



## Public Reading Stage of Bills

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The Select Committee on the Reform of the House of Commons (the Wright Committee) was asked to consider how the public could initiate debates and proceedings in the House. It made recommendations on both involving the public in the legislative process and changing the House of Commons petitions system.

The Conservative Party proposed the introduction of a 'public reading' stage of bills at its Conference in September 2009; and, in its 2010 General election manifesto, it outlined plans for giving the general public opportunities to initiate parliamentary proceedings.

Pilot public readings have been held for three Government bills:

- *Protection of Freedoms Bill 2010-12*;
- *Small Charitable Donations Bill 2012-13*;
- *Children and Families Bill 2012-13*;

and the draft Care and Support Bill was subject to an online consultation, whilst it was undergoing pre-legislative scrutiny. Public reading stage pilots for the *Protection of Freedoms Bill 2010-12*, the *Small Charitable Donations Bill 2012-13* and the draft bill were administered by the Government. The House of Commons administered the public reading pilot of the *Children and Families Bill 2012-13*. Information gathered from the public was prepared by the Government or the House and given to the public bill committee considering each Bill.

In January 2013, the Leader of the House issued a written statement, in which he outlined public engagement with the Government administered pilots. He stated that "The Government remain committed to promoting public engagement in Parliament and specifically in the legislative process. The pilot results indicate that approaches to consultation should be carefully tailored to the Bill".

The House of Commons published an *Evaluation of the Public reading Pilot of the Children and Families Bill 2012-13*.

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**1 Background to recent recommendations for increasing public participation in Parliamentary procedure**

**1.1 Report of the Select Committee on Reform of the House of Commons**

The Select Committee on the Reform of the House of Commons (the Wright Committee) was asked to consider, among other issues, how the public could initiate debates and proceedings in the House. In its summary the Committee outlined its conclusions on “public involvement”:

The Committee calls for the primary focus of the House’s overall agenda for engagement with the public to be shifted towards actively assisting a greater degree of public participation.

It calls for urgent discussions on the currently stalled process of introducing an e-petitions system, and for the Procedure Committee to become for a trial period a Procedure and Petitions Committee, dealing with petitions submitted under existing rules. It recommends a number of changes designed to give presentation of petitions greater significance in the House’s proceedings, including the possibility of a debate. The Committee also calls for the working up of a scheme for identifying a monthly backbench Motion suitable for debate, alongside the existing Early Day Motions.

The report looks at the prospects for some form of “agenda initiative” which might enable the public to ensure that a given issue is debated in the House. It calls for the

House to commission an investigation of the practicalities of such a procedure at national level, drawing on local and international experience, and concludes that the opportunities should be seized for nourishing representative democracy by the exploration of other democratic possibilities.

It concludes that opening up the process of legislation and giving the public a real opportunity to influence the content of draft laws should be a priority in the new Parliament.<sup>1</sup>

The Committee made the following recommendations which related to ways in which the public could engage in the legislative process; that petitions could be used to help the public initiate proceedings; and that petitioners be made more aware of proceedings in the House:

#### **Public Participation**

41. There are varying views about the prospects for greater public participation. But none of these doubts should rule out making further and better opportunities available for public participation and engagement. The primary focus of the House's overall agenda for engagement with the public must now be shifted beyond the giving of information towards actively assisting the achievement of a greater degree of public participation. (Paragraph 230-232)

#### **Legislation**

42. Opening up the process of legislation and giving a real opportunity to the public to influence the content of draft laws should be a priority for consideration in the next Parliament. That is an issue for the House and not for Government. (Paragraph 276)

#### **Agenda initiative**

43. We recommend that the House commission an investigation of the practicalities of applying at a national level the procedures applied to local authorities for "petitions requiring debate", drawing on local and international experience, including the appropriate thresholds to be applied. (Paragraph 286)

#### **e-Petitions**

44. We recommend urgent discussions among all those involved in the e-petitions scheme, with a view to bringing to the House in the early part of 2010 a costed scheme which enjoys the support of the Member bodies engaged: that is, the Finance and Services and Procedure Committees, and the House of Commons Commission. (Paragraph 254)

[...]

#### **Debate**

47. We recommend a trial in 2009-10 in advance of e-petitions of debates on petitions, subject to the presentation of petitions of sufficient significance. (Paragraph 264)

#### **Information for petitioners**

48. We recommend that the House authorities ensure that petitioners are informed of recent relevant House proceedings. (Paragraph 265)

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<sup>1</sup> Select Committee on Reform of the House of Commons, *Rebuilding the House*, 24 November 2009, HC 1117 2008-09, Summary

## Proceedings in House

49. It would give petitions a slightly enhanced status if notice was required and when given if it appeared on the House's Order Paper at the appropriate place. We consider that it would be more dignified if, as is the case with Bills presented to the House by backbench Members, the front sheet of the petition was taken to the Table, and an appropriate announcement read by the Clerk. (Paragraphs 266-267)<sup>2</sup>

The House debated the Wright Committee report on 22 February 2010, and approved the recommendations above.<sup>3</sup> In doing so, it welcomed work that had already been undertaken by the House authorities in preparation of the House agreeing the recommendations. The House also considered that "there should be a trial of debates on public petitions in Westminster Hall in the next Session of Parliament, subject to the presentation of petitions of sufficient significance".<sup>4</sup>

The work that was being undertaken was described by Nick Harvey, who answered questions on behalf of the House of Commons Commission, earlier in February 2010. His response included the following information:

**Nick Harvey:** Upon publication of the report in November, the Clerk of the House set in hand work on the possible changes to procedures and practices which would be required were the House to endorse some or all of the recommendations and conclusions, including possible changes to Standing Orders and changes to procedures and practices.

Some recommendations and conclusions proposed specific work by the House. A progress report on these is set out as follows.

[...]

*Recommendations 41 and 42-Shift in the primary focus of the House's public engagement agenda towards greater degree of public participation, and opportunity for the public to influence the content of draft laws:*

Discussion at official level is under way on the future pattern and direction of the House's public engagement effort, in the light of these two recommendations. Thought is being given to approaches which would give "a real opportunity to the public to influence the content of draft laws". Decisions would be required to be taken by the proper authorities, including the House of Commons Commission and possibly the House itself, in the new Parliament.<sup>5</sup>

## 1.2 Conservative Party Policy and the Coalition Agreement

Plans for a public reading stage of bills were announced at the 2009 Conservative Party conference.<sup>6</sup> In its 2010 General election manifesto, the Conservative Party outlined plans for giving the general public opportunities to initiate parliamentary proceedings:

People have been shut out of Westminster politics for too long. Having a single vote every four or five years is not good enough – we need to give people real control over

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<sup>2</sup> *Ibid*, Chapter 6

<sup>3</sup> HC Deb 22 February 2010 c131

<sup>4</sup> *Ibid* [in response to Recommendation 47]

<sup>5</sup> HC Deb 8 February 2010 cc651W-652W

<sup>6</sup> Nicholas Watt, "Parliament: public offered chance to alter bills", *Guardian*, 5 October 2009; William Hague, speech to Conservative Conference, 5 October 2009, reported on Epolitix at <http://www.epolitix.com/latestnews/article-detail/newsarticle/william-hague-bringing-change-to-britain/>

how they are governed. So, with a Conservative government, any petition that secures 100,000 signatures will be eligible for formal debate in Parliament. The petition with the most signatures will enable members of the public to table a Bill eligible to be voted on in Parliament. And we will introduce a new Public Reading Stage for Bills to give the public an opportunity to comment on proposed legislation online.<sup>7</sup>

The Coalition Agreement set out commitments on ensuring that petitions securing 100,000 signatures would be eligible for debate in the House of Commons; allowing members of the public to table a bill linked to the petition with most signatures; and introducing a public reading stage for Government bills, which would allow the public to comment on proposed legislation online whilst Parliament was considering legislation:

We will introduce a new 'public reading stage' for bills to give the public an opportunity to comment on proposed legislation online, and a dedicated 'public reading day' within a bill's committee stage where those comments will be debated by the committee scrutinising the bill.<sup>8</sup>

### 1.3 Possible practical considerations of a public reading stage

Before Nick Clegg's announcement that the *Protection of Freedoms Bill* would be subject to a pilot public reading stage (see section 2.1 below), the Hansard Society gave some thought to how a public reading stage would work in their 2010 publication, *Making Better Law*:

... [The public reading stage] will be followed by an allotted 'public reading day' for the PBC to give consideration to the public's comments on the legislation. By necessity this process needs to consider a centrally hosted web-based engagement platform from which the public can review the bill and make comment in a single location, with bill texts and explanatory materials made available in a machine-readable format so that third-party websites can host discussions and so that Parliament can receive comments direct from these sites. Our research tells us that if this process is to work it must be open, transparent, well-managed (including rigorous moderation) and above all it must be clear to the public how their comments have been considered and acted on. Ensuring good quality feedback to those who participate in the process is essential good practice.<sup>9</sup>

As already noted the Wright Committee also considered proposals for a public reading stage in their November 2009 report, *Rebuilding the House*. Before drawing the conclusion that has already been noted, the Committee made the following comments:

273. The legislative process is already significantly influenced at all stages by public opinion, organised through interest and pressure groups. From the identification of an issue as requiring legislation, through the process of consultation in drawing it up, to debate and scrutiny in both Houses, organisations are engaged in pressing home their particular concerns. Backbenchers themselves have limited opportunities to influence legislation, including the possibility of service on a public bill committee and the opportunity to move or support amendments at report stage. Concerns from the public in general and from organisations in particular are often reflected in Private Members' legislation.

274. An individual citizen, however, has few opportunities for involvement in the legislative process, beyond taking opportunities to influence individual Members. There may be an opportunity to submit evidence if the bill is undergoing pre-legislative

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<sup>7</sup> Conservative Party, *Invitation to join the Government of Britain*, 2010

<sup>8</sup> HM Government, *The Coalition: our programme for government*, May 2010, p27

<sup>9</sup> Hansard Society, *Making Better Law*, 2010, p166

scrutiny by a select committee. And there is a largely theoretical possibility of submitting written evidence if and when evidence is heard on a Bill at the outset of public bill committee proceedings. To date there have been very few individual submissions

275. The process of Second Reading of a bill followed by public bill committee followed by report stage is in technical terms fairly transparent, in that the relevant papers are findable on the website and the process is foreseeable. But in the same way that many consultations carried out by Government departments are conducted via a departmental website and genuine public engagement is not positively facilitated, nowhere are the public positively invited to comment in any detail on the provisions of Bills, or to propose amendments which might at least be worthy of debate. Nor are the legislative language and formats employed designed to be user-friendly in the wider world: they read as what they are, draft legal texts.

276. Proposals have recently been made for the introduction of an explicit opportunity for public comment on the details of legislation, immediately after Second Reading: a "public reading" stage. In the past there have been similar proposals for every Government Bill to be the subject of a web forum. A procedure could also be envisaged for a mandatory period of pre-legislative scrutiny, either of a draft text or of a concepts paper setting out the thinking and objectives of the forthcoming legislation. The latter would be more susceptible to public engagement. The publication of a draft legislative programme goes only some way along that path. Subject to the caveats we have expressed above about the appetite for such intense engagement, and to ensuring that the result is not to diminish the already short time in which elected Members have to examine a Bill in detail, some such opening up of the current system would be welcome. **Opening up the process of legislation and giving a real opportunity to the public to influence the content of draft laws should be a priority for consideration in the next Parliament. That is an issue for the House and not for Government.**<sup>10</sup>

## **2 Public Reading Stage – pilots administered by the Government**

### **2.1 Protection of Freedoms Bill 2010-12**

On 15 February 2011, the Deputy Prime Minister, Nick Clegg, announced that the Government was "launching a website ([www.publicreadingstage.cabinetoffice.gov.uk](http://www.publicreadingstage.cabinetoffice.gov.uk)) that will allow the public to comment on the *Protection of Freedoms Bill* online, before the House of Commons commences its considerations at Second Reading". The public had been asked to generate ideas for inclusion in the Bill before it was published and this process meant that the public's involvement could be maintained. The Deputy Prime Minister said that the public reading stage of the *Protection of Freedoms Bill* was a pilot scheme to allow technology to be tested and that no changes to the House's procedures would be required:

The public's comments will be published in an appropriate form and made available to the House to assist and inform its debate and scrutiny of the bill. The pilot will not involve changes to Standing Orders or the procedures of the House; nor will it affect the scheduling of the Bill. This pilot will allow the technology to be tested that could, subject to the views of the House, facilitate the introduction of a 'public reading stage', as outlined in the Coalition's Programme for Government.<sup>11</sup>

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<sup>10</sup> Select Committee on Reform of the House of Commons, *Rebuilding the House*, 24 November 2009, HC 1117 2008-09

<sup>11</sup> HC Deb 15 February 2011 c73WS

The deadline for comments on the *Protection of Freedoms Bill* was 7 March 2011.<sup>12</sup>

The Government announced that it would collate the comments, on any aspect of the Bill, and present them to the public bill committee established to scrutinise the Bill:

People can leave their comments on all aspects of the Bill, from plans to restore rights to non-violent protest to a review of libel laws, by visiting an easily accessible website - [www.publicreadingstage.cabinetoffice.gov.uk](http://www.publicreadingstage.cabinetoffice.gov.uk)

The comments will then be collated by the Government and presented to the Public Bill Committee, a cross-party House of Commons Committee that will scrutinise the Bill.

The Government wants the MPs on the Committee to use the public's views to inform this scrutiny, putting the ideas, thoughts and concerns of ordinary people at the heart of the legislative process.

The Government believes that traditional consultations on new legislation have been too narrow in focus, often limited to invited experts and specialists, and wants to open up the parliamentary process to the widest possible audience.<sup>13</sup>

### **Timing**

The *Protection of Freedoms Bill* was introduced in the House of Commons on 11 February 2011. On 15 February 2011, the public reading stage for the Bill was launched; it closed on 7 March 2011.

On 17 February 2011, the Leader of the House announced that the second reading debate would take place on 1 March.<sup>14</sup> The Bill was given a second reading and committed to a public bill committee.<sup>15</sup> The public bill committee's first meeting was held on 22 March 2011.

On 2 March 2011, in response to a written question, the Leader of the House, Sir George Young, outlined the usual timescale for public reading stages:

**Natascha Engel:** To ask the Deputy Prime Minister what proposals he has for the (a) minimum and (b) maximum amount of time for public reading stages of Bills. [41668]

**Sir George Young:** I have been asked to reply.

Public reading stage will normally begin when a Bill is published and end in time for the points raised by members of the public to be taken into account during proceedings in the Public Bill Committee.<sup>16</sup>

### **Committee stage/public reading stage**

The Home Office prepared "an anonymised synopsis of the views expressed on the Public Reading stage website for the *Protection of Freedoms Bill*".<sup>17</sup> It had been the Government's intention that this document would be circulated to all members of the public bill committee (PBC) before its first meeting. However, in the debate on the programme motion, James Brokenshire, the Home Office Minister, noted that not all members of the committee had received it:

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<sup>12</sup> [Protection of Freedoms Bill – Public Reading Stage](#), "What is a Public Reading Stage?"

<sup>13</sup> Cabinet Office, [Big Society: Opening Up Parliament to the People](#), 15 February 2011

<sup>14</sup> HC Deb 17 February 2011 c1142

<sup>15</sup> HC Deb 1 March 2011 cc205-271

<sup>16</sup> HC Deb 2 March 2011 c460W

<sup>17</sup> [Protection of Freedoms Bill – Public Reading Stage – A Report by the Home Office for the Public Bill Committee](#)

Our deliberations on the Bill will also be added to by a new and experimental innovation, the public reading stage. I am aware that Members may not have received the report, which was intended to have been received by them for this morning's sitting, although it was circulated yesterday. I am making urgent inquiries to ensure that further copies can be submitted to the Committee. I would have preferred that all Members had received the report in time for this morning—that was our intention—but I hope that Members will recognise that it is an innovative new approach seeking to engage the public in the consideration of legislation. We have received over 500 comments on the Bill from members of the public.<sup>18</sup>

Vernon Coaker, the Opposition spokesman, indicated that having the information earlier could have helped the PBC:

I am also grateful for the Minister's comment about the public reading stage. It is somewhat regrettable that we have not seen the report—certainly, I have not seen it; that may be my fault, but it has certainly come in very late. I appreciate that this is a pilot, but the deadline for comments was, I think, 7 March and it has been a couple of weeks since then. If we are to scrutinise the Bill, the evidence sessions are very helpful; we have expert witnesses coming to give us all their thoughts and views and professional opinion on the whole range of issues before us and that certainly informs our debate and adds significantly to it. Clearly, the whole point of the public reading is to take into account the points of view of many people out there who might not otherwise have the opportunity to comment. It would have been interesting to have those points of view and it may have informed one or two of the questions that we might have asked our professional witnesses. I appreciate what the Minister has said and it is important that we get those points of view as soon as we possibly can.<sup>19</sup>

The document that was submitted to the PBC was dated 25 March 2011. As well as including the Home Office Report, it included some introductory remarks. Among other things they noted that:

As a pilot, there will not be a dedicated 'Public Reading day' within the Bill's Committee stage. However, as well as considering carefully the points made on the Bill, the Government will review the process itself and consider how it can be improved and developed. In view of the 'pilot' status of this Public Reading stage, the Government would be particularly keen to receive the views of members of the Committee on the attached report, and on the process more generally. I would therefore invite Committee members to write to myself and the Leader of the House of Commons, who will be taking forward the future work on this process, with any such views they might have.<sup>20</sup>

During the later stages of the committee's consideration of the Bill, Diana Johnson referred to the document produced by the Home Office as she argued that the legislation could create loopholes that would allow vehicle clamping in some places and not others.<sup>21</sup>

### ***Learning from the pilot***

Both the Leader of the House and the Deputy Prime Minister confirmed that an assessment of the pilot public reading stage for the *Protection of Freedoms Bill* would be made. The Leader of the House, Sir George Young, responded to a written question asking what

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<sup>18</sup> Protection of Freedoms Bill Committee, 22 March 2011 c3

<sup>19</sup> *Ibid*, c4

<sup>20</sup> Home Office, *Protection of Freedoms Bill – Memorandum submitted by the Home Office*, PF28, 25 March 2011

<sup>21</sup> *Ibid*, 28 April 2011 cc406-407

assessment had been made of the benefits to the legislative process of public reading stages for bills. He provided the following response:

The public reading stage will improve public engagement with Parliament by giving individuals a chance to participate in the legislative process and improve the quality of legislation by taking into account the views of those who might otherwise not contribute. The current pilot public reading of the Protection of Freedoms Bill will provide the basis for a further assessment of the merits of the process.<sup>22</sup>

The Deputy Prime Minister indicated that he would like to see a public reading stage “extended to all other pieces of legislation and draft Bills”, in replying to an oral question:

**Jo Swinson (East Dunbartonshire) (LD):** I too welcome the excellent innovation of a public reading stage for the Protection of Freedoms Bill, to involve the public in the law-making process. Can the Deputy Prime Minister confirm that the Government intend ultimately to extend that process of public engagement to all Bills? Will they also consider improving it even further—for example, by putting a Bill's explanatory notes on the consultation website and considering the public's suggestions at Committee stage?

**The Deputy Prime Minister:** As my hon. Friend may know, using the Protection of Freedoms Bill as the first pilot for providing the public with a public reading stage is precisely that: a pilot. We must learn the lessons from that, and see whether a Public Reading stage sufficiently engages people and makes the whole legislative process accessible to the public. If it does prove to be successful, and if we can make all the technical adjustments that might be needed work, then yes of course, in principle we would like to see this extended to all other pieces of legislation and draft Bills.<sup>23</sup>

In the period between the second reading debate and the start of the committee stage, Natascha Engel, the Chair of the Backbench Business Committee (BBCOM), asked about the extent of consultation with BBCOM and other parliamentary committees that had an interest in the public reading stage of bills. She asked the Deputy Prime Minister what discussions he had had with the Procedure Committee, the Liaison Committee, the BBCOM and the House of Lords on the introduction of a public reading stage for bills and a public reading day during committee stage. The Deputy Prime Minister responded that:

The Leader of the House of Commons has regular discussions, including with those representing the relevant committees. The Leader of the House of Commons will have further discussions with colleagues within Government and both Houses on the development of the public reading stage of Bills following the pilot of the public reading stage of the Protection of Freedoms Bill.<sup>24</sup>

In response to a question about the operation and establishment of a website to facilitate public reading stages, the Deputy Prime Minister confirmed that, the scheme was a pilot scheme and that decisions about the future of public reading stages were for the Leader of the House of Commons:

... This is a pilot website and decisions about the operation of any dedicated public reading website will be taken, in light of this experience, by the Leader of the House of Commons in consultation with ministerial colleagues.<sup>25</sup>

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<sup>22</sup> HC Deb 2 March 2011 c460W

<sup>23</sup> [HC Deb 1 March 2011 c154](#)

<sup>24</sup> HC Deb 14 March 2011 c37W

<sup>25</sup> HC Deb 15 March 2011 c207W

On the final day of the PBC stage, the Chair asked members of the PBC to comment on the operation of the public reading stage:

Before we continue our line-by-line consideration of the Bill, I wish to remind members of the Committee that the Leader of the House has asked for any comments or suggestions from Members on the Public Reading stage pilot to be sent to his office no later than 24 May. I hope that you will all take the opportunity to submit your views on this most important new venture.<sup>26</sup>

## 2.2 Small Charitable Donations Bill 2012-13

On 12 July 2012 the Leader of the House, Sir George Young, announced that there would be a public reading stage pilot for the *Small Charitable Donations Bill 2012-13*.<sup>27</sup> He announced that in order to facilitate the public reading stage the Government had developed a new website to enable members of the public to comment on the Bill:

A trial of a Public Reading Stage was undertaken for the Protection of Freedoms Bill in the previous session of this Parliament. Following an evaluation, my Office has worked with the Government Digital Service to develop a new, simple digital platform that allows members of the public to read the Government's proposed Bill and related information, comment on specific clauses and to make suggested amendments. The site can be visited at: <http://publicreadingstage.cabinetoffice.gov.uk>.<sup>28</sup>

The Treasury and HM Revenue and Customs provided a summary of comments received at public reading stage to the public bill committee.<sup>29</sup>

Sir George Young also stated that there would be a further pilot following an evaluation of the *Small Charitable Donations Bill's* public reading stage. The evaluation would consider:

- The volume of comments received and their relevance to the legislation.
- Any amendments proposed to or made to the legislation in response to specific comments.
- The reception of the Public Committee and the whole House at report stage to the comments.
- Any other feedback received from contributors to the site and Members of Parliament who contributed to scrutiny of the Bill.<sup>30</sup>

## 2.3 Draft Care and Support Bill

The draft Care and Support Bill was subject to an online consultation, whilst it was undergoing pre-legislative scrutiny.<sup>31</sup>

The *Draft Care and support Bill* was published in July 2012.<sup>32</sup> The draft Bill was open to public comment until 19 October 2012 (the archived webpage is available).<sup>33</sup> A summary of

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<sup>26</sup> Protection of Freedoms Bill Committee, 19 May 2011 c713

<sup>27</sup> [HC Deb 12 July 2012 cc57-8WS](#)

<sup>28</sup> *ibid*, c57WS

<sup>29</sup> HM Treasury and HM Revenue and Customs, *Small Charitable Donations Bill – Memorandum submitted by HM Treasury and HM Revenue and Customs*, October 2012

<sup>30</sup> [HC Deb 12 July 2012 cc57-8WS](#)

<sup>31</sup> [HC Deb 17 January 2013 c44WS](#)

<sup>32</sup> Department of Health, *Draft Care and Support Bill*, Cm 8386, July 2012

<sup>33</sup> Department of Health, *Draft Care and Support Bill – Your comments on the provisions in the draft Bill*

the feedback received by the Department of Health was published. It reported that “Over 1,000 written comments were received from a total of 433 unique respondents”.<sup>34</sup>

## 2.4 Evaluation of Government administered pilots

In January 2013, the Leader of the House of Commons, Andrew Lansley, issued a written statement reporting on the two pilot public reading stages and the online consultation on the draft Care and Support Bill. He reported information on participation in the public reading process and how the comments received fed into the scrutiny process. He restated the Government’s commitment to public engagement in the legislative process but noted that a public reading stage would not be introduced as a matter of routine for bills:

Levels of participation in these consultations varied: for the Protection of Freedoms Bill 6,600 individuals visited the site; and 256 contributors made a total of 568 comments. Many of these were from members of the public rather than from organisations and made a helpful contribution to improving the content of the Bill. Participation on the Small Charitable Donations Bill was more limited: there were 85 comments from 23 organisations, most of which had already contributed to an earlier consultation on the Bill. There were no comments from individuals without a connection to interested organisations. The online consultation on the draft Care and Support Bill attracted a substantial number of responses, with over around 1,000 comments received. The detailed outcome of this consultation has been submitted to the Joint Committee scrutinising the Bill.

The comments from the Protection of Freedoms Bill and the Small Charitable Donations Bill were collated and presented to the Public Bill Committees, alongside an analysis by the Department responsible for the legislation. The comments and reports were referred to during the Committee Stage for each Bill, although they did not directly trigger any amendments.

The Government remain committed to promoting public engagement in Parliament and specifically in the legislative process. The pilot results indicate that approaches to consultation should be carefully tailored to the Bill. We will therefore seek to make our approach to consultation on legislation in line with the consultation principles introduced last year. These seek to ensure a more proportionate and targeted approach, so that the type and scale of engagement is proportional to the potential impacts of the proposal. We will not, at this stage, be introducing a Public Reading Stage as a matter of routine for Bills. Instead, an assessment will be made on a case-by-case basis of the type of public engagement and consultation that best fits the nature and timing of individual Bills, taking into account levels of stakeholder engagement in policy development. This decision does not preclude further consideration with a view to improving public engagement, particularly during Public Bill Committees, by this House.

The Government will draw upon the full range of existing consultation and engagement mechanisms available, in line with the development of an open policy making model, as outlined in the civil service reform plan. These consultations may be conducted where it has not been possible to publish the legislation in draft, or either as part of or in addition to pre-legislative scrutiny where this would not duplicate work being undertaken by Select Committees.<sup>35</sup>

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<sup>34</sup> Department of Health, *The draft Care and Support Bill – A summary of consultation responses*, December 2012; see also, Department of Health, *The Care Bill explained: Including a response to consultation and pre-legislative scrutiny on the Draft Care and Support Bill*, Cm 8627, May 2013

<sup>35</sup> HC Deb 17 January 2013 c44WS-45WS

Mr Lansley reiterated the “mixed economy” approach to scrutinising legislation in response to an oral question on the same day:

... public reading stages will form part of a tool kit to consider legislation on a case-by-case basis. I hope we will continue to improve public engagement in the legislative process—for example, through pre-legislative scrutiny and evidence sessions in Public Bill Committees rather than by adopting a uniform approach to legislation.<sup>36</sup>

### **3 Public Reading – pilot administered by the House of Commons**

#### **3.1 Children and Families Bill 2012-13**

The *Children and Families Bill 2012-13* was introduced to the Commons on 4 February 2013.<sup>37</sup> The Bill was given a second reading on 25 February.<sup>38</sup> On 27 February, the House issued a call for evidence to the public bill committee that would consider the Bill.<sup>39</sup> However, in addition to this and before this call for evidence was issued, the House hosted “an online forum for members of the public to leave their views on the Bill”.<sup>40</sup>

A summary of the forum comments was prepared:

Forum users were encouraged to comment on specific Clauses or Schedules of the Bill but this was not mandatory. The forum ran from Wednesday 13 February to Tuesday 26 February and received 1402 comments, of which 1099 were published.<sup>41</sup>

(The Bill was carried-over to the 2013-14 Session but the pilot public reading took place in the 2012-13 Session.)

#### **3.2 Evaluation of House of Commons administered pilot**

In June 2013, the Scrutiny Unit published an *Evaluation of the Public Reading Pilot*. The evaluation considered the use of the information gathered through the online forum:

##### **Influence**

4. The Public Reading was successful in attracting a good number of comments on the Bill: 1,100 comments were published on the website during the 2 weeks in which the forum was live. Some Parts of the Bill attracted more comment than others, with 4 Parts receiving fewer than 10 comments. For future Public Readings it could be sensible to assess the distribution of comments part way through the exercise with a view to targeting further publicity at individuals who are likely to have an interest in those Parts of the Bill which have attracted fewer comments.

5. One Member of the Committee made extensive reference to the PR during Committee Stage but other Members of the Committee did not refer to it directly. Anecdotal feedback from Members’ researchers suggested that some had used the summary to brief their Members, but one Member commented that they were unlikely to use the outcomes of any Public Reading unless it supported the arguments they wanted to make. The Bill Team commented that “The Department does not feel that it has learned anything new from the Public Reading” and observed that much of the Bill

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<sup>36</sup> [HC Deb 17 January 2013 c1022](#)

<sup>37</sup> [HC Deb 4 February 2013 c48](#)

<sup>38</sup> [HC Deb 25 February 2013 cc45-134](#)

<sup>39</sup> House of Commons, *Have your say on the Children and Families Bill*, 27 February 2013

<sup>40</sup> Scrutiny Unit, *Evaluation of the Public reading Pilot [of the Children and Families Bill 2012-13]*, June 2013

<sup>41</sup> Children and Families Bill Public Bill Committee, *Written Evidence*, Children and Families Bill Public Reading – Summary of Comments, p10

had already been subject to considerable consultation and pre-legislative scrutiny (this is discussed further below).

6. The potential influence of a PR may be hard to predict in advance as it will depend largely on the individual nature and membership of each Bill Committee. Possible ways to increase its influence are considered below when discussing the summary of responses.

[...]

### **Conclusion**

43. As a logistical exercise the Public Reading has to be regarded as successful. Concerns centre on the extent to which the Public Reading informed or influenced consideration of the Bill. There is a risk that those participating in any future Public Reading may have cause to feel let down unless there is a clear line between Public Reading outcomes and scrutiny of the Bill, which in turn may trigger negative comment and discourage future contributors; but the value and usefulness of the exercise itself will also, rightly, be questioned unless there is a stronger demonstration of engagement by members of the PBC. The suggestions made, should another pilot be undertaken for greater publicity, more time for the forum to run, richer contextual information and opportunity to present in the outcomes in different ways are designed to achieve this.<sup>42</sup>

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<sup>42</sup> Scrutiny Unit, *Evaluation of the Public reading Pilot [of the Children and Families Bill 2012-13]*, June 2013