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INTEGRATING THE VIEW OF THE PUBLIC INTO THE FORMAL LEGISLATIVE PROCESS: PUBLIC READING STAGE IN THE UK HOUSE OF COMMONS

Abstract

Recent years have seen increasing calls to integrate the public's voice into the parliamentary process. This article examines the impact of public reading stage (PRS) on the UK *Parliament's scrutiny of a bill. A new stage of the legislative process piloted* by the House of Commons in February 2013, PRS invited the public to comment on a bill undergoing parliamentary scrutiny (the Children and Families Bill). The PRS was designed to encourage members of the public to participate in the scrutiny of legislation *through a specially designed forum on Parliament's website. Over 1000* comments were submitted. Drawing on a content analysis of the comments given by the public to the bill, complemented by interviews with MPs, key officials and PRS participants, we find that although the public reading stage had an impressive response, it failed to make much of a tangible impact on the parliamentary scrutiny of the bill. This was largely due to the choice of bill being used for the pilot and its lack of appropriate integration into the formal legislative process.

Recent years have seen a rise in calls to integrate the views of the public directly into the decision-making process, rather than only relying on representative processes which delegate this to MPs. This article evaluates an attempt of the UK Parliament to integrate the public's view into the formal legislative process, through an analysis of the 2013 public reading stage (PRS) whereby citizens submitted over 1000 comments to the Children and Families Bill. We focus here specifically on the impact of the PRS on the scrutiny of the legislation itself. Our key research question is thus whether the PRS helped Parliament to perform better scrutiny of the Children and Families Bill, focusing specifically on whether it contributed to MPs' evaluations of the bill, changing it or supporting it in any way. We analyse the actual nature of the public engagement facilitated by the PRS elsewhere (Author, forthcoming).Whilst much has been written on democratic innovations which put citizens at the core of new methods for public policy deliberation, we still know little about implementing similar methods within parliamentary institutions. The UK Parliament 2013 PRS gives us an opportunity to

analyse the challenges arising from attempting to integrate the public's view into an elite driven decision-making process, e.g. the normal legislative process.

Our study is based on a detailed empirical analysis of the comments made by the public to the PRS forum and of the parliamentary scrutiny of the Bill, complemented by interviews with officials, MPs and PRS participants. We start our analysis by discussing the expectations and challenges associated with the integration of the public's view into legislative processes, then identifying what would constitute enhanced scrutiny. We outline our methodology and then explain how the PRS was established, providing important context for our analysis thereafter. This is structured firstly by an analysis of the public's participation into the PRS; the levels of participation and the types of contributions made. Secondly, we proceed to examine the extent to which the public's contributions had any impact on the actual scrutiny of the bill, showing this to be minimal. We finish by discussing the factors explaining the limited impact of the PRS on the scrutiny of the Children and Families Bill.

1. Integrating the public's voice into legislative processes

The nature of law making has changed considerably over the last century, with parliaments much less the makers of legislation and much more the scrutinisers of legislation which emanates from the executive (Tomkins, 2003, p.76). They face considerable top-down pressures from governments as they seek to exercise this role, whilst facing increasing calls for more direct involvement from the public (Fox, 2009).

For the UK Parliament, these pressures come from the growing complexity of legislation. Although the number of bills receiving Parliament's assent have declined slightly in the 21st century (Cracknell & Clements, 2014, p.2), legislation is significantly longer (see Korris, 2011, p.566; Modernisation Select Committee, 2006, p.7). In 2012, this amounted to over 2,700 pages of primary legislation (Cracknell & Clements, 2014, pp7-8). In addition, around 1200 pieces of delegated legislation now require parliamentary scrutiny every year (ibid). Parliament has had to adapt to these pressures and as a result, spends more time than ever carrying out its scrutiny function (e.g. Author, 2013, p. 264). This is difficult in itself considering that it is significantly less resourced than the executive with far fewer staff (Rogers and Walters, 2015, p. 56). There remains a 'serious mismatch between the scrutiny mission of Parliament

and its capacity to carry out that mission', with legislation seemingly drafted by governments in haste and very little resources or expertise among parliamentarians (Korris, 2011, p.565). This mismatch matters increasingly as the widening gap between the governing elite and the public becomes more established (Flinders and Kelso, 2011) and parliament is identified as the source of all ills in representative democracy whilst, at the same time, being unable to actually play a part in this.

The top-down pressure on parliaments sits alongside growing pressure from below in the form of citizen disengagement with political institutions (Hay, 2007; Norris, 2011; Stoker, 2006). Consequently, legislatures are increasingly developing strategies to encourage public engagement with their work (Hansard Society, 2011; IPU, 2012). The UK Parliament is a prime example of an institution that has invested heavily in public engagement initiatives over the last decade (Author, 2016a; Walker, 2012), from the recent e-petitions system to varied education and outreach programmes (Hansard Society, 2012; Walker, 2012). Although public engagement strategies have mostly developed in parallel with parliamentary business, some have focused on the legislative process, developing initiatives to encourage involvement from the public with the writing, scrutiny and debate of legislation. These go beyond engagement with the public, and begin integrating the public's voice into the formal decision-making process. Contrary to the increasing examples of government consultations on legislation (Rasmussen, 2015), parliamentary examples are still scarce, including mainly cases in Latin America (Perna & Braga, 2012). The UK has also begun to experiment with ways of encouraging contributions from the public into the legislative process. Reforms to the public bill committee system in 2006, for example, enabled outside evidence about proposed legislation to be submitted for the first time. The PRS of 2013 falls into this category, having enabled the public to comment directly on a piece of legislation (the Children and Families Bill) before it was considered in detail by MPs.

Contrary to wider parliamentary public engagement activities, mechanisms for public input into the formal legislative process are therefore still few and far between. There is an expansion of democratic innovations which do focus on the public's deliberation of policies (Fung and Wright, 2003; Geiβel and Joas, 2013; Smith, 2009), but they are not integrated into formal national legislative processes despite some initiatives such

as the Irish Constitutional Assembly which did integrate parliamentarians (Farrell, 2014; Renwick, 2014). As highlighted by Pateman in her recent reflection on participatory democracy (2012), we still know little about the integration of this type of initiative into ordinary institutional processes. We argue this is of particular relevance in the context of a legislature, as an institution that has multiple voices. There is therefore a gap in the literature concerning the effectiveness of participatory strategies that include the public's voice in legislative processes. While existing literature suggests that the development of legislative participation mechanisms can bring additional expertise (Cabinet Office, 2011), decrease the chances of laws being defective (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 legislative participation tools is minimal. Existing work tends only to illustrate current practices (IPU, 2012) rather than a detailed analysis of its operation or the actual effect on measures of public policy.

The one exception is Faria's (2013) analysis of the Brazilian parliament's e-democracy tool and of the Chilean Virtual Senator. This demonstrated limited public involvement showing that simply having mechanisms available does not in itself lead to effective public participation. Faria's study also shows the importance of considering how public consultation fits with the normal legislative process, particularly in its engagement with parliamentarians (p.281). Asking the public for their view is therefore only one part of the process, it also needs to be appropriately integrated into the formal legislative process. This is particularly relevant when inquiring about the contribution of this type of strategy to the scrutiny of legislation. Evaluating the success of public engagement initiatives is far from straightforward (IPU, 2012; Sheedy, 2008; Walker, 2012). Indeed, those involved in the design and implementation of the PRS set no firm indicators of success, seeing it as a 'learning exercise', simply to see if the public could be better integrated into legislative scrutiny than existing tools allowed (Interview 15). After the pilot, the PRS was evaluated internally, focusing on the levels of participation and the way the process was managed by the institution (Scrutiny Unit, 2013), being also informally compared with departmental pilots (Interview 19).

However, the number of participants and comments is not sufficient by itself to determine the success of the PRS in its contribution to the scrutiny of the Bill. To enhance the scrutiny of the bill, the comments made need to have utility; regardless of levels of participation. This comes to the heart of what scrutiny signifies.

Firstly, to enhance the scrutiny of the bill, we suggest comments need to be related to the bill itself, whether this is to the whole bill or to a specific clause or schedule. They also need to serve a purpose. This may mean providing an opinion on the bill, whether positive or negative, seeking clarifications, suggesting that changes be made, or simply reflecting on the impact of the bill. Importantly, it also needs to be grounded on reality and this would seem to be the main value of including the public into the scrutiny process: to relay the potential effects of legislation in practice through the recall of day-to-day experiences. Finally, one would also expect evidence that these comments actually made a difference to how the bill was examined by MPs and peers.

Drawing on existing work on legislative impact by Russell & Cowley (2016) and Author (2013), enhanced scrutiny may be reflected by: the citing of the public's comments by MPs, peers or government ministers; a successful amendment to the text of the bill by an MP, peer or government as a result of the public's comments; the probing or clarification of a particular area of the bill that may otherwise not have been probed. Legislative impact is not always visible straightaway (Author, 2013: 475; Russell and Cowley, 2016: 129) and thus, it is important to examine the whole legislative process. In the case of the PRS this means not just the Public Bill Committee stage, but also the report stage on the floor of the Commons and the bill's scrutiny in the House of Lords. Even a small piece of activity from an MP, peer or government as a result of suggestions made on the forum, would signal the value of this type of consultation towards bill scrutiny.

2. Methodology

We adopt a mixed-methods approach. Firstly, we carried out an empirical analysis of the 1099 comments made to the Children and Families Bill, 2013, through the PRS web forum. This consisted of a quantitative content analysis of the comments, which,

amongst other, included the following variables and codes: type of contributor (e.g. individual, charity), nature of the comment (general or specific), focus of the comment (whether it related to specific clauses, schedules or words), relevance to the bill, participants' support (or not) for the bill and specific proposals for change. This was complemented by a qualitative analysis of the comments, which aimed to elucidate further the nature of the proposals made, but also participants' motivations to submit comments and their reaction to the PRS process. We then carried out a qualitative content analysis of the parliamentary scrutiny of the bill, from the Commons' committee stage to its final reading in the House of Lords, identifying specific references to PRS or to the public's comments. This included all of the 19 Committee sittings and report stage in the Commons as well as the 12 committee sittings and 5 report stage sittings in the House of Lords. This enabled us understand the extent to which the PRS and the comments given by the public during the PRS were integrated into the process of scrutiny of the bill.

The examination of the comments and the scrutiny of the bill were supplemented by a series of 25 semi structured interviews. From these, we draw mainly from the nine interviews with parliamentary and departmental officials, MPs and their staff who were purposively selected according to their role in the running of the PRS and the passage of the bill. These interviews aimed to better understand the aims behind the creation of the web forum and respective challenges, the role of key actors and the promotion of the public's comments to MPs. The remaining interviewees were PRS contributors, who were self-selected through an email invitation to all participants; 11 of these were individuals and 5 represented organisations. Although not representative of all those who commented on the web forum, these interviews focused on the motivations and experiences of the public and were useful in corroborating insights gained from the analysis of the comments.

3. The establishment of public reading stage

In 2009, William Hague proposed the introduction of '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' (2009). This was later taken on board by the Reform of the House of Commons Select Committee, who agreed this

would be a step forward in improving the legislative process (2009). Following the 2010 General Election the Coalition Government proposed a 'public reading stage' which would give the public the opportunity to 'comment on proposed legislation online' (HM Government, 2010, p.27). This would be complemented by a 'public reading day' in which MPs would be given the opportunity to debate the public's contributions (ibid). Although falling public trust drove this policy it was also felt that it would help produce better legislation, as expressed by the Leader of the House who saw PRS leading to 'more open and better laws by harnessing the experience of the public' (Young, 2012).

Two small pilots were carried out by the government in 2012, but these were administered by the Government departments which had drafted the bills. The Government evaluations of these pilots were positive, but suggested that public engagement initiatives on legislation be promoted on a case by case basis, rather than being introduced as a matter of routine for bills (Kelly 2014). No further pilots were carried out. In 2013 the House of Commons decided it would itself pilot a PRS. Implementing this type of tool within parliament rather than a government department brings new questions and opportunities. Unlike government, the House of Commons represents a multitude of voices and interests across a range of political parties. Although the pilot was administered with the consent and cooperation of government, the comments given through the PRS could be used and interpreted by a multitude of actors, going beyond the singular governmental lens. The PRS could therefore enhance the capacity of opposition and backbench MPs to scrutinize a government's bill.

A small team of four officials were responsible for the pilot project, with only one of them being contracted to the PRS on a full time basis (Interview 18). The Children and Families Bill was selected for the pilot - a large and wide ranging bill. As we explain below, this decision was made primarily by the House of Commons, though Government acceptance and cooperation was key for the implementation of this pilot. A number of bills were therefore discussed, before selecting one on which both parties were in agreement. The bill's First Reading was on 4th February 2013 and the PRS web forum opened on Parliament's website the following week (13th February).

The forum was divided into eight sections, covering the main themes of the Bill (see Table 2). There was also an 'additional comments' section for 'broader comments on the bill and views on the public reading process itself' (UK Parliament, 2013a). The forum was open for two weeks, until 26th February 2013 and received 1402 comments (Scrutiny Unit, 2013). These were moderated before being published; to remove repeated submissions, personal information or inappropriate content, usually within the same day (Interview 18). The majority (1,099) were published. All comments were available to view online for over a year afterwards. When the PRS ended, the parliamentary team summarized the comments into a short document which was submitted as written evidence to the public bill committee (UK Parliament 2013b). The scrutiny of the bill then continued in line with the usual legislative process, receiving Royal Assent on 13 March 2014.

4. Participation in public reading stage

On the very basic measurement of the quantity of comments made by the public, the House of Commons' PRS would seem to have been a success, for it attracted twice as many comments as the government pilots combined[1]. Participation was also high from a comparative perspective: the similar e-democracy web forums run by the Brazilian parliament since 2009 have peaked at 299 comments (Faria, 2013, p.208; Perna & Braga, 2012, p.249). If Parliament was throwing open its doors to the public, the public were walking through them with 1024 different people submitting 1099 comments to the bill.

However, as seen above, the volume of comments is only part of the story; in order to contribute to the bill's scrutiny, they also needed to have been relevant and useful for members' discussions on the bill, as well as providing that 'real world' experience of the legislation being discussed. As Table 1 shows, overall the comments provided by the public would seem to have provided valuable input for the scrutiny of the bill.

TABLE 1 ABOUT HERE

The vast majority of the comments made were directly relevant to the Children and Families bill (81%) and 18% were at least relevant to the broader policy area; leaving only a very small number of comments which were not relevant at all. Although comments were moderated, the main reason for excluding comments was repetition of exactly the same comment by the same person;[2] even if not relevant, comments would still be published (Interviews 19 and 20). Besides this, although some comments were quite general such as 'this Bill will help restore fairness' (GC120) and therefore not necessarily providing great usefulness to the scrutiny process, the majority (51%) provided specific detail or opinion about the content of the bill. What is more, over three quarters referred to a particular bill clause or schedule, with a small proportion of these (2%) actually discussing specific words or phrases. One comment for example probed the implication of the term 'meaningful' parental involvement (GC156) while another asked whether the word 'reasonable' was open to interpretation when considering children's support needs in schools (SEN83). A considerable proportion of the comments (30%) actually included some form of evidence to support their reasoning, mostly as personal testimonies, but also references to reports and statistics. A sizeable proportion of the comments (19%) specifically offered proposals for change. These included requests that certain clauses 'be deleted from the Bill' (A11), that there should be more consultation with key stakeholders such as childminders (C151) and larger policy changes, including funding for schools to support children with health problems (GC83) and a bill to clarify the rights of young carers (GC85). All of these indicate vindication of the value in consulting the public, by bringing a constructive contribution to the bill's scrutiny.

But even more importantly, comments also brought the day-to-day experience of people affected by the bill. Seventy percent of the comments came from individuals (rather than organisations such as charities) and 50% of the comments described their own experiences in a number of areas covered by the bill, to illustrate the points they were making. These were often harrowing testimonies of people who had experienced painful separations, distressing adoption processes or huge struggles to support children with very complex health needs, to name but a few. They constituted important testimonies with potential value to MPs considering the consequences of

the bill. This would seem the main value of consulting the public in the scrutiny of a bill.

Participation in the PRS was therefore considerable and the comments provided would seem to constitute an important contribution to the scrutiny process. They were relevant, specific and focused, with proposals and evidence, topped up with real life experience of the areas covered by the bill.

5. The impact of the public's view on the bill

The PRS was deliberately timed between the second reading of the bill and its committee stage. At the second reading stage on 23 February 2013, MPs debated and agreed to the principle of the bill on the floor of the House of Commons, before sending it to a bill committee for detailed examination. Committee stage is followed by further detailed scrutiny and possible amendment at report stage in the Commons chamber. MPs use the time between these two stages to lobby government ministers and so amendments are much more likely to be seen at this stage (Author, 2013, p.476). The timing of the PRS was therefore intended to maximise the potential for the public's comments to be utilised during the bill's detailed scrutiny (Interview 15). We would therefore expect to see PRS having an effect on the scrutiny of the bill in committee and at report.

The bill's scrutiny in committee was considerable. The committee of 21 MPs met 19 times between February and April 2013 where they debated the bill and over 300 amendments for a total of 47 hours. The committee Chair reminded MPs of the PRS in the first sitting, saying it would be interesting to see the extent to which it 'informs the Committee's questions and deliberations' (Children and Families Bill, 1st Sitting, 5 March 2013, c1). Parliamentary staff raised awareness of the PRS by disseminating information to MPs and their staff. The submission of the summary of comments to the committee as written evidence meant that every MP would have received a copy via email, along with other written evidence submitted. The summary provided a selection of the comments about the most commonly discussed clauses within each part of the bill (Children and Families Bill, Public Reading, 2013). This summary played an important role in the mediation between public and MPs, as we explore in the

subsequent section. One parliamentary researcher described how the PRS had been highlighted to staff on several occasions by clerks in person and by email (Interview 17). The summary document was made available to the bill committee every day, alongside a printed copy of the comments made on the web forum which related to the specific clauses being discussed. Dissemination was thus regular and plentiful.

However, despite its apparent promotion from officials, there were few signs that MPs were aware of the PRS and even fewer that they used it. As one PRS participant noted "Having submitted the evidence, it was as though I had tossed a ball into the ocean. No sign of it" (Interview 25). No specific references were made to the public's comments during the committee's oral evidence sessions (Children and Families Bill Committee, Sittings 1-4, 5th and 7th March 2013); though many of the questions did focus on similar themes to those raised on the web forum. These included questions regarding the definition of shared parenting and the possible extension of the bill to cover children with long term medical conditions such as diabetes. In fact, over the entirety of the committee stage only four references were made to the PRS. These came from the frontbench spokespersons, Edward Timpson MP (Parliamentary Under-Secretary of State for Education) and Sharon Hodgson MP (Shadow Minister for Children and Families).

The latter was the only MP to specifically utilise any of the comments posted in the PRS web forum, using comments on two occasions to support her case. Firstly, when moving her amendments to Clause 30 she stated that "Ian N's comments on the public reading page summed up our concerns exactly" (12th Sitting, Children and Families Bill Committee, 21 March 2013, c440), before reading a comment on the local offer and children with hearing difficulties. Secondly, when speaking to another MP's amendment, she described how it 'chimes with the public's views,' before reading a comment regarding local councils' duty to provide the services set out for children in the local offer (Ibid, c445). Both of these occurred in the same sitting of the committee and were comments which had been included in the summary submitted as written evidence. It would appear that they had been taken directly from that document. The MPs interviewed had not visited the web forum themselves and they had very little (if any) recollection of there being a PRS for this bill (Interviews 16 and 23).

The later stages of the legislative process show a similar pattern. MPs and Peers commented on the high level of lobbying they received from organised groups and individuals on the bill, Lord Storey telling the House of Lords at third reading that he had been 'amazed' by the number of briefings he received (HL Debates 2 July 2013, c1099). Jo Swinson MP hinted at the PRS when she described the bill at third reading as 'an exemplar of how we can open up law making' (HC Debates 11 June 2013, c294). But, despite the bill being scrutinised on around 31 sitting days, no more specific references to the PRS were made.

Although the public reading forum was hardly cited by MPs and Peers during the scrutiny of the bill, the focus of some of their amendments did mirror some of the concerns expressed by members of the public. As Table 2 illustrates, the section of the bill which received the most comments during the PRS was the one on Special Educational Needs (SEN); which partly reflects the fact this was the longest part of the Bill, but also the very strong opposition to a couple of its clauses These included a new framework for assessing the needs of children and young people and an extension of parents' rights to express a school preference for their children. Thirty-six percent of the comments made at PRS focused on this section of the bill. These clauses also received the greatest attention from MPs at committee stage, where they received more amendments than the rest of the bill put together. But this was not true of all of the sections of the bill. The clauses on childminder agencies attracted 26% of the PRS comments, but accounted for only 7% of the comments at committee stage. Likewise, the clauses on leave and pay attracted much more attention from MPs than from the public, only a handful of whom submitted comments on the web forum about this part of the bill.

TABLE 2 HERE

Some of the main concerns expressed at the PRS were actually addressed during the parliamentary scrutiny of the bill. A good example of this was the inclusion of children with disabilities and long term medical conditions into the local offer of support services. This featured heavily in the comments made on the PRS web forum. One contributor wrote that "children and young people with medical needs/disabilities without SEN are not included and we feel this is an omission" (SEN115) while another

said bluntly "I was totally dismayed that disabled children are not included in the legislation" (GC7). During the bill's committee stage, just a couple of weeks after the PRS had been completed, Labour MP Sharon Hodgson and Conservative backbench MP Robert Buckland tabled and spoke to amendments asking for children with disabilities to be included in the legislation[3]. Amendments at the bill's report stage in the Commons reflected this same focus and later, in the House of Lords, it was amended to include children with disabilities. Some of the key concerns expressed in the PRS forum were therefore accommodated in the final bill.

It remains difficult though to trace the precise impact of the PRS in triggering these specific changes to the bill. With only one parliamentarian explicitly utilising any of the public's comments and few MPs having any recollection of the PRS, it seems unlikely that it had a large impact on the subsequent changes. Although MPs and Peers spoke very little about the PRS itself, they did speak of being lobbied heavily about the bill's contents. The Children and Families Bill was so extensive in its provisions that it attracted the attention of a wide range of outside organisations. As one lobbyist explained, the bill constituted a 'huge piece' of their work during the 12 month period of legislative scrutiny, focusing considerable attention on parliamentarians (Interview 14). This is also patent in the 137 pieces of written evidence submitted to the bill committee from outside bodies and the 24 representatives of these organisations who were invited to give oral evidence to the committee. The comments made through the PRS were just one small part of a much wider campaign on the bill. Although the comments made in PRS were reflected in the focus of parliament's scrutiny, this would seem to derive mainly from the lobbying from outside organisations rather than the actual comments from the public.

6. Factors inhibiting the public reading's impact

The PRS may have been successful in terms of participation rates, but there is little direct evidence that this participation had a tangible impact on the scrutiny of the bill. Closer examination of the public reading process itself highlights a number of reasons why its impact was much less than had been hoped for.

6.1 Timing of the public reading stage

Holding the PRS at any stage during the legislative scrutiny of the bill would have brought its own problems. Most obviously, it will always be difficult to make significant changes to a bill once it has received its second reading in the House. With the bill's key principles having been confirmed at this point, the House is bound by the decision and amendments must be consistent with this (Rogers & Walters, 2015, p. 191). Even the smaller and relatively insignificant details of a bill are difficult to change. The presence of a parliamentary majority and strong party discipline at Westminster means that amendments to government legislation by opposition or backbench MPs are rare (Author 2013, p.468). In practice, most amendments to legislation are those made by government itself in the latter stages of the scrutiny process, at report stage in the Commons or when the bill has moved to the House of Lords (Russell & Cowley, 2016, p.129; Author 2013, p.476).

Those involved with the administration of the PRS were well aware of this. The intention behind the timing of PRS directly after the bill's second reading was that this would provide the most opportunity for the public to influence MPs scrutinising the bill. Indeed, as one MP noted, this is the time in which 'the most important negotiations are going to happen' (Interview 16). It also left plenty of time for the government and parliamentary counsel to consider and redraft any amendments being put forward that they wanted to take on board. It gave as much opportunity for actual amendment of the bill as possible.

However, this decision also meant that there was relatively little time for the parliamentary staff or MPs to actually read and process the public's comments before the bill committee began. Although the PRS comments were available to read online, Parliament produced a document summarising them. The Brazilian experience illustrates the difficulties of asking officials to summarise and précis the public's comments (Faria, p.227) – the value of asking the public for their views lays in collating their own experiences; the challenge then for officials lies in how to summarise the diversity of singular anecdotes and testimonies, a different exercise to officials' routine work of representing the main strands of views on a bill. There, for the most successful case of integration of the public's view into the final bill, the summary only happened several months later, in the form of an oral report to MPs which was then integrated

into the rapporteur's report (ibid, p. 243). By contrast, the small team administering the House of Commons PRS had only a few days to process these comments, with no opportunity for oral delivery of the findings. They published their summary document on the 6th March, just eight days after the web forum closed, but at a time when the committee was in the middle of its oral evidence sessions, having already heard evidence from government ministers and several children's charities. Opportunities for it to impact on the direct questioning and evidence gathering were therefore limited. This also left just one sitting day for MPs to digest the summary and table additional amendments to the bill in time for the first line by line scrutiny session on 12 March[4]. This session would scrutinise the adoption clauses of the bill; which had received considerable opposition in the web forum, with over 100 comments, mostly focused on one clause[5]. This was the first part of the bill, so MPs could still table amendments to other clauses. But they would be time pressured to do so.

If the aim was for the public's comments to influence the content of the changes proposed by MPs, 'that ship has already sailed' (Interview 21) after the second reading of the Bill. Influence was therefore limited to supporting the changes already identified and tabled ready for discussion in committee. Feedback shows that once a bill reaches committee stage, MPs 'already know' how they want to change the bill and so evidence from outside was only considered to be useful if 'it supports the arguments I already know that I want to make' (Interview 15). In this way the potential for the public's comments to have an impact on the bill was minimised. Opening the web forum when the bill was still in its draft stage – and where the government was potentially more open to changes - may have brought greater impact in terms of the content of the legislation.

6.2 Choice of bill

In many respects the most fundamental decision to be made about Parliament's PRS was the choice of bill. A number of bills were considered, but ultimately the Children and Families Bill was deemed the most suitable (Interviews 15 and 19). The motives for this combined practicalities and the potential for PRS to add value to parliamentary scrutiny. In practical terms the bill needed to be one on which the government was also in agreement, to maximise the chances of its success. This is important given that, as Garrett (1992:51) notes, 'the legislative dice are heavily loaded in favour of the

government'. It has strong agenda setting prerogatives (Döring, 2001: 149) and this in itself arguably restricted the value of the PRS, as the government was most likely to agree to a safe choice. This raises wider issues about the UK Parliament's lack of agenda setting power, but is significant in imposing a restricting frame to the potential of an initiative such as PRS.

Under these wider restrictions, parliament also felt it was important that the chosen bill was one around which a body of campaigning organisations and charities already existed. This would assist with dissemination of the PRS, ensuring that there would be some participation in what was only a small and fairly low resourced project for Parliament. The Children and Families Bill met both of these criteria. More mundanely, but equally as important, resourcing constraints within parliament determined that the window opened for PRS to take place was quite narrow (Interview 15).

In scrutiny terms, the bill needed to be topical in order to maximise participation. The fact that the chosen bill dealt with every day issues such as childcare meant the broad policies would be easily understandable to those with little or no knowledge of legislation. In addition, it was thought to be an area in which the institution had the most to gain from a PRS. As one official commented 'parliamentary scrutiny would genuinely gain from people sharing their individual, on the ground, experiences of how these rules might work or affect their business or affect their children and their home' (Interview 15). Public views on the potential impact of the different clauses on their own families or businesses would provide an alternative perspective on the merits of the proposals before Parliament, which could potentially be integrated into the later scrutiny of the bill.

On the surface, the Children and Families Bill thus seemed the perfect choice for the PRS. But one of its features made it much less suitable: it had already undergone an extensive amount of consultation and pre-legislative scrutiny. The government had already sought the public's views on various departmental papers prior to the publication of the bill. This included the Department for Education's (2012) call for views on adoption and parental contact with children in care. Draft clauses of the bill had been sent to four different parliamentary committees for scrutiny in autumn 2012[6] and the government had replied to these committees' specific suggestions (DfE,

2013a). These suggestions mirrored many of the concerns later expressed by the public on the web form, including for instance, the inclusion of disabled children in integrated Education, Health and Care plans. In addition, two weeks before the PRS began, the Department for Education (2013b) published a policy document on plans to raise the quality of childcare and increase the amount of choice available to parents. Among the proposals were plans to increase early years child/staff ratios in nurseries (DfE, 2013a, p. 8).

The effect of these consultations and policy announcements was a feeling of despair and distrust among participants who felt as though they were continually being asked to comment on the policies within the bill, but never actually listened to. Those commenting were both sceptical about the benefits of taking part in another consultation and confused about what document the PRS was discussing, as the following web forum comment illustrates:

> 'We are being offered opportunities to feedback, but after the decisions have been made and presented to parliament - why should we place any trust in being heard, there is very little evidence that we have been listened to so far? Instead of being honest and laying all the proposals on the table, we have been drip fed, offered a consultation, and then hit with another paper before time to respond. Hardly a robust avenue of trust!' (C93)

This was particularly true among those commenting on the section of the bill regarding childminding agencies. As noted above, the comments left on the web forum adhered to the content of the bill. But the comments to this section of the bill were very different. Twenty percent of them explicitly referred to child:staff ratios. This meant that one in five contributions were actually talking about the DfE's 'More Great Childcare' policy document, rather than the Children and Families Bill itself.

6.3 Dissemination to the public

Analysing the Brazilian Parliament's experience with citizen web forums, Faria writes that parliamentary staff were 'worried that there might be mass participation' (2013, p.201). This potential for parliamentary resources to be overwhelmed by the success of the initiative was also featured in the House of Commons' design and

implementation of PRS. Those involved were very conscious of the limited resources in terms of staffing to read and moderate the comments coming in. One member of staff was to be responsible for this, as part of their broader role within the Commons administration (Interview 19). Project decisions were made therefore with this in mind.

This cautious approach was particularly apparent in the dissemination of the PRS to those outside the institution. Although the PRS was aimed at individual citizens, the dissemination strategy was structured around interest groups. This was 'low level promotion' in which no formal press release was issued, with key stakeholders being targeted through social media and existing mailing lists held by relevant select committees (Interview 15; Interview 18). It was hoped that these organisations would then pass on details of the PRS to their members, encouraging a 'critical mass' of individuals to participate. This was an efficient strategy given that Parliament already had contact with a large number of interest groups. A large number had already been involved with the bill, by commenting at its pre-legislative scrutiny stage. It was a strategy that would encourage public interest in the bill, without overwhelming Parliament's capacity to respond.

It was a strategy which in many ways worked well. Seventy per cent of the comments left on the web forum were from individuals, with only four per cent coming from interest groups. Many groups including Sense and Adoption UK publically informed their supporters about the PRS through social media. Others, including Diabetes UK and the Anaphylaxis campaign, included a link to the PRS forum in emails to their members. All of those interviewed referred to communications from outside organisations. One participant described how she had received 'an email alert that came from the Council of Disabled Children' (Interview 7), while another explained how she had received an email from Parent Voice saying 'we encourage you to put your comments into this, you know, click this link' (Interview 9).

The dissemination strategy was therefore effective in the sense that it enabled the details of the PRS to reach interested individuals. But conversely, it had a restrictive impact on the quality of the comments left on the web forum. Those comments made as a direct result of interest group promotion to their members tended to be 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 were copied and pasted into comments submitted to the forum. Parliamentary officials often contacted individuals to explain they couldn't accept comments if 'it's not a … original comment, but if you want to submit something in your own words then that's fine' (Interview 18)[7]. In practice this encouraged the top and tailing of comments, so that they were preceded by a more original opinion, but still included the very specific changes the organization wanted to see being made to the bill. This means that although the comments were very detailed, using relevant terminology and specific references to the wording of the bill, some came across as more mechanistic and repetitive. It also questions the value of an initiative which aimed to integrate the public's view into the bill scrutiny process, if it ends up by simply reflecting the contributions of organized groups (rather than the public), which already have established channels to influence parliamentary scrutiny.

7. Conclusion

With pressure on parliament from increasingly complex legislation and from an untrusting and detached general public, calls to integrate the public's view directly into parliamentary processes have become more pressing. Mechanisms such as PRS are potentially very valuable means of incorporating an alternative viewpoint into the scrutiny of a piece of legislation, one that is closer to daily reality and that enhances parliament's capacity for scrutiny.

In some respects the PRS did add value to the bill's scrutiny. It demonstrated that a wide range of individuals were keen to contribute to discussions about legislation and to suggest improvements. The comments left on the web forum provided an alternative perspective for parliamentarians, offering very personal and emotive accounts of the bill's potential impact on children and families. The parliamentary scrutiny also chimed well with the most popular issues raised by the public, making the resulting changes conceded by the government have a clear basis of popular support.

But we cannot say that these changes were the direct result of the contributions made at PRS. PRS awareness among parliamentarians was very low and the web forum's

comments were referred to on only a handful of occasions. It may therefore have opened the doors to Parliament, providing a new avenue of public participation, but the use of a bill which had already received significant pre-legislative scrutiny and the fact that the legislative process was not adapted in any way to formally take account of the PRS reduced its impact. The positioning of public reading following the bill's second reading severely limited its impact and gave very little time for the comments to be disseminated and used by MPs. The normal legislative process was not adapted to include the PRS; instead the PRS was made to fit into it, illustrated in the fact that the summary produced by officials was submitted as a piece of written evidence, instead of forming a procedural part of proceedings. It is no surprise that the impact on the actual scrutiny of the bill was negligible.

The PRS highlights two issues in legislative engagement strategies. The first concerns their purpose. Aiming to enhance scrutiny by integrating genuine experiences from the public does not happen automatically just because the views of the public are collated. The choice of bill used in this case, for instance, clearly impacted on the PRS's usefulness. Besides wider issues reflecting the government's power to influence the choice of bill, the fact this bill had already undergone considerable scrutiny made the PRS in many ways irrelevant, as it added little to the MPs' understanding of the bill's consequences. Secondly and perhaps most importantly, is the (in)adequacy of established legislative processes to accommodate external inputs. In this case, the process supporting the PRS could have been more fully integrated into the formal parliamentary scrutiny of the bill. Engaging the public with legislative scrutiny means nothing if parliamentarians themselves do not utilise and consider the public's input. This may mean better dissemination of the public's comments to MPs and Peers, the positioning of PRS at an earlier stage of the legislative process (perhaps as a form of pre-legislative scrutiny), or a period of time allocated on the floor of the House or in committee specifically for the discussion of the public's view. The analysis of the UK Parliament's attempt to integrate the public's voice into the legislative process shows, therefore, that whilst the public's view may enhance the understanding of the consequences of a bill and therefore enhance its scrutiny, this in itself does not constitute effectiveness. In order to have greater impact on legislation, its integration needs to be thought through as something more integral to the legislative process rather than simply sitting in parallel to the normal legislative process. This study shows

therefore that integrating the public's view directly into representative institutions requires a wider re-conceptualisation of their role and processes.

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TABLES

Table 1: Types of comments left on the PRS web forum

Relevant to the bill	80.9%
Focuses on specific schedule, clause or word	80.4%
Specific comment	50.6%
Includes testimony based on personal/professional experience	49.9%
Provides evidence to support comment	30.4%
Makes proposal to the bill	18.8%

Note: This is a summary of several indicators on which each comment was coded. It does not therefore add up to 100%. Comments could fall into several categories.

Table 2: Bill focus of PRS comments and amendments by MPs at committee stage (%)

Part of Bill	Published PRS Comments	Amendments tabled or discussed in PBC
Adoption	3	8.3
Family Justice	10.1	4.6
Special Educational Needs	36.9	54.0
Childminder Agencies	26.5	7.5
Children's Commissioner	0.5	5.2
Statutory Rights to Leave and Pay	0.9	12.4
Time Off Work	0.2	2.3
Flexible Working	0.2	1.1
Additional Comments	18.2	4.6

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[1] The government pilots received only 85 comments (Charitable Donations Bill - Cabinet Office 2012, p. 2) and 568 comments (Protection of Freedoms Bill - Home Office 2012, p.2). This is in some respects related to the size of the bill being considered. The former was a small bill of just 21 clauses whereas the latter had over 120 clauses.

[2] This happens due to the system being slow and not being always clear if a comment has been submitted, leading contributors to press submit several times and, as a result, re-submitting the same comment. This is a problem with parliament's web forum tool, which still persists today (Observation, House of Commons Petitions Committee, December 2016).

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³ Amendments 48, 49, 75 and 76, committee's 10th sitting (19th March 2013).

⁴ A notice period of three sitting days is usually required for the tabling of amendments in public bill committee. This means that, if the committee is sitting on a Tuesday, amendments should be tabled by the rise of the House on the preceding Thursday.

⁵ Clause 2, which repealed that "due consideration" be given of ethnicity in adoption processes.

⁶ Pre-legislative scrutiny was carried out by the House of Commons Education Committee (clauses on Special Educational Needs), Justice Select Committee (family justice and shared parenting clauses), the House of Lords Select Committee on Adoption (adoption legislation) and the Joint Committee on Human Rights (Office of the Children's Commissioner)

⁷ We estimate that still 4% of the comments were cut and paste, with minimum top and tailing.