including:

- A Constitutional Renewal Bill will be published in draft in order to allow for a detailed consultation on the proposed content;

<sup>2</sup> Cm 7175

- Following engagement with stakeholders, the Planning Gain Supplement Bill will not be included in the programme as alternative proposals are now being brought forward;
- Proposals will be brought forward to help people achieve a better balance between work and family life;
- Proposals will be brought forward to reform apprenticeships;
- The content of Human Tissue and Embryo Bill (now called the Human Fertilisation and Embryology Bill) has changed to reflect comments received during the pre-legislative scrutiny.

The final programme was announced in the Queen's speech on 6 November.

The main conclusions drawn on the process are:

- It is a good idea to publish a draft legislative programme to make the process more open;
- While it should not be the sole process for engaging with the public on the content of individual bills, it has the potential to complement and help to publicise wider processes;
- It would be better to publish the draft programme earlier, in order to allow time for more extensive processes;
- People want to be able to comment on the overall priorities but they recognise a role for Government in working up detailed proposals;
- People want to have a role in reviewing legislation once it has been introduced; and
- People want to know how their views have been considered.

The Government recognise that it needs to be willing to change the timetable and approach to engaging on the draft legislative programme in order to respond to the evidence given this year. In particular, the Government will publish its legislative priorities earlier in the year so that there is more time available for people to comment on the priorities and engage with the development of bills before they are introduced to Parliament. In addition, the Select Committee on Modernisation of the House of Commons is carrying out an inquiry into the Draft Legislative Programme and how Parliament and the public should be engaged in the process in the future.

# 1. Publication and Discussion

In order to meet the Prime Minister's commitment on 11 July 2007 to consult on the Draft Legislative Programme, the Government engaged with different groups of people in a number of ways:

- The Prime Minister made a statement to the House on 11 July to accompany publication of the Draft Legislative Programme;
- The programme has been debated in both Houses of Parliament (25 and 26 July) and evidence has been given to the Liaison Committee of the House of Commons;
- Members of both Houses were invited to comment on the programme via the website of the Leader of the House of Commons ([www.commonslider.gov.uk/draftprogramme](http://www.commonslider.gov.uk/draftprogramme));
- Government communicated directly with a large number of stakeholder organisations asking them to engage with this new process, and to give their networks the opportunity to comment;
- Regional Ministers wrote and held consultation events with key stakeholders in their regions;
- A website was set up by the Cabinet Office ([www.hmg.gov.uk/draftlegislativeprogramme](http://www.hmg.gov.uk/draftlegislativeprogramme)) to provide information about the programme, and to give the public the opportunity to have their say directly;
- Public input has been received via letters to MPs or directly to Ministers; and
- A national workshop, 'Involving the Public in Law Making', was held.

Given that this is the first year in which the Government has published a draft programme in advance of the Queen's Speech, the exercise asked people to tell us not only what they thought of the programme, but also how they would like to be involved in the legislative process in the future. A summary of the responses to this can be found in Chapter 2.

This elicited a variety of responses. Some respondents saw the process as a way of providing opinion on technical issues within the individual bills in the draft programme. Others commented on the programme as a whole and on how the public should be involved. Some organisations took the opportunity to comment on bills which were of particular interest to them – and thereby were able to feed in comments via a single point of contact.



## Debate in Parliament

The programme was discussed in Parliament, the reports of which can be found on the government website on the following links:

Statement by the Prime Minister, 11 July 2007:

<http://www.publications.parliament.uk/pa/cm200607/cmhansrd/cm070711/debtext/70711-0004.htm#07071161000003>

Debate in the House of Commons, lead by the Leader of the House of Commons 25 July 2007:

[http://www.publications.parliament.uk/pa/cm200607/cmhansrd/cm070725/debtext/70725-0023.htm#column\\_968](http://www.publications.parliament.uk/pa/cm200607/cmhansrd/cm070725/debtext/70725-0023.htm#column_968)

Debate in the House of Lords, lead by the Leader of the House of Lords 26 July 2007:

<http://www.publications.parliament.uk/pa/ld200607/ldhansrd/text/70726-0003.htm#07072643000011>

## Regional Ministers discussion of the Draft Legislation Programme

Ben Bradshaw MP, Minister for South West. "There was a warm welcome for the consultation and it raised useful issues about some of the bills. All these involved expressed a hope it would be continued in future years."

The publication of the Draft Legislative Programme followed shortly after the appointment of Ministers to cover each of the nine government regions of England. As a result, Regional Ministers were asked to engage with stakeholders, such as Local Authorities, local businesses and District Councils, to consider the effect of the Draft Legislative Programme on their region.

The nine Regional Ministers are Rt Hon Nick Brown MP (North East of England), Jonathan Shaw MP (South East), Rt Hon Beverley Hughes MP (North West), Caroline Flint MP (Yorkshire and Humber), Rt Hon Tessa Jowell MP (London), Ben Bradshaw MP (South West), Gillian Merron MP (East Midlands), Liam Byrne MP (West Midlands) and Barbara Follett MP (East of England).

Around 250 individuals representing a wide variety of organisations and stakeholders attended a number of events around the country. The events were well received. In all cases, attendees commented that they were pleased that they were being engaged, and some had comments on what future engagement exercises might look like. (Further information in Chapter 2)

Caroline Flint MP, Minister for Yorkshire and the Humber. "For me a key issue was the keenness by the delegates to engage and their genuine interest in the process that lay behind compiling the legislative programme."

The responses from these events have been incorporated into the main body of the summary. Information about the attendance at the regional events is at **Annex A**.

## National Workshop – Involving the Public

In order to engage directly with members of the public, the Government commissioned Ipsos MORI to hold a national workshop on 20 October 2007. A cross-section of people were invited to reflect the make-up of the UK population, taking into account factors such as age, gender, socio-economic group and ethnicity. 76 members of the public attended.

The research objectives of the workshop were:

- to explore public priorities in relation to how they matched to the bills in the 2007-08 programme;
- to explore what people wanted to see reflected in the 2008-09 programme; and
- to find out whether and how people wanted to be engaged on the annual programme of draft bills and individual bills in the future.

The findings from the National Workshop are reflected throughout this document, but can also be found, in summary form at **Annex B**.

## Written Responses

In addition to the regional events and the national workshop, responses were received by email and letter. These were from a broad mix of sources, including individual members of the public and representatives of various organisations.

Some comments were made on the whole programme, as a whole and some suggestions were received on areas that the programme ought to cover.

In addition to comments on the programme, comments were received on a single bill or a small number of bills within the programme. In all cases these have been passed to the relevant lead department for consideration.

## 2. Engaging on the Draft Legislative Programme

The Draft Legislative Programme was published for the first time in July 2007. An important part of that engagement has therefore been about how people want to be involved ahead of future drafts.

Where they commented on the process, most respondents welcomed the idea of being able to participate in the legislative process and have the opportunity to give their opinions on the following session's programme.

In the debate in the House of Commons, the Leader of the House of Commons acknowledged that the timing of the publication of the programme this year meant that there was only limited scope to change the content of the programme itself, but that in future years Government would consider the best time to publish the programme.

Where views were expressed at events hosted by Regional Ministers on the way the process should be run in the future, people felt that the programme should be published earlier so that local views could have an impact on the final programme. It was suggested that it would be better to publish an indication of the programme as a whole in advance of the more detailed departmental consultations on the specific bill content.

The use of the Regional Ministers was welcomed and people felt that this was a good example of the role they could play in feeding in regional views to Whitehall.

Other comments made included:

- The Green Paper was well structured, easy to read and headlined the important issues;
- There was a recognition that the process about making decisions on legislation needed to be more inclusive;
- Support for a regional policy forum to meet regularly to discuss a clear set of regional issues;
- Select Committees should be used more creatively to help develop future bills;

- Regional seminars should be used to enable input from strategists and practitioners to get the right bills;
- Engagement was welcome, providing it was genuine;
- People saw this as a “positive, transparent and understandable process”; and
- People who attended the events hosted by Regional Ministers wanted feedback from them about what happened as a result of the exercise.

Some attendees expressed concern about the danger of “consultation overload”, and said that it was important to be clear how engagement on the programme related to departmental consultations.

In two of the regions, attendees commented that it would be useful to have the draft programme set against wider Government priorities or the strategic intent.

## National Workshop

Attendees at the National Workshop were asked to consider how members of the public wanted to be involved in law making in the future.

The key messages that emerged were:

- People want to have a say in how laws are made but are largely unaware of existing mechanisms;
- Communicating channels/mechanisms will be important but it isn't easy and isn't the only answer;
- People are eager to input into the development and review of laws – they need to be provided with more information to allow them to input into priority-setting;
- People are realistic and sensible about who to involve and want political leadership too; and
- There was strong support for deliberative mechanisms, but the relevance of this was thought to vary according to the point in the legislative process.

There was general agreement that the best opportunities to further involve the public were **at the early stages** of law/policy development and in later **review** or amendment processes.

People commented that, in the **early stages**, it felt like the most 'genuine' engagement and this was the right point to gather input from many sources. People felt that they were more likely to be heard at this 'big picture' stage and also felt this was the point where solutions or particular policies could be suggested or developed (as opposed to later 'tweaking'). This was also seen as a less intimidating stage than the idea of later more detailed and technical considerations.

In commenting on involvement in a **review stage**, people said that they had a sense that the hard work of finding solutions had been done and that the public would not be under pressure to solve very large or complex issues. People saw the process of evaluation as simpler and more suited to public opinion – as they saw themselves as the key audience/user for most policy.

Specifically, people did not feel that they wanted to be involved in what they considered to be the technical detail of the drafting and refinement of legislation. Additionally, people found it difficult to imagine how they would be involved in the priority-setting phase of the cycle. They recognised that their perspective was coloured by their own experiences and so felt that they would have to filter a lot of information. Therefore, they suggested that perhaps the best way to present these issues to the public was to allow them to see the broad priorities and what each bill would mean in practice and offer a range of evidence for/against these elements.

People were asked about whether they were aware of ways they could already engage on some of these issues. They commented that once they were reminded of them some channels for involvement were familiar, but that they were only able to recall very few of them without being reminded. Those who had used the existing channels often felt them to be unsatisfactory or not a 'genuine' form of consultation e.g. council meetings which were perceived to have pre-determined outcomes, contact with MPs with no outcome or petitions that were ignored.

When reminded, people recognised the concept that political parties offered a potential communication channel. However, given their perception of political parties, this was not a popular option. Some participants were themselves members of political parties. However, these individuals felt that party membership did not necessarily provide an uncomplicated approach. For example, some felt that political leaders generally set the agenda; or that parties divided themselves into groups/factions that individuals had to join to get their voice heard – and that these may not necessarily represent their own voice.

To the majority, many routes for engagement were unfamiliar and most people felt that they did not know enough about them to make use of them. However, throughout the course of the day, people became more aware of the channels available to them to give their opinions.

Overall, people felt that Government had a leadership role which they wanted it to demonstrate. They also thought it was important that a range of groups and individuals were given a chance to express their views. People acknowledged that Government had tough decisions to make about priorities and felt that the harder the issue, the more the role of Government leading was important.

People were asked about what they thought were the barriers to their own or other people's potential involvement and these included:

- Apathy – people admitted that in practice they'd probably only get involved in issues they felt strongly about or if people really brought the process of engagement to them (would be unlikely to be proactive, especially in current context);
- Fear of not being listened to/taken seriously (especially those who lacked confidence in themselves/the process);
- Experience of having been consulted in the past and nothing having come of it;
- Not knowing where to start; and
- Feeling information/opportunities for engagement were inaccessible/hard to understand – including language and accessing the information.

They were then asked how they felt Government could act to overcome some of these barriers. These were:

- Plain English executive summaries of proposed policies/laws and their implications in terms of risks/benefits for the new law;
- Transparency – explanation of process and what would be done with results at the end; and
- Explaining decisions that are made – what information was taken into account and how it was weighted.

## 3. The content of the Draft Legislative Programme

One of the aims of publishing the Draft Legislative Programme was to invite comments on the shape of the programme overall.

There was a general consensus amongst respondents that the right issues were being considered in the legislative programme, although some respondents commented that the detail of the bills would obviously be important. For example, legislation on housing was welcomed but it was noted that there were a wide range of potential issues that could be covered, meaning that the Government could choose to be either more or less ambitious in what it wanted to do. Some respondents commented that there was a degree of expectation that there would be annual bills on, for example, education, health and criminal justice.

The publication of the programme also provided an opportunity for people to comment on different bills which were related for example it was noted that the Regulatory Enforcement and Sanctions Bill and the Employment Simplification Bill, would both be of business interest and there were strong links between the proposals for housing and planning and energy and climate change. More widely respondents were keen to ensure an integration of policies and the creation of a long-term joined-up approach to tackling complex issues. They commented that Government needed to recognise linkages between issues to maximise benefits and prevent duplication and conflicting agendas.

In addition, respondents commented that:

- Production of a shorter summary document to sit alongside the more detailed green paper might have encouraged more people to read it;
- All bills should be subjected to a “carbon audit” to identify their impact on carbon emissions and to consider ways in which emissions could be reduced if proposed measures would result in a rise in a carbon emissions;
- Disability equality impact statements should be performed at an early stage on all bills, involving disabled people as required by the Disability Equality Duty;

- They were pleased that the Government was committed to empowering young people but wanted the Government to work with key stakeholders and young people to establish a non-statutory charter outlining the rights young people have to being heard and consulted at both a national and a local level; and
- The draft programme should be published in plain English language.

Comments were received on individual bills within the programme and have been passed to the department responsible for these bills. In most cases the development of legislation is the result of detailed departmental consultations and information about them and the responses to the consultant can be found on the departmental websites.



# Annex 1

## Participants from regional events

### **Participants from the following organisations participated in the regional events:**

#### **East:**

Bedfordshire County Council  
Cambridgeshire County Council  
East of England Development Agency  
East of England Regional Assembly

Barbara Follett MP, Minister for East of England. "East of England stakeholders gave a warm welcome to the consultation and expressed a hope that it would continue in future years."

English Heritage  
English Partnerships  
Environment Agency  
Forestry Commission  
Learning & Skills Council  
Mills & Reeve  
NHS  
Peterborough City Council  
Renaissance Bedford  
Renewables East  
Southend Borough Council  
Suffolk County Council

#### **East Midlands:**

17A Meridien East  
Auditel Straus Associates  
CBI  
Commission for Racial Equality/Equality and Human Rights Commission –  
East Midlands  
Confederation of Passenger Transport  
County Hall  
Derby City Council  
Derby Community Safety Partnership  
Derby County Council  
Double-Disc Entertainments

Gillian Merron MP, Minister for East Midlands “The priorities proposed for inclusion in this years Queen’s speech were welcomed by key local representatives, at a local discussion event I hosted in a region. They told me that the right issues were being considered, particularly those relating to transport, housing and improving skills.

There was also a genuinely enthusiastic response to being given early sight of proposed legislation, which no Government has done before, and to the whole push by the Prime Minister to find new ways to ensure the public has a greater say on the issues that directly affect their lives, particularly at local and regional levels.

East Midlands Business Forum  
East Midlands Development Agency  
East Midlands Regional Assembly  
East Midlands Transport Activists Roundtable  
Employment and Skills Productivity Partnerships  
Engineering Employers Federation  
Experian  
Leicestershire Chamber of Commerce  
Federation of Small Business East Midlands  
Greenthumb Lawn Treatment Service  
Housing Corporation  
Institute of Directors  
Leicester City Council  
Leicestershire County Council  
Lincolnshire County Council  
Longhurst Group  
Learning and Skills Council  
National Housing Federation  
Northamptonshire County Council  
Nottingham City Council  
Nottingham Connexions Service  
Nottinghamshire County Council  
Nottingham Crime and Drugs Partnership  
Rolls Royce  
Stagecoach East Midlands  
The Phoenix Partners

**London:**

Big Lottery Fund London Group  
Black Londoners Forum  
Confederation of British Industry London  
Coalfields Regeneration Trust  
Commission for Equalities and Human Rights

Corporation of London  
Heritage Lottery Fund  
London Borough of Barking & Dagenham  
London Borough of Barnet  
London Borough of Ealing  
London Borough of Greenwich  
London Borough of Hackney  
London Borough of Haringey  
London Borough of Hounslow  
London Borough of Lambeth

Rt Hon Tessa Jowell MP, Minister for London. "This event was an excellent opportunity to hear from London stakeholders about the shape and content our draft legislative programme."

London Borough of Merton  
London Borough of Southwark  
London Borough of Sutton  
London Borough of Westminster  
London Chamber of Commerce and Industry  
London Civic Forum  
London Climate Change Partnership  
London Communications Agency  
London Councils  
London First  
London Remade  
London Sustainable Development Commission  
London Voluntary Service Council  
Made in London  
North East Rural Affairs Forum  
Northern Rock Foundation  
Partnership for Young London  
Shelter  
Social Enterprise London  
St John Ambulance  
Tees Valley Joint Strategy Unit  
Think London  
Visit London  
Voluntary Organisations' Network North East

**North East:**

Age Concern  
Association North East Councils  
British Telecommunications North East  
Campaign to Protect Rural England

Confederation of British Industry North East  
Confederation of Passenger Transport  
Darlington Borough Council  
Durham County Council  
EEF Northern  
Federation of Small Businesses  
Go North East bus group  
Hartlepool Borough Council  
Institute of Directors  
Learning and Skills Council  
Northern Business Forum  
North East Chamber of Commerce  
NECTAR  
Newcastle City Council  
Nexus  
NOF Energy

Rt Hon Nick Brown MP, Minister for North East. "I am very pleased to have had the opportunity to consult local authority leaders and chief executives, business leaders and members of civic society on their views of the Government's proposed legislative programme. Important issues were raised in each of the consultation events I hosted and I am confident that the Government's plans have been fully reassessed in light of the views expressed. I am sure that this more open, transparent style of Government will lead to greater, more effective engagement in the years to come".

North East Assembly  
North East Refugee Service  
North East Regional Alcohol Forum  
North East Strategic Migration Service  
North Tyneside Council  
Northern Defence Industries Ltd  
Northumberland County Council  
Northumberland VCS Consortium  
Northumbrian Water  
One NorthEast  
Redcar and Cleveland Borough Council  
Regional Youth Work Unit  
Service Network  
St Anthonys of Padua Community Association  
Stockton Borough Council  
Sunderland City Council  
Tees Valley living

**North West:**

1North West  
Blackburn with Darwen  
Care Services Improvement Partnership  
Constable Merseyside  
Cumbria County Council  
Cumbria Strategic Partnership  
Elevate  
England North  
Environment Agency  
Executive Manchester Enterprises  
Greater Manchester Public Transport Executive  
Greater Manchester Chamber  
Halton Borough Council  
Job Centre Plus  
Lancashire County Council  
Lancashire Economic Partnership  
Liverpool University  
Learning and Skills Council  
Manchester City Council  
Merseytravel  
North West Rural Affairs Forum

Rt Hon Beverley Hughes MP, Minister for North West. "The wide range of people from public, private and voluntary organisations who attended the consultation in the North West were enormously positive about having the opportunity to comment on the proposals for the Government's Draft Legislative Programme.

We had a stimulating discussion which included good ideas for how we could improve and extend the consultation process next time."

North West Development Agency  
Oldham Metropolitan Borough Council  
Oldham Salford Pathfinder  
Pendle Borough Council  
Private Sector Partners  
Public Health  
Regional Director Natural England  
Regional Director of Public Health  
Salford Borough Council  
Sefton Metropolitan Borough Council  
Sefton Primary Care Trust  
Strategic Health Authority  
St Helens Chamber

St Helens Council  
The Mersey Partnership  
Vice Chancellor Edgehill  
Wigan Metropolitan Borough Council

**South East:**

Ashford Borough Council  
Buckinghamshire County Council  
Commissioning Manager Regional Offender for the South East  
Environment Agency  
Highways Agency  
Learning & Skills Council  
Natural England  
National Offender Management Service  
Regional Action and Involvement South East  
South East England Regional Assembly  
South East Public Health Group  
South East Regional Council, CBI

Jonathan Shaw MP, Minister for South East. "An understanding of the Governments' intentions for its legislative programme is essential for organisations planning their business in today's world. The new approach has been welcomed by South East stakeholders I have held discussions with".

**South West:**

Bath & North East Somerset  
Black Training and Enterprise  
Bristol City Council  
Caradon District Council  
Christchurch Borough Council  
Cheltenham Borough Council  
Exeter City Council  
Gateshead Voluntary Organisations Council  
Gloucestershire County Council  
Interfaith North East  
Learning and Skills Council North East  
Mendip District Council  
North Somerset District Council  
North Tyneside Metropolitan Borough Council  
North Wiltshire District Council  
Sedgemoor District Council  
Somerset County Council  
South Gloucestershire Council  
South Hams District Council and West Devon Borough Council

South Somerset District Council  
Stroud District Council  
Teignbridge District Council  
Trades Union Congress Northern  
West Dorset District Council  
West Somerset District Council  
Wiltshire County Council

**Yorkshire and Humberside:**

Accent Group  
Adel & Wharfedale Ward  
Barnsley MBC  
Barnsley MBC, Royston Ward  
Big Lottery Fund  
Bradford Community Housing Trust  
Churches Regional Commission for Y&H  
Craven DC  
DMBC  
East Riding of Yorkshire Council  
Environment Agency  
Hambleton District Council  
Harrogate District Community Transport  
Hertfordshire County Council  
Highways Agency, Leeds  
Kelda plc  
Kirkless Metropolitan Borough Council  
LCC  
Learning and Skills Council Humber  
NHS Yorkshire & Humberside  
North East Lincolnshire Council  
North Lincs Council  
North Yorkshire Forum for Voluntary Organisations  
Regional Flood Defence Committee  
Rotherham Metropolitan Borough Council  
Royal Society for the Protection of Birds  
Wakefield Metropolitan District Council  
Wakefield & District Housing  
West Yorkshire Housing Partnership  
Yorkshire & Humberside Strategic Health Authority  
Yorkshire & Humberside Housing Forum  
Yorkshire & Humberside Policy Unit FSB  
Yorkshire & Humberside Regional Skills Partnership Board  
Youth Fellowship  
Youth Hostel Association  
Yorkshire Forward  
Yorkshire Futures  
Yorkshire Universities

## Annex 2: Involving the public in making new laws

### Summary – Research study conducted for The Cabinet Office/COI

October 2007

#### Summary of key findings

This report summarises the key findings from research undertaken by Ipsos MORI for the Cabinet Office. Two additional reports will soon be available: a longer report outlining the findings in more detail and a technical report explaining our approach to recruitment, the workshop methodology and the stimulus material used.

#### Background and objectives

The research was designed to explore:

- public priorities for the Government's legislative programme for 2008-9 (that is, the programme after the forthcoming one);
- whether and how people would like to be consulted on the annual legislative programme in the future; and
- how people could best be consulted on a range of individual bills.

The research was conducted via a day-long deliberative workshop. The afternoon session was attended by the Leader of the House of Commons. This methodology was used to allow sufficient time for detailed discussion and consideration of the issues as well as the provision of information for participants.



A total of 76 people took part and their profile was reflective of the UK adult population in terms of demographics, behaviours and attitudes. They were recruited by Ipsos MORI recruiters from nine areas across the UK.

Participants were asked to complete an exercise prior to the workshop to help get them thinking about the issues in advance. The workshop took place on Saturday 20 October at the Cabinet Office buildings and comprised the following elements:

- plenary voting sessions, using hand-held voting devices, to allow individuals to record their views independently and to see for themselves the aggregate views of the full group;
- plenary presentations by Ipsos MORI researchers introducing key background information and concepts to inform subsequent discussions;
- detailed discussions within smaller age-based break-out groups including those covering general attitudes to and law making and those making reference to examples and case studies of bills and consultation mechanisms to stimulate ideas and debate.

Qualitative research such as this involves an interactive process between the people carrying out the research and those being researched, a way of probing the underlying attitudes of participants and obtaining an understanding of the issues of importance. When interpreting and using these findings, it should be remembered that results are not based on quantitative statistical evidence. In this report, we record *perceptions*, not facts. The findings outlined in this report do not reflect the views of the Cabinet Office.

### Six key findings

Below, we list six key findings described in more detail in the sections which follow:

1. The public's priorities are generally in line with the current legislative programme;
2. People want to have a say but are largely unaware of the existing mechanisms;
3. Communicating the channels/mechanisms will be important but neither easy nor the whole answer;
4. People are eager to input into the development and review of laws – they need informing to a greater degree if they are to input into priority setting;

5. People are realistic in terms of who to involve – political leadership is required too; and
6. There is strong support for deliberative mechanisms but their relevance is thought to vary at different points in the legislative process.

### **1. The public's priorities are generally in line with the current legislative programme**

The Government's draft legislative programme for 2007-8 encompasses people's key concerns. Specifically, all of the top level concerns highlighted by workshop participants – education, criminal justice, immigration and health/social care – are represented in the draft programme. Other areas of interest such as housing, young people, the environment and transport, are also represented. However, participants believe they need to be provided with more detail on the precise content of the programme themes and bills to judge whether their concerns are sufficiently addressed.

People find it difficult to generate ideas for the 2008-9 programme. In general, people assume their concerns and priorities would be similar to those they currently express (for 2007-8) and so there should be a degree of consistency in legislative programmes from one year to the next. However, they feel that they cannot necessarily anticipate how these might develop or change over the following year. This sense is reinforced by lack of clarity over the precise content of this year's programme and what this will mean in practice.

### **2. People want to have a say but are largely unaware of the existing mechanisms**

There is low awareness of the political process and, in particular, the opportunities for involvement by members of the public. This provides a challenging context for wider engagement with consultation processes. However, it is apparent that there is a great appetite on the part of the public to be more involved in decision-making relating to new legislation.

There is generally low awareness of the existing channels for the public to get involved in decisions, such as local meetings, lobbying groups, petitions, surveys or writing to MPs. People did feel they could make more use of such approaches if they were more aware of them; these are felt to offer an opportunity to have a say, as long as people are reassured that these have some impact and are taken on board by decision makers. There is also scepticism about how far public views are 'heard' by politicians, and this relates to the mixed views people have of their local MPs role as their representative and the low appeal of political party membership as a way of having a say.

Responsibility for leading in this area, and making sure people are more aware of how they can take part, is felt to lie with the Government.

### **3. Communicating the channels/mechanisms will be important, but neither easy nor the whole answer**

Analysis of the patterns in voting at the first and last plenary sessions shows a marked increase in awareness of the options to enable involvement throughout the day (participants were reminded/informed of different mechanisms in between these votes). This could be interpreted as meaning that more communication will lead to higher levels of knowledge and therefore engagement. However, this is not necessarily the case – a number of additional barriers need to be overcome.

Communication is a key issue. There is very low awareness of Government's commitment to listening and efforts to facilitate public input. Hence, even if Government does communicate messages about consultation, care must be taken to ensure that they are enough to be heard.

Beyond this, there are many attitudinal barriers to overcome, including:

- Lack of engagement with issues – people are quick to say that they are interested in some issues more than others;
- Fear of not being listened to;
- Fear of not being able to engage with the issue owing to complexity, knowledge, interest etc.; and
- Cynicism about the outcomes (sometimes based on experience of ineffective consultation in the past).

Practical barriers are also significant. Many participants talked about needing time and resources to be able to engage with consultation. In addition, the research points to a number of key ways to help facilitate engagement and overcome the barriers to consultation:

- providing opportunities for consultation around issues with which the public are engaged (i.e. issues they name as priorities);
- more widespread communication of the channels and mechanisms available – for example, through the national and local media and local community channels or making use of local/national advocates (acting as intermediaries between Government and people e.g. local MPs, local government and interest groups) for particular issues;
- reassuring the public by demonstrating that involvement in consultation does make a difference and that those who engage will be listened to;
- being transparent about consultation especially in terms of the process and the representativeness of consultees and outcomes;

- providing channels that take a range of needs and preferences into account (i.e. acknowledging that there may be different channel preferences according to age and/or lifestyle);
- ensuring that consultations are facilitated effectively so that each participant feels comfortable, acknowledged and able to express a view effectively;
- conducting discussions in “plain English” to enable all to access and engage with the issues; and
- ensuring Government representation at/in consultation wherever possible not least to provide evidence that what people say really matters.

MPs are identified as a potential channel for further consultation: while individual's views on their constituency MPs varied, it was generally felt that MPs could do much more to engage positively and proactively with their constituents e.g. by running local meetings to listen to local people's concerns and priorities and being seen to respond to local concerns.

#### **4. People are eager to input into the development and review of laws – they need informing to a great degree if they are to input into priority setting**

Different issues around public consultation need to be considered at different points in the law making process. These, in turn, impact on public expectations of how consultation should take place.

Inputting into the **priority-setting** stage is considered to be an intimidating prospect. People see the process of generating overall themes or broad content for bills as very extensive and difficult to contribute to, particularly given their skill-set and limited background knowledge in some areas. However, the opportunity to review the output of this process, for example in a summary of a draft legislative programme, is welcomed: it is felt that the role of the public would be to provide an overall steer on the extent to which proposed Government policy is in line with public opinion. This process is expected to require a great deal of information and deliberation since it is assumed that there would need to be discussion of the relevance of overall themes as well as the content of each bill. However, one of the key messages from participants was that rather than running new consultation at this stage of the process, it is more important that the government demonstrates that it has taken into account what is already known about public opinion when devising the programme.

People feel that the **policy and law development stage** (in which policies and bills are worked up by Departments) is often the key time for public involvement. This stage is seen as more manageable and tangible than the priority-setting stage, given that the focus of any consultation would be on single issues. It is expected that this would provide the public with the chance to input into positive solution generation and to

'sense check' the content and the possible impacts of proposed policy or bills. While the priority-setting stage is thought to require detailed consideration, people accept that a range of levels of depth of input would be appropriate for this development stage, depending on the type of bill and policy area being considered.

From the public's perspective, bills that are of widespread relevance ought to be consulted on sooner rather than later within this stage as the public are more likely to be able to engage with the issues and hence contribute directly. However, it is thought that more technical bills may be less appropriate for such extensive public involvement, as they are more likely to need experts to 'work up' proposals to which individuals can respond, and require information to be provided that is simplified or abbreviated so as to be accessible to all.

The **Parliamentary scrutiny stage** is the stage people feel least able to contribute to, as this is perceived to be technical, process-driven and specialised.

Finally, the opportunity for people to contribute to the **stage at which laws are reviewed** (post-legislative scrutiny) is strongly endorsed. This stage of the process is expected to be evaluative, which in itself is considered less daunting than other elements of the process. It is imagined that participants would be asked to consider whether a law had achieved its overall objectives, taking into account a range of independent sources of evidence as well as their own experience (where relevant). Again, this stage is expected to require in depth deliberation and, consequently, a high level of information to inform and equip participants to be effectively consulted.

## **5. People are realistic in terms of who to involve – political leadership is required too**

Our voting exercises show that participants believed that the right people do not have a say on which new laws are introduced in the UK and that this did not change significantly during the course of the day.

Discussions reveal an assumption that political elites are perceived as shaping legislation: primarily Parliament, the civil service and policy-based technical experts. Beyond this, the media are thought to play a significant role in influencing policy. While the media are seen as an important voice to inform them of Government activity, there is also disquiet about how far they provide an independent or impartial source of information: there are concerns about the disproportionate influence of the media on political decisions, and also suspicion about journalists' specific motivations or political allegiances.

In terms of who people feel should be more involved in making and developing laws, there is general support for the principle that everyone should have the option to be involved, if they want to. However, there is also a strong preference for avoiding everyone being consulted on everything – rather, consultation should be targeted and relevant.

Generally, it is assumed that those for whom a law is most relevant should be consulted. This meant those who know about or have experience of an issue, those who will be affected by the legislation and 'experts' who, it is felt, are not currently being consulted widely enough such as frontline public service staff or service users should be more involved.

Marginalised groups are also highlighted as needing to be better represented. It is felt that unemployed people, disabled people, people from ethnic minorities or religious groups and young people ought to be consulted more-although the need for this more targeted approach is expected to vary according to the particular issue.

People recognise that consultation does not necessarily lead to consensus and that there will be a range of viewpoints on many issues: people are well aware that decisions cannot always be to everyone's taste. While it is clear that people are eager for public opinion to be acknowledged, they do not necessarily want to sacrifice political leadership on difficult issues.

These issues are most salient in relation to bills focusing on emotive or moral issues, due to concerns that extreme viewpoints may hi-jack the debate. This led some participants on the day to conclude that these issues are better left to experts. However, there is widespread recognition that no one is neutral and that expert opinions need to be cross-checked against those of the rest of the population. Transparency around who is consulted on these types of issues, and the reasons for the decision, is therefore considered crucial.

## **6. There is strong support for deliberative mechanisms but their relevance is thought to vary at different points in the legislative process**

Discussions on the day revealed a preference for broadly deliberative approaches to consultations; that is those that are focused on a clear issue or set of issues, and give them time and information to make informed decisions. This preference is likely to have been partly the product of a research effect (participants were commenting on a mechanism they were attending and could therefore understand well). It was nonetheless a very strong view. However, most recognised the need for a range of different approaches that require varying levels of commitment, with significant support for more traditional consultation tools such as surveys, as well as the use of online methods.

Opportunities for more deliberative approaches are thought to be most relevant for those points in the cycle requiring in-depth information and those perceived as complex, specifically the priority-setting and review stages. At the law development stage, mechanisms that can garner broader involvement are considered more useful. A key attraction of deliberative approaches is that the format allows information to be provided. However, people are keen to stress that such information needs to be demonstrably independent to reassure participants that the consultation is genuine and to counter any claims of bias.

Cost does not appear to be a paramount concern. Participants talked about expenditure on consultation at an overall level as an **investment** that could lead to better laws, which in turn would make administrative sense and lead to efficiencies. In fact, issues around cost only seem to become a problem where the processes are perceived to be inefficient, unnecessary or badly executed.

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