Truly Engaging Citizens with the Parliamentary Process? An Evaluation of Public Reading Stage in the House of Commons

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Introduction

Recent studies show the rising levels of citizen disengagement with the political process and with parliament in the UK (Hansard Society 2014, Stoker 2006, Hay 2007). As both 'the face and the cause' of this disengagement (Leston-Bandeira 2014, 3), Parliament has been under pressure to respond to this and has invested considerable resources into strengthening its public engagement strategies (Hansard Society 2012; Leston-Bandeira 2014; Walker 2012; Kelso 2007, p. 364), in order to identify itself as a key vehicle for citizens' participation in the political process. One of these strategies has been in the area of legislative engagement and includes the development of a public reading stage of the legislative process to '[give] the public a real opportunity to influence the content of draft laws' (Select Committee on Reform of the House of Commons 2009). In Spring 2013 the House of Commons piloted this process for the first (and as yet, the only) time, allowing members of the public to comment directly on the text of the Coalition Government's Children and Families Bill[1]. This study analyses the public reading pilot from the citizens' perspective. It aims to identify citizens' motivations for taking part in the scrutiny of the bill, the effect of their comments on the text of the bill itself and the effect of participation on their attitudes to Parliament and the political process. In doing so it seeks to understand how citizens' participation in legislation can be best integrated within parliamentary institutions. This paper presents the initial findings of this project, based on an analysis of the comments

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[1] Now Children and Families Act 2014.

made by citizens on the Children and Families Bill. It finds that those taking part in the pilot were highly motivated, often submitting very detailed comments about the bill. It also hints at some of the weaknesses of the pilot, including the confusion about the proposals that were being scrutinized and a large amount of scepticism about what would actually become of the comments following their submission to Parliament.

Integrating participatory tools with representative democracy

There is an abundance of evidence showing the apparent disengagement of citizens from their governments, elected representatives and political institutions (Dalton et al 2006, Dalton 2007, Norris 2011). Parliaments have not been immune from this growing mistrust of politics and are regularly among the least trusted political institutions (Kelso 2007; IPU 2012, p.13; Norris, 2011). This has implications for the quality of the traditional democratic process and encourages modes of political activism that sit outside the traditional political institutions and the less traditional forms of participation (Dalton et al 2006, p.1; Carman 2010, p. 733). Participatory democracy in particular is becoming more prevalent and is typically seen through vehicles of direct democracy such as referendums and voter initiatives. Forms of 'advocacy democracy' whereby citizens seek to participate directly in the policy making process (Dalton et al 2006, p.10; Coleman & Gøtze 2001, p. 22) through citizen consultations and public hearings are also increasing. Indeed Dalton et al describe the presence of an 'expanded menu of participation choices' (2006, p.2) for today's citizens.

Parliamentary institutions are a key part of this expansion in participation choices. Having identified themselves as a key intermediary between elected representatives and citizens they have sought to strengthen their public engagement strategies and to present themselves as key vehicles for citizens' participation in the political process (Kelso 2007; Carman 2010; Leston-Bandeira 2012; Hansard Society 2012; Clark and Wilford 2012, Walker 2012). Strategies developed by parliaments include expanding citizens' access to the institution as a public space (Hansard Society 2012) education programmes and outreach events (Walker 2012, p.273), encouraging citizens to become more involved in

parliamentary processes (IPU 2012, p.32). These engagement programmes are being delivered both face to face and online.

The scrutiny of legislation is a core function of all parliaments. Yet modern parliaments are seeing the volume and complexity of legislation increasing significantly making this core function all the more difficult to accomplish (Korris 2011). The time and resources available for elected representatives to scrutinise bills adequately is thus in short supply and is increasingly hindered by strong executives (Kelso 2009). Simultaneously, the public is much better informed about legislation being proposed (Norris, 2011) and calls increasingly to have a say in this process. More and more, the public expects to have a voice in the process of scrutiny of legislation. Greater public engagement in the legislative process has the potential to offset some of these problems. Thus parliaments are increasingly turning their attentions to public engagement with legislation, developing online tools which allow citizens to become 'active participants' (Modernisation Committee 2006, p. 5) who are able to directly input into policy formation (Hansard Society 2012, p. 44; Reform of the House of Commons Select Committee 2009, p. 79), executive oversight (IPU 2012, p. 32) and legislative scrutiny (Walker 2012, p.279). The tools being used by parliaments at present include consultations (Murray 2013; IPU 2012, p. 32), public hearings and social media (Leston-Bandeira & Bender 2013; Williamson 2013).

Despite the ever rising number of mechanisms for citizen participation there is a considerable gap in the literature concerning the effectiveness of these strategies and the impact on citizens' attitudes. That which does exist focuses overwhelmingly on parliamentary petitions systems (Carman, 2010; Lindner and Riehm 2009; Miller 2009). This gap is particularly prevalent in the area of legislative engagement strategies by parliaments. While existing literature suggests that the development of legislative participation mechanisms such as public reading stage can bring additional expertise (Cabinet Office 2011), decrease the chances of laws being defective or having unforeseen consequences (Modernisation Select Committee, 2006) and produce better and more inclusive legislation (Sheedy 2008, p.4; Philips and Orsini 2002, p.24), this is rarely

substantiated with empirical evidence. Analysis of the actual impact of citizen participation in these participation tools is minimal. Existing work tends only to give illustrations of current practices (IPU 2012) rather than a detailed analysis of its operation or the actual effect on measures of public policy.

Studies of the effects of legislative engagement on citizens' opinions of parliament and the political process are equally sparse. Thus, whilst it is claimed that participation can reinvigorate democracy (Stoker 2006, p. 172) by counteracting public disengagement (Coleman & Gøtze 2001, p.4), reconnecting citizens with political institutions (Carman 2010, p. 731), increasing the legitimacy and openness of the policy making process (Public Administration Select Committee 2013, p.7; Cabinet Office 2011), and increasing feelings of citizen responsibility (Stoker 2006, p. 187), little research has been directed towards citizens' perceptions and experiences of using these legislative participation tools.

The UK Parliament is one of only a handful of legislatures experimenting with the use of online tools to allow citizens to comment directly on legislation, with the Brazilian Parliament being the most experienced in this. Whilst there is some analysis of both the e-democracia programme in Brazil (Faria 2013) and of the UK's public reading pilot (Scrutiny Unit 2013) put together by parliamentary officials, no empirical research has been directed towards understanding the experience of the process from the citizens' perspective. The House of Commons Scrutiny Unit's (2013) summary and evaluation of the pilot included simple quantitative indicators such as the number of individual contributions from the public. But it evaluated the process from a more institutional perspective rather than from the perspective of citizens, commenting for instance on the timing of the pilot, the suitability of the bill itself for public reading and the staffing required to mediate the web forum and to produce a summary of the comments made. It did not explore the perspective of the citizens themselves and the effect of participation on their engagement with parliament and the legislative process. This project therefore seeks to counter the existing institutional perspective with a more citizen orientated evaluation of the public reading process, but also a more

comprehensive analysis of its effects in the overall consideration process of the bill.

Aims and Methodology

This study provides the comprehensive analysis of the effects of the public reading stage pilot. As such it aims to:

- Identify the profile and motivations of those citizens who participated in public reading stage.

- Evaluate the effects of public reading stage on citizens' attitudes.

- Assess to what extent citizens' comments have been integrated into amendments to legislation.

- Assess the effectiveness of the process put in place to support the Public Reading stage.

In addition, the study will contribute to a better understanding of how participatory tools can be integrated with Parliament in the future in order to enhance citizen participation and input.

The methods being used to evaluate the public reading pilot are fourfold. Firstly, a content analysis of all of the contributions made to the Children and Families Bill (2013) through the public reading web forum. This analysis was carried out in June and July 2015. Each comment was coded for the type of contributor (e.g. individual, childcare professional, charity), the nature of the comment (general or specific), focus of the comment (whether it related to a specific clause/(s), schedule/(s) or words) and its relevance to the bill or policy area. The participants' support (or not) for the bill was also coded, along with any obvious motivations (e.g. personal or professional), specific proposals for change and any evidence used to support the points being made.

Secondly, the parliamentary stages of the bill will be analysed to identify specific references to the public reading stage in the House of Commons (either in the public bill committee or on the floor of the House) and in the House of Lords. In particular, this analysis will be seeking to identify any changes being made to the text of the bill as a result of comments made in the public reading forum.

Thirdly, a series of focus groups will be held with citizens who participated in the pilot. These are due to take place in Autumn 2015 and will explore citizens' motivations for participating and their experience of commenting in the web forum, including their attitudes to Parliament and the political process.

Finally, a series of interviews will be held with individuals who were heavily involved in the pilot. These will include: representatives from the House of Commons Scrutiny Unit; MPs who served on the bill committee examining the bill or who made heavy use of comments submitted to the pilot; representatives from lobby groups who actively encouraged their members to take part in the public reading stage and possibly other professional or community group leaders who encouraged people to submit comments as part of the process.

To date, only the first phase of data collection (coding of citizens' comments) has been completed. The results presented here are drawn from this initial analysis of the comments made in the web forum.

Overview of Public Reading Stage

Including a public reading stage as part of the legislative process was first mentioned by the Conservative Party in 2009. Speaking to the party conference, William Hague (2009) proposed 'a new and radical policy to throw open the doors of parliament (…) using modern technology to allow the public to give their comments on the details of proposed new laws before details are settled'. David Cameron later noted that it would 'mean better laws – and more trust in our politics' (BBC News 2012). The very first pilots were run by the Cabinet Office – firstly during the scrutiny of the Charitable Donations Bill and then during the

passage of the Protection of Freedoms Bill. In 2013 it was decided that Parliament would pilot a public reading stage during the scrutiny of the Children and Families Bill.

The Children and Families Bill formed part of the Coalition Government's commitment to 'improve services for vulnerable children and support strong families' (Department for Education, 2013a). It included measures to reform the adoption process, the family justice system, services available to those with special educational needs (SEN) and the regulations for childcare providers. The Bill also included provisions to introduce shared parental leave and to extend flexible working rights to other family members.

The Bill had its First Reading in the House of Commons on 4th February 2013 and the public reading web forum opened the following week (13th February). Citizens were required to register with an email address in order to participate and commented with a username of their choice. The Bill's 110 clauses and 7 schedules were divided into 8 sections (adoption, family justice, special educational needs, childminder agencies, children's commissioner, statutory rights to leave and pay, time off work and flexible working). Participants were therefore encouraged to comment on a specific part of the bill, though there was also an 'additional comments' section designed for comments on areas not covered by the listed topics: 'broader comments on the bill and views on the public reading process itself' (UK Parliament 2013a). The forum remained open for a two week period, closing on 26th February 2013. In total the bill attracted 1402 comments (Scrutiny Unit 2013). These were moderated by officials in the Scrutiny Unit before being published online in the web forum for other users to read and respond to. In total 1,099 comments were published. The Scrutiny Unit also summarized the comments, submitting a short document as evidence to the public bill committee examining the bill on 6 March 2013 (UK Parliament 2013b).

Who Participated?

Analysis of the comments made has enabled us to begin to build a profile of those taking part in the pilot. Although there was some variety in the type of contributors to the public reading web forum, including charities, children's services and professional associations, the majority of those commenting were individuals[2] (69%). There were a significant number of comments from childcare professionals (23%) and this was particularly striking in the childcare section of the bill. The most contentious element of this part of the bill was the introduction of childminder agencies. Over 70 per cent of the comments coming from childcare professionals addressed these clauses of the bill. Most of the comments from charities (66%) were made to the clauses on SEN provision. Many of the individuals commenting on the bill did so anonymously, using simply an initial. Those commenting on behalf of professional associations or interest groups tended to make their full name and/or affiliation clear, with many adding email addresses and other contact details to their comments.

It is clear that many people accessing the public reading forum did so as a result of communication from relevant interest groups. There is something of a wave effect in the comments on the forum, with comments on issues such as support in school for deaf or dyslexic children peaking at certain dates, presumably when interest groups have made contact with their supporters about this feature of the bill. The British Dyslexia Association had clearly sent a sample piece of text to their members to base their comments on. In a similar vein, a large number of comments posted in the 'additional comments' section of the forum related to support for children with diabetes and nut allergies in schools, as though they had been directed there by specific organisations.

There was a fairly even division between very general (46%) and much more specific comments on the bill (54%). Over three quarters of all comments referred either explicitly or implicitly to a particular clause or schedule (78%), with just over 2% referring to a specific word or phrases in the bill. It was clear that many

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[2] 'Individuals' here refers to those citizens who did not explicitly declare that they were making their contribution on behalf of an interest or community group, or that they belonged to another specific group such as professional associations.

of those commenting had been prompted to do so by an outside organization. These types of comments were very repetitive, with the same phrases and terminology being used time and time again. For example, material from a briefing document on the bill produced by Every Disabled Child Matters (EDCM 2013) for its supporters contained a series of sections entitled 'Message to MPs' with key recommendations. These sections were copied and pasted into a number of comments submitted to the forum. Although parliamentary officials filtered for these sorts of comments, contacting the individual in question and suggesting that they amend their comment, in practice this seemed to mean something of a top and tailing of the comment, so that it was preceded by a more original opinion on the bill, but still included the very specific changes that the organization wanted to see made to the bill.

Where those participating did not possess a very detailed knowledge of the policy area they were commenting on, they tended to show a strong interest in it, whether for personal or professional reasons. Many of the comments falling into this category were very genuine and often harrowing testimonies of people or families in real difficulty. They included families who had gone through painful separations, families facing huge struggles to support children with very complex health needs and little or no respite care,and parents of children with severe allergies who struggled to find them schools capable of supervising them appropriately. As would be expected their comments were highly emotive, drawing on very personal evidence which was often difficult to read.

The forum tended to attract those who wanted to oppose or amend the bill, rather than those who wanted to express their support for it. Only 8% of the comments were expressing clear support for the bill, though a further 14% were mixed and so did express an element of support. Supportive comments tended to be much shorter, saying for example "[I] totally agree with clauses 10 & 11" (FJ74) or "children of any abilities are always going to be our future so how can this not be passed?" (SEN378). Those who did not support the bill were much more detailed in their comments. It may be that this group felt more strongly about making their voices heard. This seems particularly likely for the comments coming from parents

in the SEN clauses and childminders in the childcare section of the bill. Whilst it is to be expected that those against the bill were more likely to be motivated to post a comment, there is also an issue as to whether the actual web form may specifically have encouraged the input from people who wanted to amend the bill to the detriment of those who simply wanted to show their support.

Although those participating in the pilot were keen to talk about the specific policy proposals, there was also an observable sense of detachment from the formal political process, with the feeling that those drafting the legislation did not really understand how it would work in practice. Typical comments included 'You in the House have little idea of what is taking place' (FJ107), implying a separation between Parliament and the public and a lack of understanding of how the bill would affect certain sections of society. There was also much scepticism about what would actually happen to the comments placed on the forum. Several pleaded simply for someone to actually read their comment (e.g. C4) while others felt sure that 'the government will simply ignore, delete or not publish' their comments (C8/C30). Although the Scrutiny Unit did moderate the comments, this was predominantly to screen for inappropriate or duplicate comments, in which those commenting were 'invited to resubmit a comment using their own original wording' (Scrutiny Unit 2013, p. 5).

The Public Reading Stage Process
Some of the submissions to the web forum included comments about the process itself and this has informed some initial thoughts on how effective the public reading pilot was. The most striking thing in this respect was confusion on the part of those using the web forum. This took two forms:

i) *Uncertainty about the content of the bill and the public reading stage*: Several comments explicitly referred to the complexity of the material that the public were being asked to comment on. This included the text of the bill itself which was very long and included complex terminology. One participant summed the problem up perfectly, asking 'How many

families would read a document 185 pages long with over seventy confusing clauses?' (GC121). Another wrote simply that they '[Had not] got enough detailed information to make an informed judgment' (C36). Several wanted to know how many people the bill affected for example, but were unable to find the answers (GC121). It is not yet clear what additional documents, if any, members of the public were directed towards, other than the explanatory notes. There was additional confusion about what the public reading pilot was actually scrutinising. Many comments in the childcare section of the bill for instance referred to the 'More Great Childcare' policy document instead of the bill (Department for Education 2013b). This document had been published by the Department for Education earlier that year, following a consultation period. This group of participants seemed to think that they were commenting on changes to this document rather than the bill. It may be due to miscommunication from an interest group about the purpose of the public reading, or simply a misunderstanding on the part of the participants. Although the policy document and the accompanying consultation did lead to some of the measures outlined in the bill, this misunderstanding meant that a large number of the comments made in this section of the web forum referred to policies that were not actually being introduced or amended by the bill itself.

ii) *Confusion between parliament and government*: Previous studies have found that there is often a lack of understanding about the distinction between government and parliament (Leston-Bandeira and Thompson 2013, p.418; Hansard Society, 2008, p.5-7). Comments made in the web forum were very much in line with this, demonstrating a lack of understanding about the role of Parliament and the ways in which it is able to amend the bill. Some participants therefore specifically asked 'the government to reconsider' the bill (GC190) rather than Parliament, while others referred to the government minister directly. Numerous comments were made in the childcare section to Liz Truss.

Another notable problem with the pilot was the lack of guidance given to participants about how best to give useful evidence. The only guidance given to citizens was a short piece of advice stating that:

> *"MPs are particularly interested in your comments on the practical implications of specific clauses of the Bill. Please make clear whether your comment relates to a specific clause" (UK Parliament 2013a)*

As noted earlier, those providing more personal accounts tended not to follow this guidance. Their comments were often very general, with little or no specific links between the story being told and the particular clauses or changes being made by the bill. Where these participants were arguing that the bill would cause problems, they rarely suggested an alternative. Even the comments which obviously derived from charities weren't always as specific and as obviously linked to the key lines, clauses or schedules of the bill as would perhaps have been expected. Comments often focused on the broader policy area and the previous consultation rather than on the changes being made as a direct result of the Children and Families Bill. A related problem is that people often wanted to suggest amendments to the guidance or the codes of practice accompanying the bill (FJ65). This is perhaps because they were more concerned about the practicalities of implementing the legislation. In future, better guidance from Parliament may be useful in enhancing the comments being submitted and channeling them more overtly into the various clauses of the bill and in allowing comments to also be added to the documents accompanying the bill. In their attempts to engage with the public, parliaments often provide considerable though rather complex information, not necessarily leading to effective engagement. Curtin and Meijer offer a differentiation between "thin" and "thick" transparency (2006, p.113-15), which helps to explain how simply providing detailed and comprehensive information does not lead to engagement. Thick transparency would imply not just providing information, but also guiding the public in their understanding of this information.

Neither is it clear whether the pilot was actually a 'public' reading stage. Although most comments came from people who did not express membership or, or support

for a particular interest group, charity or local organization, the high number of very similar comments implies that lobby groups had a great deal of influence. Further discussions with participants are needed to uncover precisely how they found out about the public reading pilot, but it seems that lobby groups were undoubtedly the key mediators here. In their evaluation of the pilot, the Scrutiny Unit describe how announcements were made through the select committee mailing list, news stories on Parliament's website and through social media. It was decided not to issue a press release about the pilot, or to allow parliamentary outreach to publicise it, due to concerns about 'the volume of responses' (Scrutiny Unit 2013, p.2). Given that the publicity channels appear to be geared more towards organized interests than ordinary members of the public, it is unsurprising that this public reading pilot was driven mainly by organizations rather than by the public. In addition, the lack of discussion and interaction between those participating in the forum means that the dialogue was essentially between one citizen and parliament. Although there was sometimes an indication of contributors having read previous comments, there was no actual dialogue between those who shared similar concerns about the bill. The lack of response and/or discussion could be interpreted by those contributing as if their contribution was not being listened by anyone. Less formal types of consultation run more recently by the UK Parliament through other platforms, such as external sites (for example MumsNet) or Twitter through the use of a hashtag to label content may be more prone to discussion between participants. This could lead to a better sense of being listened to, but also to the ability of identifying more clearly the issues that matter to a higher number of people.

Conclusion

On the whole, the contributions to the Children and Families Bill during the public reading pilot addressed specific areas of the bill, providing detailed and relevant comments. Most appear to be individuals with a specific personal or professional interest in the policy area. Although often possessing a very good knowledge of the subject area, those participating remained very sceptical of the formal political institutions and demonstrated a lack of trust in those who may be reading their comments. The focus groups being carried out later this year will enable us to

explore citizens' motivations for participating much further, as well as probing their attitudes to Parliament and the political process. Our analysis of the contributions made have also highlighted some of the flaws in the public reading pilot, particularly the confusion about the process and the heavy reliance on organized groups as mediators. This casts some doubt over whether it was as effective as it could have been and also about whether or not is was a truly 'public' scrutiny process. Again, these are issues which can be explored further during the focus group sessions. As this project develops further we will also be able to assess the extent to which the comments were used by MPs during the committee stage or the bill or at a later stage of the legislative process.

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