

Evaluation of the Public Reading Pilot

Public Reading Pilot

1. The Committee Office Scrutiny Unit administered a pilot “Public Reading” of the Children and Families Bill in early 2013. This was the first time that the House of Commons had conducted a Public Reading, although the Government had previously carried out pilots on two Bills. The pilot involved hosting an online forum for members of the public to leave their views on the Bill, with a summary of comments then made available to members of the Public Bill Committee considering the Bill.
2. The purpose of this evaluation is to consider how far the pilot was successful and what lessons can be learned to improve the process for any future public readings.
3. Members of the public participating in the Public Reading were also invited to comment on the Public Reading process. This evaluation has been informed by their views as well as by the by the experience of staff in the Scrutiny Unit who oversaw the pilot, and feedback from the Public Bill Office, the Web and Intranet Service, and the Bill team in the Department of Education.

Key facts and dates

- The Children and Families Bill received its second reading in the Commons on 4 February 2013
- The pilot Public Reading forum was open for 14 days to 26 February 2103.
- The forum attracted 1402 comments of which 1099 were published.
- An interim summary of forum comments was submitted as written evidence to Public Bill Committee members on 28 February; a final version was submitted the following week, before the Committee commenced its oral evidence sessions on 5 March.
- The PBC reported on 25 April; the Bill was carried over into the 2013-14 Session, receiving its Third Reading in the Commons on 11 June 2013.

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.¹ Anecdotal feedback from Members’ researchers

¹ <http://www.publications.parliament.uk/pa/cm201213/cmpublic/childrenandfamilies/130321/am/130321s01.htm>

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 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.

Communications

7. The Public Reading was publicised by an announcement distributed via relevant Select Committees’ mailing lists, through news stories on the Parliament website, and via Parliament’s Facebook and Twitter accounts. The possibility of issuing a press announcement was considered but was decided against due to short timescales and concern about a potentially unmanageable level of responses. Parliamentary Outreach also offered to publicise the PR to relevant contacts but this was declined for the pilot, again due to concerns about the Scrutiny Unit’s capacity to manage the volume of responses. However, both a press notice and the use of Outreach could be appropriate for future PRs.
8. The responses were not distributed evenly over the course of the fortnight, with the first few days being relatively quiet and a marked increase in responses in the final 9-10 days. This made it more difficult to allocate staff time to moderation in advance. Some users of the forum questioned whether all those who may have wished to comment would have been aware of the Public Reading.
9. The communications strategy for the pilot was overall a success as evidenced by the number of responses to the forum. Given the constraints on timings and staff resources it would have been difficult to deal with many more than the 1,400 responses received during the fortnight. More active promotion of a Public Reading at the outset may even out the flow of the responses and avoid the bulk of responses coming in the last few days.
10. Direction of comments from the public to the Bill team was symptomatic of a wider misunderstanding that the Government was administering the public reading which resulted in the Bill team receiving queries directly and comments in the press and on social media (good and bad) about the Government’s endeavour when in fact the Public Reading on this occasion was a House of Commons endeavour. Wider publicity may reduce the incidence of misunderstanding although there will always be instances of individuals failing to distinguish between Parliament and Government. For any future exercises, it would be worth agreeing with the relevant Bill team how they manage any comments they receive before the Public Reading is announced.

Timings

11. The forum was open for comment for a total of 13 days, opening 9 days after the Bill’s First Reading and closing one week before Committee Stage. Some forum users were critical of the fact that the forum closed the day after the Second Reading debate, meaning that individuals who became aware of the Bill through

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publicity surrounding the Second Reading had very little time to comment. The Bill Team also received some complaints from members of the public about the short timescales during which the forum was open

12. The Bill Team commented that the timing of the Public Reading was “key” and suggested that it could have been more influential if it had taken place as part of pre-legislative scrutiny and over a longer timescale. Whilst the suggestion that a web forum could be more effective at PLS stage is potentially valid, it must be noted that the purpose of a Public Reading is to allow comment on the Bill itself rather than draft Clauses.
13. The two week period allowed for the pilot is probably the minimum length of time needed, and a longer period of three or four weeks would have been ideal, with the forum open for at least a week after Second Reading. The length of time available will however depend on the timetable for a particular Bill, making it important that the Government is involved in discussions when Bills are identified for Public Reading (see below).
14. The short timescales available also meant that only 3.5 working days were available for the comments left on the forum to be analysed, summarised, and circulated to the Bill Committee. Again, this is probably the minimum timescale required. A longer period of e.g. two weeks would allow greater consideration of how the comments might feed into the Bill Committee and would potentially allow more innovative approaches to be considered (discussed further below). The amount of time taken to produce a strong summary depends on the volume and quality of comments received but if the forum is open longer, it is likely that a greater proportion of the summary can be prepared in parallel.
15. One option for the future may be to hold a Public Reading prior to Second Reading should there be sufficient time between presentation and the Second Reading debate. This would mean that the outputs from the Public Reading could be incorporated into the Library briefing pack which Members are used to relying on both at Second Reading and in Committee; but it may also serve to reinforce the tendency for contributors to focus on the general themes of the Bill rather than comment on the detail of particular clauses.

Suitability

16. The Children and Families Bill is a wide-ranging Bill covering several discrete policy areas and containing some controversial proposals. Its provisions would directly affect a large number of members of the public. This made it an attractive prospect for a Public Reading as there was potentially a large audience who were likely to wish to engage with the Bill. This was reflected in the number of comments received during the Public Reading and the range of views that were elicited.
17. Some Parts of the Bill had been subject to a large degree of pre-legislative scrutiny, with four Parliamentary Committees producing reports on draft Clauses. The Bill Team questioned how much “added value” the Public Reading brought to the process, given the amount of pre-legislative scrutiny that had taken place. However it is notable that the Bill’s provisions on childcare, which were not published in draft, attracted a great deal of comments (many of which criticised the lack of prior consultation on these Clauses).
18. A Public Reading should not be ruled out because of the existence of other opportunities for the public to engage with a Bill at the pre-legislative stage. However, given the finite resources available to conduct Public

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Readings and the need to target those resources where they will add the most value, the existence of other opportunities for consultation and public input is an important factor to take into account when selecting suitable Bills. It may be helpful if more contextual information were provided on the Public Reading pages to explain which parts of a Bill had changed between public consultation and/ or pre-legislative scrutiny and presentation of the substantive Bill to the House.

19. In future it would be desirable for House officials to engage with Cabinet Office early in a Session to discuss proposed Bills which might be suitable candidates for a Public Reading, and likely timings.

Web forum – content

20. Content for the web forum pages was drawn from the Bill’s explanatory notes. It is important that the web content strikes an appropriate balance between providing enough information to signpost forum users to specific sections of the Bill, and avoiding inadvertent interpretation of the Bill’s purpose and effects. This is particularly important if the person drafting the content does not have a background in the relevant policy area. While drawing on the Second Reading debate pack would also be useful, only on rare occasions is there likely to be sufficient time between Second Reading and Committee stage to allow for a three week Public Reading.
21. The web forum allowed users to comment on particular Parts of the Bill and encouraged them to make their comments relevant to specific Clauses. Links to the Bill itself and to the Explanatory Notes were provided. In practice a significant number of comments made quite general points about the policy areas covered by the Bill. It is hard to see what more could be done to encourage people to comment on specific Clauses; WIS thought that “this is probably not a battle we’re going to win. We should probably just accept that the majority of people are going to want to comment in more general terms about a Bill.”
22. Many of the comments left in the “additional comments” section did in fact relate to specific Parts of the Bill. This could be addressed in future by making it clearer that comments on specific Parts of the Bill should be posted in the appropriate section of the website.

Web forum – moderation

23. Moderation was primarily carried out by one member of staff although cover and assistance were provided by other members of the Scrutiny Unit. For the purposes of consistency and oversight it is preferable to have one “lead moderator”. However, peaks and flows in the volume of comments, and other commitments, may mean that this is not always possible. Hansard have said that they would be willing to offer staff time for moderation where resourcing permits; for reasons of consistency this would probably work best where they can offer one person to assist for a particular PR (rather than a different person every day for example).
24. Moderating the website also provides an ongoing overview of comments which is useful when compiling the summary.

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25. Comments were limited to 5,000 characters (approx 800 words), which was arguably too long for the type of specific comments on particular Clauses that the Public Reading was designed to attract. WIS felt that reducing the limit could lead to complaints and could lead to people submitting multiple comments to “continue” their original post (but see below). The Moderator’s view was that the limit should be reduced to 3,000 characters maximum as the longer comments gave the forum a very unwieldy look and were often quite rambling in nature – a reduced word limit might encourage more focus.
26. Some people submitted one long essay-style comment over several posts. Again this was unwieldy and hard to follow when reading the forum pages. The moderation guidance could include a rule forbidding this – people with a lot to say about the Bill would not be prevented from submitting several comments on separate Clauses but would be unable to post essay-style submissions (which are probably better suited to the formal evidence gathering process for the PBC in any event). WIS pointed out that doing this would not necessarily change behaviour, but it would at least give grounds for rejecting such comments and inviting users to resubmit in a more appropriate format. The option of submitting written evidence to a PBC, where this exists, should be highlighted more prominently on the Public Reading forum, with an explanation that this may be a more suitable vehicle for extensive comments or those wishing to develop an argument around a particular part of the Bill.
27. The most common reason for rejecting comments was because they were identical to comments submitted by different users. Where this was the case users were invited to resubmit a comment using their own original wording; some did so whilst others were unhappy that their first comment had not been accepted. The existing forum rules state that users should not “submit the same, or similar, comments”; it could be made clearer that this applies to the same comment being submitted by different users and the importance of comments being “original work” could also be underlined.
28. It would be useful to have the ability to moderate the website remotely. WIS has said that they will look into this for the future.

Summary of comments and feeding into the PBC

29. The summary of comments was circulated to members of the PBC as a written memorandum. Because of the short timescales for the pilot, an interim summary was circulated 5 days before the Committee’s first meeting and a final, more detailed summary was sent the day before the first meeting.
30. Producing the summary of comments required a good understanding of the Bill itself and the policy underpinning it. How far this is the case for future PRs will depend on the complexity of and background to each Bill. However, in this case it would have been extremely difficult for someone who was unfamiliar with the Bill and had not been involved in moderating the website to compile a summary in the timescales provided.
31. The summary contained details of the number of comments that had been made on each Part of the Bill. In some cases this was broken down into the number of comments left on particular Clauses. As forum users did not have to specify which Clause they were referring to and could make more general comments about

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the Bill this was not an exact science, and for some Parts of the Bill the level of subjectivity involved in providing this level of analysis would have outweighed the benefits of including a breakdown.

32. Whilst inclusion of a numerical analysis is worthwhile, it should be emphasised that the number of comments making a particular point does not necessarily reflect the proportion of the public holding that view. It was apparent to moderators that some groups had asked their members to leave comments in support of a particular change to the Bill in an orchestrated endeavour. It is likely that in some cases the breakdown of comments reflects how well-organised and engaged with the PR a particular interest group was, rather than providing a reflective cross-section of views. Extending the reach of any promotion of a Public Reading may mitigate such distortions.
33. A selection of comments representing common themes was included in the summary. This necessarily involved an element of subjective judgement but seemed to work well. An MP on the Committee quoted these comments during debate and informal feedback from Members' researchers suggested that they would welcome inclusion of a wider range of direct quotations (as opposed to analysis).
34. The summary process potentially excluded the personal, detailed comments on individual Clauses that the PR was designed to capture. This was in part due to the limited time available but also because selecting particular comments in this way seemed to lack objectivity. It could be desirable in future to include particularly original or innovative comments in the summary even where they were not commonly held views, whilst making clear that their inclusion does not imply an endorsement of their content.
35. For future Public Readings more innovative approaches to engaging members of the PBC should be considered. These might include: the offer of briefing Members, either individually or collectively, on the PR, or engaging directly with Opposition spokespersons to make them aware of particular points of interest (although this would have to be carefully handled to avoid the appearance of bias). As a minimum, there should be a brief oral presentation to PBC Members before oral evidence commences, on the PR outcomes. Those undertaking such a briefing would need to reflect written evidence received by the Committee as well in order to avoid the risk that the PR is seen as more deserving of attention than other evidence.
36. Where timescales permit, it could be possible to invite individuals who commented on the PR to provide oral evidence. For example, a contributor who has made a particularly interesting or innovative point on the forum could give evidence alongside representatives of an organisation giving evidence on the same topic, to provide a more individual perspective.
37. Brief writers for the oral evidence sessions were encouraged to make use of comments left on the forum. Whilst some did so, the PR was not directly referenced in any of the oral evidence sessions. Nonetheless, this could be a useful way of raising awareness of the PR in future.

Resourcing

38. The pilot was run from within the Scrutiny Unit but also involved staff from the PBO, WIS, and the Committee Office Media Service. . An estimate of the amount of staff time spent on the pilot is below but it should be noted that the level of resource required is likely to vary quite considerably from Bill to Bill.

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39. An A2 in the Scrutiny Unit co-ordinated the pilot and spent approximately 3 weeks working full time on the pilot prior to the forum's launch. Much of this time was spent addressing procedural and practical issues around running a Public Reading and would not need to be duplicated in future. A rough estimate of the time required to co-ordinate a PR in future would be ten days. A large chunk of this time would be dedicated to reading and understanding the Bill and its policy context, and creating appropriate content for the web forum.
40. WIS found it hard to specify how much time had been spent on the pilot as their work on it had been carried out sporadically since January 2012. For future PRs a web forum could theoretically be created in a day but that would only be if the Bill had a relatively simple structure and the content provided to them did not require substantial editing.
41. 25.5 hours of staff time was spent on moderating the forum during the 9 working days that it was open – an average of just less than 3 hours a day. This time was not averaged out in practice though, with the first couple of days in particular very quiet. The number of comments came in peaks and troughs which would make it hard to allocate time to moderation in advance. The suggested approach for future PRs would be to have one lead moderator with the capacity to spend as much time as required on moderation, plus one or two assistants who could provide cover. The amount of time spent moderating will largely depend on the number of comments received – as this is hard to predict in advance a flexible approach to staffing will be required.
42. Producing the summary and analysis for the Bill Committee took 3 days. This was a tight timescale and a longer period of time would be preferable and would allow more innovative approaches to engaging with the Bill Committee to be considered.

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.

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