

Helping Parliament respond to Brexit: Knowledge, engagement and collaboration in the digital age

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Executive Summary

Doteveryone has been asked to help the European Statutory Instruments Committee (ESIC) - responsible for sifting through the secondary legislation connected to the EU Withdrawal Bill - to imagine new digital ways of engaging with Parliament, civil society and the public. The unique circumstances facing the ESIC, who will examine and review up to a 1,000 statutory instruments (SIs) arising from the European Union Withdrawal Bill under significant time pressure, pose a particularly complex challenge. But the underlying issues of expertise gathering, public engagement and knowledge exchange are faced by all select committees.

In the lead up to the establishment of ESIC, we spoke to civil society organisations, journalists, Committee staff and civil servants to understand Parliament's current approaches to these common challenges. We then explored what potential solutions to these challenges might look like and built a simple prototype to show how parliament might realise the opportunities of digital technologies in their work.

The short 10-sitting-day window the ESIC will have to scrutinise each SI means they will need to rethink Committees' conventional approaches to public consultation. And information on SIs currently sits across a nebulous range of websites, in the form of dense legal language that is hard to digest for even those with an understanding of the legislative process. To address these challenges, we recommend the ESIC:

- **Establish dialogue before the 10-sitting-day decision period.** The speed at which the ESIC needs to move to make a decision on each SI means they must build up agile expertise networks. Before an SI reaches the Committee, they should have a ready-made map of stakeholders that they can draw upon to consult and creating avenues for individuals and organisations to submit evidence on an ongoing basis should be explored. To manage this evidence effectively a taxonomy structure will need to be developed to match up the evidence received with the relevant SIs and Committee topic areas.
- **Go beyond transparency to engage the public with legislation.** Whilst the Parliamentary Digital Service and Hansard Society's SI Tracker tools will bring together the fragmented sources of information on SIs into one place, there is still a need to explain them, and their place in the wider legislative context, in a way that the average individual or organisation can understand. Creating systems that proactively alert interested parties, including backbench MPs and other Committees, to any changes in an SI's status across its entire lifecycle will also be important.

Beyond these specific issues our work also uncovered lessons for wider Parliament. Many Committees are struggling to diversify the pool of external organisation that engage with their work. Whilst Committees are taking steps to change a culture of siloed working and short-term thinking, embracing new digital tools can speed up this transition. Both the ESIC and wider parliament should explore using them to achieve the following:

- **Diversify the parliamentary knowledge-base by rethinking consultations.** Whilst there are a wide range of existing citizen and expert engagement tools, many parliamentary Committees rarely look beyond the conventional written inquiry system. Moves towards more agile consultation approaches through the use of Web Forums and image and video submissions from some Committees represent a significant step in the right direction, and it is important that this flexible approach to consultations is rolled out across many

Committees' work. As engagement tools vary in terms of the depth and breadth of issues they can cover, Committees should consider a whole portfolio of online and offline approaches to determine the most effective strategy for a given issue.

- **Embed the use of smarter evidence management platforms.** Many case studies in the public and private sector point to working approaches that address the informality and siloed thinking inherent in Parliament's current evidence management system. Parliament can build on its pilot work with the [NVivo](#) platform to develop a smart database that enables users to search for evidence thematically, find other related evidence and see how it has informed the work of other areas of Parliament.
- **Evaluate to build collective memory.** With the membership and staffing of many Committees changing through the electoral cycle, evaluating and documenting the impact of their work is a vital part of improving their long-term effectiveness. Impact should be seen in broader terms than the acceptance of report recommendations and consider factors such as the establishment of new stakeholder relationships and the effectiveness of engagement tools. Setting up an impact working group sitting across Committees would also help to share good practice.
- **Embrace a more open working approach.** The principles of open governance are already well-established, and apply beyond creating a dialogue between government and citizens. Making Committee work more transparent (through for example publication of strategies, meeting minutes and any other non-inquiry-related aspects of their work) can go some way to addressing some civil society interviewees' concerns that it is difficult to understand the agenda of some Committees. Open working can also lay the foundations for collaborative approaches where external individuals and organisations can contribute to Committee work as it is being developed.

Introduction

Parliament is in the midst of a historic challenge. Brexit means a vast amount of legislation must face democratic scrutiny in a short amount of time. But this also presents an opportunity to rethink how parliament works and whether technology and digital ways of working can help parliament meet this challenge now and in the future.

Following Doteveryone's work with the Parliamentary Digital Service in 2016 exploring how to build up the digital capabilities of MPs,¹ we were asked to imagine new digital ways of working for the European Statutory Instruments Committee (ESIC) that will be responsible for sifting through the secondary legislation connected to the EU Withdrawal Bill.

ESIC faces particular challenges – it's likely to have to review up to 1,000 statutory instruments with a lead-in time of only 10 parliamentary sitting days to make a decision. In this work, we found that this super-charged process in fact embodies many of the issues common across the select committee system. We hope in its open and pioneering approach to considering innovation and digital ways of working, the ESIC will demonstrate how its learnings can be replicated across parliament.

The rapid changes in society driven by technologies put a responsibility on our leaders to show digital understanding. As our founder, Baroness Lane Fox of Soho said in a recent debate in the Lords: *"We must ask ourselves whether we have the digital understanding to provide the leadership needed in this time of technological change. I cannot stress how vital it is that we—parliamentarians, policymakers and politicians—absorb and engage with the realities of how digital technologies work"*.² We welcome this opportunity to work with Parliament to help demonstrate how technology can be a positive force in strengthening our most important democratic institutions.

In the lead up to the establishment of ESIC, Doteveryone spoke to civil society organisations, journalists, Committee staff and civil servants to understand how Parliament currently engages with the public and external experts. Quotes and insights from these interviews are included throughout this report and interview notes are included in Appendix A. We then explored what potential solutions to these challenges might look like and built a simple prototype to show how parliament might realise the opportunities of digital technologies in their work.

The nature of this work is exploratory. Rather than presenting finished solutions it is intended as a provocation to further discussion and development by parliamentary staff and others.

The role of ESIC

In December 2017 the European Union (EU) Withdrawal Bill was amended to include the formation of a 'sifting committee' for the multitude of secondary legislation that arises from it. Under this remit the Committee will examine the statutory instruments (SI) that add the finer details to the overarching principles of the Bill, recommending which of them should be debated by Parliament.

¹ Doteveryone (2016) *Making MPs more digital: mentoring, technology and democracy*. Doteveryone. Available at: <https://projects.doteveryone.org.uk/digitalmps/>

² Baroness Lane Fox of Soho (2017) *Digital Understanding*. Hansard Online. Available at: <https://hansard.parliament.uk/Lords/2017-09-07/debates/666FC16D-2C8D-4CC6-8E9E-7FB4086191A5/DigitalUnderstanding>

With these SIs set to influence many areas of the UK's future legal landscape, the ESIC will play an important role in defining how Parliament scrutinises Brexit.

These SIs will relate to specific areas of policy and law, and some that at first glance seem straightforward may represent a significant change to the status quo. Building communities of expertise who understand the implications of these instruments will be an integral part of the ESICs work. With the EU Withdrawal Bill firmly in the public eye, finding ways to engage the public and industry groups with these complex topics is equally important. As the Committee works through SIs spanning all areas of society and the economy, it will grow a rich and diverse body of evidence. Helping this new knowledge to flow through the rest of Parliament could have a significant benefit for the work of other Committees.

Whilst the final details of how the ESIC will work are yet to be confirmed, it is likely that the Committee will complement the existing processes for developing legislation (which are detailed in Appendix C) and provide additional scrutiny of the Bill's SIs before they reach Parliament. In this role the Committee will have powers to recommend which SIs should be upgraded from a 'negative procedure' to 'affirmative procedure'.

The negative procedure is the most common approach for bringing SIs into UK law. In this instance, an SI becomes law unless either the House of Commons or Lords rejects it within 40 days of it being put before Parliament. Under the affirmative procedure however an SI is not passed into law unless it is proactively approved by both Houses.

Through recommending which procedure SIs should be subject to, the ESIC therefore plays an instrumental role in defining how Parliament will scrutinise the EU Withdrawal Bill. With many other Select Committees conducting their own Brexit-related inquiries³, the ESIC will also need to get up to speed with this work and quickly establish systems for exchanging knowledge.

³ As of the end of March 2017 55 Brexit-related inquiries had been announced, with 36 still ongoing (Institute for Government). See: <https://www.instituteforgovernment.org.uk/publications/legislating-brexit>

Challenges and opportunities for the ESIC

Our exploration of Parliament's current approaches to expert and public engagement, information capture and collaboration between the various areas of Parliament, reveal a number of challenges and opportunities. For the ESIC specifically, significant hurdles include how to offer clarity around the nature and impact of SIs and how to adopt consultation approaches that work under time pressure.

Seeing through the SI fog

We've outlined in Appendix B the key channels Parliament uses to communicate their work. Beyond these, Committees and Parliament are beginning to branch out into new digital ways of engaging the public. Live Twitter Q&As have been used for 'Twitter PMQs' between Committees and Ministers, whilst others such as the Education Committee have taken to Instagram to run simple consultations with younger audiences.⁴ Tools such as *Shorthand Social* and *Adobe Spark* are used to by some to reimagine Committee reports into more engaging formats (see for example the Environmental Audit Committee's reusable coffee cup inquiry).⁵ The public broadcast of oral evidence sessions has also done much to raise awareness of Committees' work, although whether this has translated into increased impact on the government's policies and agenda is debated.

“SIs are one of the aspects of parliament that are communicated least well at the moment. Even as someone who knows their way around parliament it can still be hard to find information I need” - Esther Webber, BBC

Finding out where to go to get information on SIs is a challenge. The public communication of SIs is currently piecemeal and sits across a nebulous group of websites:

- All current and historical SIs are listed by name and date on [legislation.gov](https://www.legislation.gov.uk)
- **The Joint Committee on Statutory Instruments (JCSI)** publishes weekly reports of the SI's they have considered on [their Committee page](#).
- **The House of Lords Secondary Legislation Scrutiny Committee** publishes a [list of SIs under consideration](#) at their next meeting.
- A **'List of Statutory Instruments' link on the Delegated Legislation Committee page** details all SIs currently active and outlines their title, the date on which they were laid, corresponding JCSI reports, and any referrals for SIs to be debated.

⁴ Shapla (2018) *Select Committees Public Engagement: Taking public engagement events online with Instagram Stories*. [blog] Parliament.uk. Available at: <https://committeesengagement.blog.parliament.uk/2018/03/20/taking-public-engagement-events-online-with-instagram-stories/>

⁵ Environmental Audit Committee (2018) *The Government should introduce a 25p latte levy on disposable coffee cups*. [online] Shorthand Social. Available at: <https://social.shorthand.com/CommonsEAC/3gPQsrQOUEn/the-government-should-introduce-a-25p-latte-levy-on-disposable-coffee-cups>

And it's not only the public who will struggle, our interviewees reported frustration with finding information on SIs, reporting the parliamentary website to be "difficult to use, fragmented and inconsistent".

To bring this patchwork of sources together, the Parliamentary Digital Service (PDS) are launching an 'SI Tracker' in June 2018. This will act as a one-stop shop for information on SIs for use by Parliamentarians, civil servants, journalists and civil society. It will also provide explanatory content on the parliamentary processes and terminology associated with SIs and a timeline for all SIs laid before Parliament, including current progress and a record of votes for each. The PDS are also considering ways to tag SIs according to topic.

The Hansard Society's existing [SI Tracker](#) offers a similar paid-for service with a greater depth of information. In addition to a database of all live SIs, their tracker also has features that alert users to SI-related news relevant to their areas of interest (grouped by 12 policy areas broadly related to the areas of Parliament), links to any SI-related consultations and a parliamentary calendar summarising all relevant dates. They are also looking at developing a 'Brexit button' which will flag all SIs that fall under the eight Brexit-related Acts mentioned in the Queen's speech.

But even after an individual or organisation has managed to source the relevant SI, understanding the impact it will have in practice and accessing content to explain the complexities of the parliamentary legislation system remains a challenge. SIs are typically communicated in legal language with no supplementary explanation, and the Brexit-induced public demand for understanding the legislative system is not currently being met. The scale of SI (both in terms of impact and size) also varies dramatically - how to convey that to the public will take careful consideration.

The progress of an SI, once it has been laid before Parliament, is only one aspect of their lifecycle. There is also a need to communicate the other stages of it. For example, Jane Thomas, reflecting on the experiences of the organisations involved in the Repeal Bill Alliance, emphasised to us the importance of the post-parliamentary phase. Some Brexit-related SIs will contain 'sunset clauses' dictating a date on which the law will expire (acting as stopgap laws allowing time for more effective laws to be developed), whilst others will not come into force until a set date. Clarity on the status of SIs in these instances is vital to ensure transparency on how they are being implemented.

Rethinking consultation

Across all interviewees, there was consensus that it is not feasible for the ESIC to conduct meaningful consultation during the proposed 10-sitting-day sifting period if the conventional written inquiry system is used. Any external dialogue therefore needs to happen well in-advance of when an SI reaches the Committee, or else established through more agile digital engagement tools. The use of such tools has implications for the communities the ESIC will be able to reach, as the Hansard Society's Joel Blackwell noted: *"As an external organisation with expertise, what can you realistically do in 10 days? It might be easier for big organisation who have large teams, but for a smaller team you have little chance."*

Parliament's time and resources are nonetheless stretched, and with a number of other digital projects recently completed or in planning there is a risk that implementing further digital systems will be overkill for those already occupied by learning new tools. Committee staff

interviewed spoke of the need to ensure any new tools don't add significant complexity to the system.

More broadly, many interviewees spoke of the need for Committees to shift their focus away from inquiries towards a deeper, more continual dialogue. Civil society organisations spoke of the desire to have a greater influence on the scope of consultations and the Committee's wider strategy. Working with a 'live' agenda that evolves with evidence received and the news cycle can also increase the effectiveness of individual inquiries.

A narrow focus on the uptake of inquiry reports' recommendations also has the potential to distract from the wider impacts of Committees' work. The ability of Committees to influence the public discourse and tackle longer term issues are seen as significant impacts, but they are currently undervalued by many Committees.

Recommendations for the ESIC

In the short timescale leading up to the establishment of the ESIC, attempting to roll out complex digital systems and change working cultures is a risky strategy. Instead, the Committee should introduce agile digital tools to complement established ways of working within Parliament. To address the challenges discussed above, we recommend the ESIC should focus on the following three key areas:

1. **Establish a dialogue beyond the 10-sitting-day decision period.** Utilising platforms that enable the ESIC to tap into existing knowledge databases and provide them with a ready-made pool of external expertise to draw upon. This will support the speed at which the Committee needs to move once an SI reaches them. [Kumu](#) for example, visually maps stakeholders and allows users to set up manual filters, see connections to other organisations with similar expertise and crowdsource stakeholders (either within Parliament or wider society) by making maps publicly editable. Any contacts made informally through attendance at events should be formally documented in this system, and mapping should also extend to other Parliamentary Committees, legal teams and Committee specialists.

Creating avenues for individuals and experts to engage with the ESIC before this 10-day decision period. An "e-petition" is one approach that could be used should a release schedule for SIs be published before they reach the ESIC. The public and external organisations could then flag any SIs of interest, and be alerted to changes in their status (such as when they reach the ESIC, or are recommended for debate by Parliament). This petition system could be linked to agile digital consultation tools, with all those who have flagged an SI automatically invited to participate. A similar approach was used by the Petitions Committee in 2014, where signatories to an e-petition on funding for brain tumour research were invited to participate in an online web forum.⁶

Ensuring access to the Committee Specialist Sharepoint, previous literature reviews of Brexit-related content conducted by the Exiting the EU Committee is an important first step in tapping into existing relevant work. Building up an externally sourced

⁶ Commons Select Committee (2015) *Funding for brain tumour research web forum*. Parliament.uk. Available at: <https://www.parliament.uk/business/committees/committees-a-z/commons-select/petitions-committee/inquiries/parliament-2015/funding-for-research-into-brain-tumours/web-forum/?page=106>

evidence-base can begin prior to SIs arriving with the ESIC, and evidence will need to be categorised in line with recommendation 2 below. During the 10-day decision period more agile consultation methods will be needed, and are discussed in recommendation 4.

- 2. Create a tailored taxonomy system to classify SIs.** Allowing individuals and organisations to submit evidence on an ongoing basis, including the period prior to SIs arriving with the ESIC, is a fundamental part of establishing a dialogue. To ensure that this evidence can then be appropriately managed it is likely that an asymmetrical taxonomy will need to be used. For the public-facing side, interviewees spoke of the importance of using a taxonomy that is accessible. The issue-focused framing used by the Repeal Bill Alliance is one option, as are the 12 policy-related areas used by the Hansard Society's SI tracker. As this external categorisation will likely be less complex than to the one used within Parliament, a taxonomy structure will need to be developed that automatically matches the evidence received to the internal classification.
- 3. Go beyond transparency to make SIs engaging.** Whilst existing public information on SIs is reasonably thorough and extensive, finding and understanding it without prior knowledge of both the websites and the legislative process is difficult. The ESIC will need to ensure SIs are understandable to external audiences by developing explainer content on legislative processes. Other organisations such as the BBC, Democracy Club and the Parliamentary Web and Publications Unit expressed an interest in helping with the development of such content. The BBC's Ester Webber highlighted the importance of tone, saying public-facing content should be pitched at a level like you are "*describing a topic to a friend*".

Establishing an ESIC Twitter feed is a simple but effective means of creating an accessible dialogue with external audiences - leveraging Committee members' and other Parliamentary accounts is an important means of amplifying the reach of this engagement. Creating systems that proactively alert interested parties, including backbench MPs and other Committees, to any changes in an SI's status across its entire lifecycle will also be important.

Lessons for wider Parliament

Many of the issues that emerged from our discussions with people within Parliament and civil society are not unique to the ESIC. Building up diverse networks of external expertise, smarter use of information and improving strategic collaboration speak to the work of all Parliamentary Committees. From the review of the current parliamentary landscape, several long term challenges emerge.

Reaching the unusual suspects

Most parliamentary expertise sits in-house, in networks of Committee subject specialists, legal professionals and external expert advisors. When investigating specific issues of interest, attending external events, establishing open calls for written evidence and approaching prominent organisations in relevant field is commonplace. Beyond this approaches to building up subject knowledge are piecemeal and varied. For example, some Committees appoint members as “rapporteurs” to visit sites of interest and report any issues of relevance back to remaining members, whilst others such as the Health and Social Care Committee use detailed stakeholder mapping to identify key external sources of expertise.

To lower the barriers to participating in inquiries, the House of Commons Web and Publications Unit has trialled new digital ways of running external consultations such as Web Forums. Video and image submissions are also being piloted by some of the more digitally-savvy Committees, but exploration of these methods is at an early stage.

The Committee staff Doteveryone spoke to in the making of this report felt that the evidence received during formal inquiries has a tendency to come from the “usual suspects”. External experts are rarely proactively approached to contribute although there are notable exceptions, such as the Parliamentary Commission on Banking Standards calling upon mid-ranking bank employees to give evidence.

Interviews with stakeholders from civil society offer an insight into the supply-side causes of this issue. A perception that some Committees prioritised evidence from well-established prestigious organisations meant smaller organisations felt they had little opportunity to make an impact. Others commented that a lack of transparency on Committee’s use and engagement with evidence made gauging the impact of submissions very difficult. Having the ear of Committees and government departments and operating through informal channels was seen by some as a more effective means of influencing the work of Parliament.

Building institutional memory

Many of the stakeholders we spoke with raised concerns about the ability of Parliament to retain and manage the knowledge built up through Committee’s work. Whilst the current approach to sharing information between Committees working in the Brexit space is necessary to keep up with the pace of exit negotiations, the informality of many of the structures in place carries longer-term risks. As James Rhys, Clerk of the Exiting the EU Committee put it: *“Keeping things agile and informal has worked quite well so far, but that’s not to say there won’t be a need for a more formal system in the future”*.

The inherently transient nature of Committees’ staffing, where House employees move between roles and members are elected to serve finite terms, makes it essential to document evidence

received, evaluate work programmes and formalising the dialogue and collaboration between Committees and wider Parliament. This ensures the preservation of vital knowledge and builds a long-term “institutional memory” that can live on outside of the knowledge and experience of Committee members.

Derek Twigg, Chair of the Statutory Instruments Committee, noted that assessing the aims of organisations contributing to inquiries is a time consuming activity for Committees: *“There’s the whole Lobby Sector, and being able to assess who you choose and judge is important – it’s a very powerful sector and there’s lots of them.”* An ability to build a picture of organisations engaging with Committees and map stakeholders is an important part of streamlining this process.

The success of such systems depend on widespread use, and therefore a cultural change. Committees, parliamentary library staff, civil servants and government departments have a diverse range of working approaches, and without acknowledging this context information systems are likely to fail. The evidence should also be presented in a way that allows users to cut through the noise of the vast amounts of data and evidence potentially held by government. As Committee Specialist Jake Barker put it: *“Most Committee members are open to digital ways of working, but it’s very much getting an old system into the new...Parliament is a huge organisation so it’s quite a task”*. We recommend that appointing “owners” within each Committee/department to ensure colleagues utilise new systems and feedback on effectiveness to an implementation group (perhaps to a central group such as the policy network established by the Committee for the DexEU) will help to ensure the success of any such initiative.

Taking Committees out of their boxes

Historically there has been a tendency towards siloed thinking between Committees, staff and Parliamentary Libraries. Although interviewees noted that this culture is shifting, they also acknowledged that improving dialogue across the parliamentary ecosystem is still important.

The Liaison Committee, comprised of all Committee Chairs, is the most prominent formal structure for strategic planning and setting up collaborations. Meeting time for this group is however limited and discussions that relate to the current Government agenda are often prioritised. Formal cross-Committee collaborations tend to be limited to specific consultations, and the Petitions Committee plays an important role in connecting Parliament to the public mood by coordinating responses to issues raised on the [e-petitions platform](#). They have been involved in several joint inquiries such as the high heels and workplace dress code inquiry⁷ in partnership with the Women and Equalities Committee. Other avenues for collaboration and knowledge transfer mentioned by those we spoke to within Parliament include:

- Bimonthly meetings convened by the Exiting the European Union Select Committee for experts from across Committees and Parliamentary Libraries focused on key Brexit issues (e.g agriculture, security etc). Between meetings they collaborate using *Sharepoint*.
- Desk research by Committee staff to produce synthesis reports of previous Parliamentary work on a given issue.
- Subject workshops on Committees’ specialist areas.
- Civil service “innovation meetings” attended by staff from a range of Committees.
- Fortnightly “Cluster Group” meetings for all Committee Clerks.
- The Policy Lab - providing support to departments for stakeholder mapping and designing and piloting ideas.

⁷ Parliament. House of Commons Petition Committee and Women and Equalities Committee (2017) *High heels and workplace dress codes: First Joint Report of Session 2016-17*. (HC 291) Available at: <https://publications.parliament.uk/pa/cm201617/cmselect/cmpetitions/291/291.pdf>

- The movement of specialists and parliamentary staff between Committees.

These networks are engaged and effective at sharing information and planning at short notice, but their often informal ad-hoc nature means they do little to promote long-term deeper collaboration.

For information sharing, *Microsoft Sharepoint* and *OneNote* are the standard applications used for managing Committee's work. Access to each Committee's network is limited to members and staff, although Committee specialists also have an additional shared Sharepoint system. Many Committees have carried out inquiries into how Brexit relates to their work, and this evidence is collated in an internal evidence portal. Although access is currently limited to staff within each Committee, there is no reason in principle that the ESIC could not access it.

For consultations and inquiries software such as *NVivo* is currently being trialled to help Committee staff filter written evidence based on key themes. A "recommendation tracker" that provides information to Committees on the outcomes of their recommendations is also in the pilot phase.

Whilst some Committees have begun to deliver joint-inquiries, the sharing of evidence received post-inquiry is not yet commonplace. This need for greater dialogue and collaboration extends to strategic planning, some interviewees highlighted the overlap in Committees' inquiries leading to unnecessary duplication of evidence and effort.

The House of Lords Committees were also mentioned as being well-placed to play an 'advisory role' for those in the Commons. Due to the nature of the Lords' appointment process, they are, on average, likely to be more experienced than their Commons counterparts and can therefore provide an invaluable source of advice. The influence of backbench MPs is also growing (through the current parliamentary arithmetic and the Backbench Business Committee). Engaging them is becoming an increasingly important part of influencing government.

The role the ESIC may play in engaging the wider Parliament is vital. Delegated Legislation Committees (DLC) set up on an ad-hoc basis to make a decision on SIs subject to the affirmative procedure will require ready-to use evidence and access to expertise - organisations interviewed, in particular the Hansard Society, felt DLC's were unlikely to adequately scrutinise SIs without significant support.

Recommendations for Parliament

To bring about these deep-seated changes, a departure from the current status quo of one-size fits all written inquiries, inconsistent working tools and siloed thinking is needed. Establishing new digital ways of working are a central part of this cultural change. Both the ESIC and wider parliament should explore using them to achieve the following:

1. **Diversify the parliamentary knowledge-base by lowering the barriers to participate in consultations.** Whilst there are a wide range of existing citizen and expert engagement tools, many parliamentary Committees still predominantly use the conventional written inquiry system. Moves towards more agile consultation approaches through the use of Web Forums and image and video submissions from some Committees represent a significant step in the right direction. It's important that this flexible approach to consultations is rolled out across many Committees' work. Services such as [Commonplace](#) and [Citizen Space](#) have already been used by government departments and local authorities. Digital tools for citizen engagement with the legislative process have also been

trials in other countries – the Brazilian portal “*eDemocracia*”, and French platform “*Parlement et Citoyens*” offer good case studies of these tools.

More light-touch approaches include a petitions.parliament.uk style system where individuals and organisations can quickly vote on SIs that they believe should be upgraded and live Twitter Q&A sessions. Engagement tools vary in terms of the depth and breadth of issues they can cover, and Committees should consider a whole portfolio of online and offline approaches to determine the most effective strategy for a given issue. The [Open Policy Making toolkit](#) outlines a wide-range of tools for public and expert engagement, and Committees should also explore building working relationships with the [Cabinet Office Policy Lab](#).

2. **Embed the use of smarter evidence management platforms.** Many case studies in the public and private sector point to working approaches that address the informality and siloed thinking inherent in parliament’s current evidence management system. The Defence Science and Technology Laboratory use a free ‘MediaWiki’ service that acts as an internal digital encyclopedia open to all departments.⁸ Users can create topic pages (for example on an SI, inquiry or topic area) and build up existing ones using text, tables, timelines and other visual aids. Parliament can build on its pilot work with the *NVivo* platform to roll out a smart database that enables users to search for evidence thematically, view other related evidence and view records of its previous use.
3. **Evaluate to build collective memory.** With Committee personnel constantly evolving, exploring and documenting the impact of Committees’ work is a vital part of improving their long-term effectiveness. Impact should be seen in broader terms than the acceptance of report recommendations. Other factors to consider may include the establishment of new stakeholder relationships and effectiveness of engagement tools (in terms of both public reach and impact and the quality of evidence received). The Institute for Government also proposes qualitative impact measures that can be used to evaluate Committees influence, such as status, media exposure, and influencing civil society and government agendas.⁹ Leveraging the Procedure Committee to share effective evaluation case studies will be an important part of spreading and formalising good practice across Parliament. Establishing an impact working group that sits across Committees could also facilitate this knowledge sharing.

Developing features that allow organisations/individuals to support, reject or peer review previous evidence submitted would allow for crowd-sourced evaluation and reduce the burden on Committee staff to fact-check and determine credibility. In the US the [challenge.gov](#) site allows participants to both contribute and vote on solutions to public policy challenges.¹⁰ Although care would need to be taken to avoid gaming of any voting systems and reduce cognitive biases that are an inherent part of such social forums. To avoid conformity bias (where participants are more likely to vote on already popular ideas) for example, Committees could ensure that the results of votes/dialogues are only published after the completion of an inquiry.

⁸ Starks. G., (2018) *Can government stop losing its mind? How network thinking can help us record, find and use what we need.* [online] London: Nesta. Available at: https://media.nesta.org.uk/documents/can_government_stop_losing_its_mind.pdf

⁹ White. H. (2015) *Select Committees Under Scrutiny: the impact of parliamentary committee inquiries on government.* London: Institute for Government. Available at: <https://www.instituteforgovernment.org.uk/sites/default/files/publications/Under%20scrutiny%20final.pdf>

¹⁰ <https://www.challenge.gov/list/>

4. **Adopt an open working approach.** The principles of open governance are already well-established, and apply beyond creating a dialogue between government and citizens. Making Committee work more transparent (for example through the publication of strategies, meeting minutes and any other non-inquiry-related aspects of their work) will help to address some civil society interviewees' concerns that it is difficult to understand the agenda of some Committees.

Open working can also lay the foundations for collaborative approaches where external individuals and organisations can contribute to Committee work as it's developed. The ESIC could also borrow from these principles to allow the public, or an invited group of relevant experts, to comment on reports and work as they are being written, streamlining the consultation process and shortening the overall project timeline. Something New's [OpenPolitics Manifesto](#), where members of the public can suggest changes to a 'live' manifesto for government reform, represents a good case study of how this open working method is already being applied.

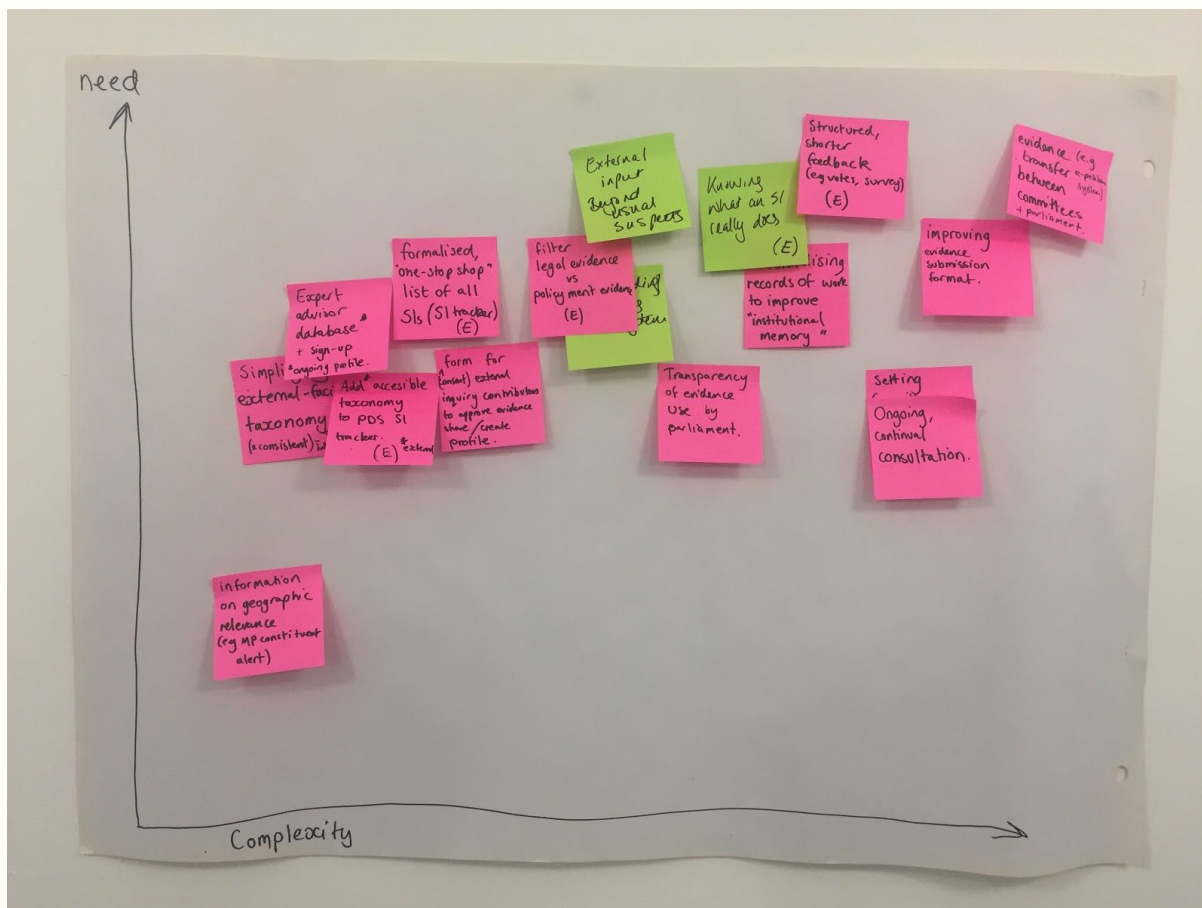
An agile digital consultation tool

The unique circumstances facing the ESIC, from the short decision timeline to its working relationships with other Committees, demand a re-think of Committees' traditional approaches to working. After reviewing the parliamentary landscape, we worked with designer Dan Williams and Democracy Club's Sym Roe to sketch out some digital solutions to the challenges and opportunities uncovered.

These issues were complex and wide-ranging: diversifying the communities of expertise reached, making parliamentary information engaging to the average person and rethinking how knowledge is used both within and between Committees.

To distill these broad needs into a concrete workable prototype we asked two simple questions:

1. How big is the need to address each issue?
2. How complex would it be to develop a digital solution to do so?



Comparing potential prototype characteristics

Following these reflections we prioritised the following prototype features:

- Enabling Committee staff to build up a **long-term map of key stakeholders**
- **Streamlining consultation questions** to reduce the time needed to respond
- **Transferring evidence between parliamentary groups** to promote knowledge exchange

- Allowing **Committee users to categorise and evaluate evidence** to build up their institutional memory

Bringing these features together, we developed a prototype tool made of two elements:

1. A public-facing SI consultation form: <https://streamline-submission.herokuapp.com/>
2. A submissions management platform for parliamentary users: <https://streamline-submission.herokuapp.com/submissions>

The public-facing SI consultation form

For organisations and individuals outside of Parliament, the tool offers a way of providing feedback on SIs in a way that takes less time than a typical inquiry response. Through the use of a simplified, structured survey format the barriers to participating are lowered. Links to the original statutory instrument and explanatory materials (such as explanatory memoranda, regulatory impact assessments and any other explainer content) minimise the time needed to research each SI.

External users are also able to create a profile for future use, so they can link submissions together, cross-reference previous work and allow parliamentary users to build up a detailed picture of their views.

The screenshot shows a web form titled "Submit comment on Statutory Instrument" for the European Union Statutory Instruments Committee. The form is for commenting on the creation of "The Network Rail (Hope Valley Capacity) Order 2018" under the "European Union (Withdrawal) Bill 2017-19". It includes a section for "Your submission" with a question: "Do you believe this Statutory Instrument should be debated by Parliament?" with radio buttons for "Yes" and "No". Below this is a text input field for providing reasons, with a 200-character limit.

The public-facing SI consultation form


For the ESIC, the tool makes it easier to gather feedback on SIs. This is a vital part of building up evidence within the tight 10-day window they have to make a decision on each SI. Through linking evidence submissions together via the creation of user profiles, the Committee can also easily pull in evidence from related SIs to help guide their thinking.

The submissions management platform for parliamentary users

For users within the Parliament, evidence received and user profiles (where consent is given) flow through to a simple evidence management platform. Organisations, individuals and evidence can be added to an internal database and categorised according to an internal taxonomy. This allows future users to quickly search for expertise as required.

Parliamentary users can comment on submissions' policy merit, legal validity and any other criteria set by the Committee, collectively evaluating evidence and allowing them to build up a picture of where evidence is lacking.

To promote knowledge transfer between Committees evidence can also be referred to other users on the system, where they can provide their own assessment or use it to inform their own work.


European Union
Statutory Instruments Committee

[Evidence submissions](#)

Review Evidence Submission

The following submission has been received.

Organisation/Individual Profile

Name
John Smith

Contact email
john.smith@example.org

Submitting on behalf of an organisation?
Yes

Organisation name
Union of Small Independent Fishing Vessels

Organisation type
Private

Organisation description
Represent the interests of small trawlers

Organisation website
http://example.org

[Add individual/organisation to expert database](#)

Comment on this organisation or individual

[Add comment](#)

Submission Evidence

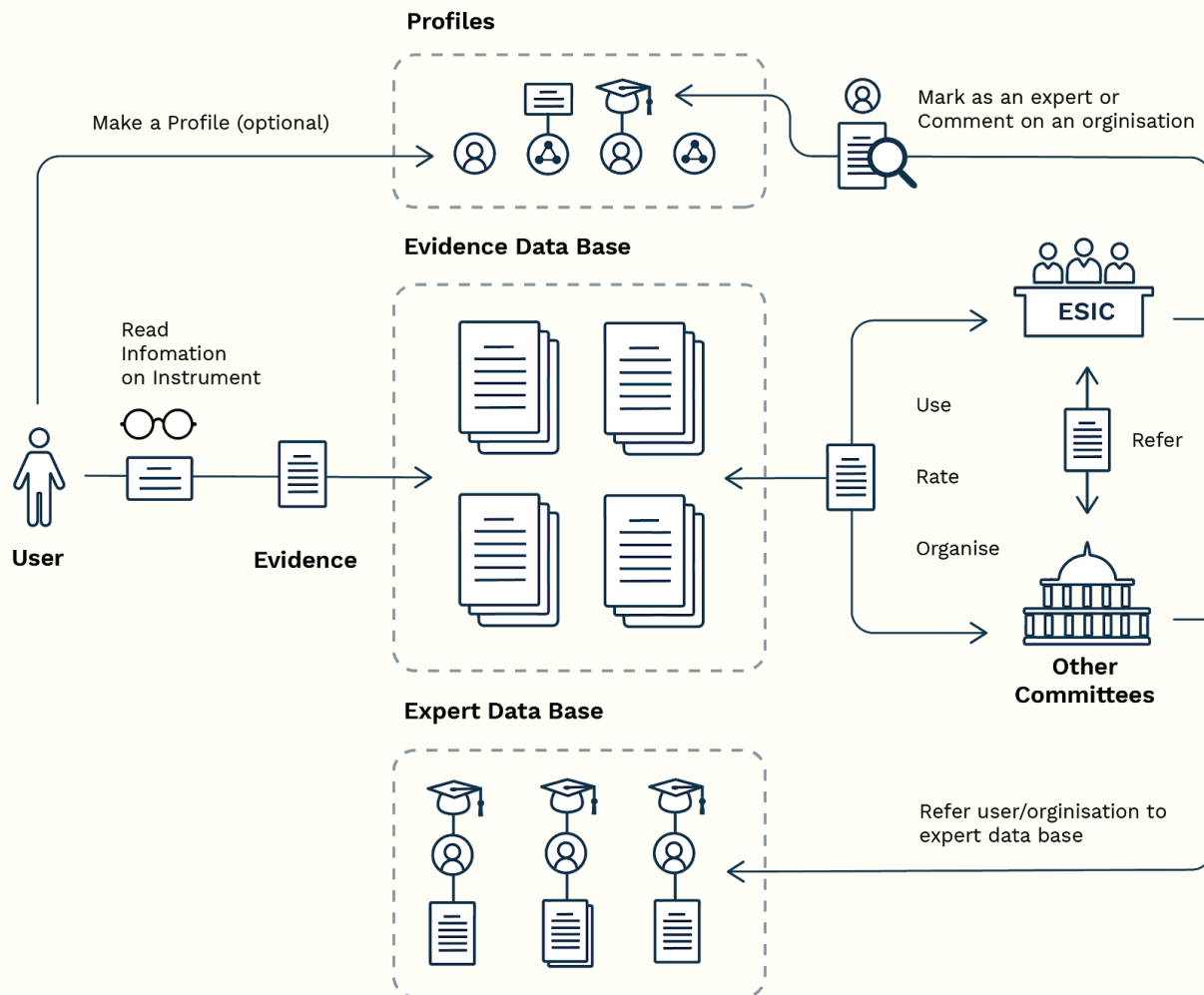
Believe this Statutory Instrument should be debated by parliament
Yes

Why?

The Parliamentary side of the platform

The prototype offers an outline of how digital ways of working can be leveraged to address the challenges inherent in the current parliamentary committee system.

Streamlining the evidence submission process is a simple but effective way to encourage organisations and individuals with less time and resources than the “usual suspects” to share their views. Bringing explanatory content for SIs into one easy-to-access place eliminates the need to hunt for information across a nebulous range of websites, which creates barriers for those who don’t already know where to look.



The structure of the digital consultation prototype tool

Establishing a database of individuals, organisations and evidence also lays the foundation for building up maps of expertise and knowledge that can make Committees’ work more effective in the long term. Through sharing this database and encouraging dialogue between Parliamentary groups the siloes between Committees can continue to be broken down.

Conclusions and recommendations

Some Committees are exploring new digital approaches to consultation and public engagement, but others are still feeling their way into the online space. This piecemeal approach to both their work and collaboration between Committees means many are not yet realising the full potential of digital technologies, and there remains a need to make their use more systematic and widespread. Committees have responded well to the urgency of Brexit by quickly establishing a range of offline networks, but the knowledge of these groups risks being lost in the longer term without digital ways of documenting and managing their work.

To tackle these systemic issues and adapt to the unique circumstances facing them we recommend the ESIC should:

- **Establish a dialogue beyond the 10-sitting-day decision period.** The speed at which the ESIC needs to move to make a decision on each SI means they must build up agile expertise networks. Before an SI reaches the Committee, they should have a ready-made map of stakeholders that they can draw upon to consult. Platforms such as [Kumu](#) aid the development of visual stakeholder maps and enable users to set up manual filters, see connections to other organisations with similar expertise and crowdsource stakeholders. Creating avenues for outside groups to submit and engage with SIs before this 10-day decision period should also be explored. Ensuring access to the Committee Specialist Sharepoint, previous literature reviews of Brexit-related content conducted by the Exiting the EU Committee is another important first step in establishing a ready-made evidence base.
- **Create a tailored taxonomy system.** Allowing individuals and organisations to submit evidence on an ongoing basis, including the period prior to SIs arriving with the ESIC is a fundamental part of establishing this dialogue. To ensure the Committee can efficiently sift through this evidence an asymmetrical taxonomy will need to be developed. For the public-facing side, interviewees spoke of the importance of using a taxonomy that is accessible. The issue-focused framing used by the [Repeal Bill Alliance](#) is one option, as are the 12 policy-related areas used by the Hansard Society's SI tracker. As this external categorisation will likely be less complex to the one used within Parliament, a taxonomy structure will then need to be developed that automatically matches the evidence received to the relevant internal classifications.
- **Go beyond transparency to engage the public with SIs.** Public information on SIs currently sits across a range of parliamentary and government websites. The journalists and civil society organisations Doteveryone spoke to found it time consuming to find meaningful information on the impact of SIs. Whilst the PDS and Hansard Society SI Trackers will bring together these fragmented sources of information into one place, there is still a need to explain SIs, and their role in the wider legislative context, in a way that the average individual or organisation can understand. Creating systems that proactively alert interested parties, including backbench MPs and other Committees, to any changes in an SI's status across its entire lifecycle will also be important.
- **Diversify the parliamentary knowledge-base by rethinking consultations.** Whilst there are a wide range of existing citizen and expert engagement tools, many parliamentary Committees still predominantly use the conventional written inquiry system. Moves towards more agile consultation approaches through the use of Web Forums and image

and video submissions from some Committees represent a significant step in the right direction, and it is important that this flexible approach to consultations is rolled out across many Committees' work. Services such as [Commonplace](#) and [Citizen Space](#) have already been used by government departments and local authorities. Live Twitter Q&A sessions and a [petitions.parliament.uk](#) style system where individuals and organisations can quickly vote on SIs that they believe should be upgraded offer a lighter-touch approach. As engagement tools vary in terms of the depth and breadth of issues they can cover, Committees should consider a whole portfolio of online and offline approaches to determine the most effective strategy for a given issue.

- **Embed the use of smarter evidence management platforms.** Many case studies in the public and private sector point to working approaches that address the informality and siloed thinking inherent in Parliament's current evidence management system. Parliament can build on its pilot work with the [NVivo](#) platform to develop a smart database that enables users to search for evidence thematically, find other related evidence and see how it has informed the work of other areas of Parliament.
- **Evaluate to build collective memory.** With the membership and staffing of many Committees changing through the electoral cycle, evaluating and documenting the impact of their work is a vital part of improving their long-term effectiveness. Impact should be seen in broader terms than the acceptance of report recommendations. It should also encompass factors such as the establishment of new stakeholder relationships and the effectiveness of engagement tools (in terms of both public reach and impact and the quality of evidence received). Leveraging the Procedure Committee to share effective evaluation case studies will be an important part of spreading and formalising good practice across Parliament. An impact working group that sits across Committees should also be established to help share this knowledge.
- **Embrace a more open working approach.** The principles of open governance are already well-established, and apply beyond creating a dialogue between government and citizens. Making Committee work more transparent (through for example publication of strategies, meeting minutes and any other non-inquiry-related aspects of their work) can go some way to addressing some civil society interviewees' concerns that it is difficult to understand the agenda of some Committees. Open working can also lay the foundations for collaborative approaches where external individuals and organisations can contribute to Committee work as it is being developed.

Appendix A: Interview notes

Esther Webber – Reporter, BBC Parliament/Politics

External Expertise

- Specialist publications (who have insight into specific SI areas) are a good source of external expertise
- Government and Party Operations teams are also good sources of knowledge - Connections are informal however

Public Engagement

- The parliamentary website is an ‘invaluable tool’, but difficult to search through
- Statutory Instruments are not currently communicated well, and it is relatively hard to find information on them. Typically hear about SIs through reports, which are pitched at an appropriate level, from the [Delegated Powers and Reform Committee](#) (DPRC) – their [publications page](#) has a search function but it is limited. The Committee typically communicates when there is opposition to a proposed Bill – Outside of this there is little publicly available information on Bills/SIs that the DPRC has not commented on
- Many committees have Twitter feeds – Currently the House of Commons Twitter announces any “[Urgent Questions](#)”, which is a useful resource – *Will the ESIC have similar?*
- In a general sense this is an excellent moment to shine a spotlight on the importance of public, expert and parliamentary scrutiny and the relationships between them, and there is public appetite for understanding this – Important to capitalise on this
- BBC gets good engagement with explainer videos and text cards that are easily sharable on social media – Tone is important, and the BBC describe it like they “are describing it to a friend”
- Case studies are also effective

Information Capture and knowledge sharing

- Information that goes into the development of SIs could be publically available. Being able to identify who is responsible for drafting and looking at the SIs would also be beneficial
- The person drafting an SI will be aware of its intent and scope – A brief description of this would be good to engage the public with

Prototype Comments

- From a public-facing perspective, explainers about Parliamentary processes get good engagement and are valuable. There is also lots of appetite for understanding implications of Parliament actions
- A feature that lists all SIs, with a link to an explainer, timeline and information on who is looking at them (including a relevant contact) would be beneficial
- A publically available list of relevant research links

“SIs are one of the aspects of parliament that are communicated least well at the moment. Even as someone who knows their way around parliament it can still be hard to find information I need”

“It’s not like other aspects of parliament where there are designated websites telling you what something is and what they do [...] it would be brilliant if the [ESIC] had an accessible, searchable website”

“In a way the stage that an SI is at is secondary to me, I need to know what it is and what it does - What is difficult is getting to the actual content”

“You might think it’s not the easiest topic to engage with, but at the moment there is an appetite to understanding how these different bits of legislation will be scrutinised”

James Rhys – Committee Clerk, Exiting the EU Committee

External Expertise

- Communities of expertise are developing. Staff attend events and maintain and develop professional networks - Often first thing to be sacrificed in busy periods which is an issue as this is an important part of the Committee’s work.
- Some bodies show interest in SIs before they are laid so there is engagement at all stages of the process, but this is not common.
- The HoL Secondary Legislation Committee is very experienced and will be vital in flagging up policy issues with SIs - External experts should engage with this Committee in particular

Public Engagement

- The Committee has a Twitter account to communicate their work publically - reports and specific activities of the Committee, e.g. when they are visiting an area)
- Their most successful engagement was a sort of ‘digital PMQs’ where the Chair had a Twitter Q & A with the Secretary of State
- Members of the Committee retweet which extends the reach dramatically
- Engagement is relatively conservative due to the politically sensitive nature of the Exiting the EU Committee’s remit
- The post-parliamentary phase is also important - people will need to know when they are likely to come into force if they make it through parliament. The issue of sunset clauses is also important - people will need to know the progress of these clauses and whether they are followed.

Information Capture and knowledge sharing

- They have a team of admin staff and Committee specialists. Initially there was talk of the Exiting the EU Committee having various sub-committees, but it was decided this would be difficult to manage and would cross-over with other existing Committees work excessively. The Committee is comprised of people across Leave and Remain, and so ensuring balance of sub-committees would also have been difficult.
- The Committee draws in the work of others in the Commons and Lords to produce reports synthesising that knowledge. An initial report was put together by a Committee staffer undertaking desk research and speaking to other Committees (including devolved groups - significant issue) on this previous work
- Informal policy networks, including experts across various Committees and HoC/HoL libraries, were also set up in a “bottom-up” manner to look at key Brexit issues such as devolution, agriculture, security etc - Very effective in knowledge sharing and ensuring no replication of work. These networks engage in a mix of in-person (undocumented) bi-monthly meetings and collaborative digital working on Sharepoint
- Formalising these networks risks over-complicating work, and a move to Sharepoint has happened recently so there may be a fatigue in terms of adopting new tools, particularly when busy. Keeping things agile has had benefits and streamlining is a priority.

Prototype Comments

- Making a tool user friendly and accessible is a fundamental priority
- Committee staff probably wouldn't have time to trawl through a tool for information-Needs to proactively notify staff when there is relevant

"The [collaborative model] is something we can build on...it's useful for other staff outside of the Committee to plug into Committee's agendas and getting that intelligence"

"Keeping things agile and informal has worked quite well so far, but that's not to say there won't be a use for a more formal system in the future"

"Once an SI has been laid it can't be amended and only withdrawn which is a bit of a nuclear option...if you want to get your voice heard you need to get it in early."

Mike Winter – Committee Clerk, Joint Committee on Statutory Instruments/ Second Clerk, European Scrutiny Committee

The ESIC will likely look at all aspects of SIs (Policy merit, legal accuracy) and sit alongside all the existing Committees as an additional preliminary stage. Parliament are looking at developing criteria that the ESIC can use to guide their thinking - the Committee will have ultimate responsibility for the specific terms.

External Expertise

- Limited engagement between the JCSI/European Scrutiny Committee and external parties, as they are inherently inward-facing.
- Committee staff attend events to build up networks of external expertise
- A big challenge is allowing external bodies to engage with an SI before it reaches the ESIC. The timeline of 10 days does not work at all in terms of getting external input and a response once this process has begun.
- External bodies (and the public) often communicate with the JCSI about issues outside of their remit - shows need to improve understanding of the secondary legislation process
- In a general sense, Clerks will know who the key players are for a given issue and reach out to them
- Previously the Health Committee has attempted to map key stakeholders

Public Engagement

- The JCSI produces reports on SIs (whether they have proposed amendments or accepted it) that are publicly available, but there is little engagement
- The JCSI very occasionally engages with the public when there is an SI of significant public impact
- The SI Tracker is useful tool
- There needs to be some control over public forums as debate can easily stray off-topic - Public expectation about the impact a forum can have on Parliament's work needs to be managed

Information Capture and knowledge sharing

- A team of internal Lawyers work with the JCSI Committee and scrutinise every SI that is put before the Committee to ensure they are legally watertight. General Lawyers are available to all Committees also
- There is a tendency towards siloed thinking between Committees, staff and Parliamentary libraries
- Lawyers and staff members will talk to government departments and run information workshops on occasion

- The Clerk also gives presentation to other House staff on the role of the JCSI
- There is an internal database that tracks the progress of a document, including any letters that have been received from/sent by the government. This allows them to keep track of any SIs that haven't been resolved.
- JCSI does bring issues to the attention of other Select Committees where appropriate - this is informal
- The existing inquiry system is adequate in terms of processing information received.

Prototype Comments

- Flags on the size/impact of the SI would be useful
- A tool could flag how an SI is linked to other related SIs
- Should provide something that a normal inquiry can't provide

"We're moving away from inquiries more, and moving from having 100 page reports to less than 100 paragraphs. It has to be something people can read on the way home."

Joel Blackwell – Hansard Society

Hansard Society's *Taking Back Control* Paper called for both a sifting Committee and a permanent Select Committee performing an SI scrutiny function (replacing Delegated Legislation Committees). Feedback from business is that they find it difficult to access information on SIs so they developed an SI tracker:

- Information provided by the Tracker on SIs include their title, the date they are laid, what Parent Act they sit under, the procedure applying to them (i.e. affirmative vs negative procedure), their progress and links to Parliamentary information on purpose- As Hansard Society are non-partisan they do not attempt to provide any comment or extra information on specific SIs
- They also populate a list of SI-related consultations (i.e. a consultation has an SI attached to it, or the consultation mentions that it relates to secondary legislation)
- They have an events calendar populated with approval motions, "prayer motions" (i.e. a motion to annul an SI subject to a negative procedure), debate dates.
- Individual users can save SIs to their dashboard - they receive notifications when any action relating to the SI occur
- The tracker lists all SIs currently going through parliament using a 'traffic-light system' - Green indicates laid within seven days, amber means older than 7 days but still active within parliament, red indicates the SI has completed the parliamentary scrutiny process
- The SI list is updated manually by internal staff based on legislation.gov.uk website. Need a delegated team to manage the service
- They've developed a Brexit button to flag which ones are related Brexit (i.e. whether they fall under the 8 Brexit Acts (Repeal, Customs, Trade, Immigration, Fisheries, Agriculture, Nuclear Safeguards and International Transactions Bills) mentioned in the Queen's Speech
- SI's are grouped by 12 policy areas broadly relating to areas of Parliament.

External Expertise

- Their primary audiences are Public Affairs organisations, Government Departments and Law firms. SI Tracker users have an existing involvement in the SI process, and so marketing and publication is minimal as potential users tend to already be aware
- They have considered approaching MPs, and political parties (particularly opposition ones who don't have civil service resources)

- Their view is external scrutiny cannot be adequately provided in 10 days - This is a significant concern
- External expertise is not only important whilst the ESIC are making decisions on upgrading an SI from negative to affirmative resolution procedure - Inputting into the work of any Delegated Legislation Committees will also be equally important
- Hansard Society has concerns that it is the usual suspects who engage with consultations - Broadening this pool is a big challenge
- In a general sense Civil Society struggle to be alerted to the work of Committees - There is inconsistency and lack of information in some cases
- Finding a contact for a Committee/given issue can also be challenging.

Public Engagement

- The Repeal Bill is an excellent opportunity to engage the public and civil society around the broader processes and issues of secondary legislation
- The complexity of the process means the balancing act between being comprehensive and accessible is a challenge
- They've received funding to develop a webinar series providing delegated legislation training to hard-to-reach groups and members to promote understanding.

Information Capture and knowledge sharing

- If the Government publishes SI release schedules they may well publish titles only - This may make it difficult to gauge the content
- The DexEU could take a coordinator role and create a central system to create an alert system for Parliament.

Prototype Comments

- Committees and Clerks are aware that they need to broaden and diversify the pool of external expertise - This could be a significant benefit of the tool.
- Users of the SI Tracker are very positive about the timeline feature
- A feature relating to the Delegated Legislation Committee would be helpful

“As an external organisation with expertise, what can you realistically do in 10 days? It might be easier for big organisation who have large teams, but for a smaller team you have little chance. “

“Focusing on the pre-laying time period is the right thing to do...the problem then is that it will rely on the government to provide updates on the pipeline for SI's release”

“Civil Society organisations struggle to be alerted by the Committees about what they are doing...the inconsistency of the news pages and the approaches means it's very difficult to know unless you're contacted directly”

Jane Thomas – Repeal Bill Alliance

External Expertise

- The Repeal Bill Alliance is a network of around 80 civil society organisations from a range of sectors - We can formally link the tool to the network/publicise it to them if we wish
- There are some gaps in the network's expertise, such as Public Health
- Bingham Centre are an influential organisation in this space
- Devolved Repeal Bill Alliances are also currently active
- Understanding what Parliament/Committees want is the key challenge for Repeal Bill Alliance organisations
- Knowing where responsibility for an issue sits within government is also an issue

Public Engagement

- The Alliance does not engage with the public directly, but enables their constituent organisations to do so
- Case studies are an important aspect of engaging the public
- The Alliance will engage with the SIs after they have gone through parliament, in particular around ones with sunset clauses applied.

Information Capture and knowledge sharing

- They have encountered silos between political parties and government
- They segment issues into 12 broad segments

Prototype Comments

- Instant alerts would be useful, and if there was a way of somehow flagging if an SI hasn't been properly scrutinised that would also be very helpful
- A weekly bulletin/calendar split by sector would be valuable

Jake Barker – Committee Specialist, International Development Committee

External Expertise

- The International Development Committee tends to promote inquiries primarily through Twitter and engages in less outreach than some other committees due to the sensitive nature of many inquiries'
- Committee staff maintain a list of relevant stakeholders/contacts relevant to their work, but this is informal and not always digitised.
- Specialist external advisors sit on Committees and advise Committees in the first instance on framing of inquiries and potential stakeholders
- BOND is a network that coordinates around 100 NGOs and would be a good stakeholder
- There is a core group of experts for each Committee that will always be engaged with each inquiry

Public Engagement

- Public communication is by-and-large “push” rather than “pull” within the International Development Committee, although other Committees have explored more outreach and engagement opportunities
- House of Commons Facebook page has quite a lot of engagement
- Some Committees have communicated inquiries once completed using Adobe Spark - an attempt to make Committee work more engaging
- Public reach is primarily through Committee members
- Currently Committee websites tend to list inquiries and members - the public are often more interested in issues than MPs however
- Shorthand Social has been considered for communicating Committee work at the Report Stage

Information Capture and knowledge sharing

- Knowledge sharing tends to be informal
- Many Committees have done a 'Brexit' inquiry - A database of the evidence exists on an internal evidence portal - Access is currently limited to staff within each relevant department but there is no reason in principle why the ESIC couldn't access all databases
- Sharepoint and OneNote are currently used by each Committee but use tends to be siloed. Specialists have a shared Sharepoint site

- Cross-Committee collaboration tends to be limited to individual inquiries
- In the future specialists/Committee staff could pull together a precis for inquiries they deliver for future use.
- Some Committee staff have started to use [NVivo](#) to filter written evidence received by keywords and ranks evidence accordingly
- A “recommendation tracker” that provides info on the outcomes of Committee’s recommendations is in a pilot phase

Prototype Comments

- For taxonomy, the externally facing side should be framed by topic/issue and not Committee
- A method for summarising evidence received in a short, concise way would be very beneficial for Committee staff
- Committee assistants could be a potential user for the tool

“Most Committee members are open to digital ways of working, but it’s very much getting an old system into the new..[Parliament] is a huge organisation so it’s quite a task.”

Sarah Pursell – SI Tracker Product Manager, Parliamentary Digital Service

The Parliamentary Digital Service (PDS) SI Tracker tool will be trialled from April 2018, with a launch date of June 2018 scheduled. The tool is distinct from the Hansard Society SI Tracker. The tracker aims to:

- Bring sources of information on SIs (which is currently fragmented) together into one resource for House officials, journalists and civil society
- Provide explanatory content on relevant parliamentary processes, terminology and implications of decisions relating to SIs
- Link to relevant resources such as secondary legislation committee reports and explanatory memoranda for SIs
- A timeline for all SIs laid before each House, including a record of votes on each

They will also be exploring ways to tag SIs depending on topic (As SI titles are often quite unclear) and link the Tracker to existing the Committee websites. The Institute for Government are a key stakeholder who will be helping to publicise the tracker.

Miranda Olivier-Wright – Head of Web and Publications Unit, House of Commons

Parliament’s internal digital developers are at capacity so any tool would probably need to be delivered externally. A summary of the HoC’s current methods of digital engagement is in Appendix B.

External Expertise

- Consultative Web Forums are run on parliament.uk - Open to all, promoted in a same way to normal inquiries
- [Web Forums](#) (hosted on the Parliament website) are on occasion conducted in parallel with inquiries to lower the barrier for entry in participating.
 - Forums require Moderators- internal training takes a day and a half (with a long waiting list)
 - Conduct is governed by generic [Ts & Cs](#)

- Parliament is currently investigating new mechanisms to encourage inquiry submissions (such as allowing video/image submissions) - Procedure Committee will look at this once there are case studies.

Public Engagement

- The Brexit Hub is run by (one person in) the Commons library, attempting to bring together all Brexit-related information: <https://www.parliament.uk/brexit>
- Communication is most effective via email - Social media often gets drowned out
- Committee reports are developed using Adobe Spark and Social Shorthand (e.g. [reusable coffee cup inquiry](#)). Part of a broader move to modernise and improve engagement with Committee reports.

Information Capture and knowledge sharing

- The [Petitions Committee](#) has links with other Select Committees and promotes dialogue between government, public and Committees
- Knowledge-sharing occurs during Digital Team Innovation meetings attended by people across Committees
- Each Committee has a database managing all aspects of an inquiry (written evidence, room bookings, correspondence, membership). Access to databases is restricted to Committee staff, access between Committees isn't currently allowed
- Clerks attend fortnightly "Cluster Groups" which is a formal mechanism for knowledge transfer.

Prototype Comments

- Externally facing taxonomy should be framed around specific issues
- Ellen Jones (HoC Brexit Liaison Manager) Anne-Marie Griffiths (Clerk, Petitions Committee) and Lee Bridges (HoC Director of External Communications) would be good stakeholders to drive engagement with the tool once developed
- The HoC Web and Publications Unit would be happy to contribute to some explainer videos if required
- Needs to be easy to use across different devices.

Lord Paul Tyler – Delegated Powers and Regulatory Reform Committee Member

External Expertise

- The volume of SIs relating to the EU Withdrawal Bill is unprecedented - engaging the interested public therefore needs to be carefully planned for and requires an original approach
- Committee legal advisors provide input into technical aspects of legislation, but also advise on whether proposals and Bills are sufficiently clear for interested external parties to understand
- There is a balancing act between ensuring accessibility and giving enough depth to reflect the nuances and complexities of legislation. It is often difficult to "see the wood through the trees".

Public Engagement

- The volume of publicly available Parliamentary information is growing - This has benefits (in terms of greater transparency) and costs in that it is harder to gauge what is important and find information.

Information Capture and knowledge sharing

- Ensuring both House of Parliament can quickly understand the scope, intention and implications of secondary legislation is a challenge and is of primary concern
- The Committee's [3rd report into the withdrawal Bill](#) outlines specific concerns for the ESIC.
- Communication between Committees and groups looking at similar issues across the Houses can be improved, and joined up strategic thinking can be encouraged
- The publication of this report occurred well before the Bill reached the House of Lords, which would usually be when the Committee would respond. This timing was vital in engaging the House of Commons who are involved earlier in the legislative process.

Prototype Comments

- Worth bearing in mind that there is a wide-range of experiences and approaches within Parliament - A tool should be accessible to those who prefer more traditional ways of working also.

Appendix B: Parliamentary engagement channels

Committee Twitter accounts

Most House of Commons Select Committees have a Twitter account, covering their own work and occasional RTs on the relevant subject area from reputable sources; full list below. There are roughly 26 active Twitter accounts with a combined following of 213,000 (the combined following doesn't necessarily reflect individuals, merely the number of followers across all accounts).

<https://twitter.com/HouseofCommons/lists/commons-committees/members>

Committee mailing lists

Each committee will have an email distribution list, mainly consisting of journalists and stakeholders. These are held in Outlook and managed by the committee staff and media officers.

Committee evidence database

The Committee Office holds the names and email addresses of those that have submitted evidence to their inquiries. This information is stored in a database but personal information is grouped by the inquiry's title rather than broader subject areas. We have so far not contacted witnesses about anything other than the inquiry they submitted to, and if we wished to do this I would think the data protection notice would need to be updated, and users should be able to opt in/out of receiving information on that subject from other committees.

Online petitions

When select committees hold an inquiry, the Petitions Committee look at their database to see whether they have a related petition, and where appropriate (usually when there are opportunities for digital engagement) they will email those that have signed and draw their attention to the select committee inquiry. Something similar could be done for the sifting committee, however Petitions's audience might not be quite what the sifting committee are after. As with committee evidence givers, the data protection notice may need to be looked into further or updated.

Gov Delivery email alerts

Each committee has automated email alerts that are triggered when the committee page is updated. It is possible to force an alert with alternative text in the body, and it is possible to amend the footer text in the email alerts, eg with signposting to sign up to the relevant topic-based alert for Sis that are under review by the sifting committee. Subscriber numbers are usually in the low thousands. We do not know the extent to which users have subscribed to multiple alerts, therefore combined subscriber sign-ups do not translate to the same number of individuals. A full list of the Gov Delivery email alert options is available once you begin the subscription process.

News subject pages

Each page published using the news template in Parliament's CMS has the option of being tagged to multiple taxonomy terms, which surfaces them on the relevant subject page linked to below. Please note that this taxonomy is not identical to the one used on the Topics pages or the one used by the Library's indexing team. Administrators of the CMS can add new taxonomy terms without development work. <https://www.parliament.uk/business/news/>

Topics pages

The Topics pages use their own taxonomy and the information surfaced on those pages is not up to date for each type of content (eg committee content hasn't surfaced on those pages for some years). It is unlikely that development work would be prioritised and delivered to the schedule we are working to, however there may be some way of adding to the RSS feed but this is unexplored.

Brexit hub

Research and analysis from Parliament's libraries and committees, broken down into high-level subject areas on a [Brexit Hub](#). There are plans for a weekly newsletter to be set up that relays everything that's going on in the House of Commons related to Brexit. This could promote the Sis but if it's coming out weekly it may not work with the sifting committee's tight timescales.

Hansard Online

The [Hansard Online](#) site is a database of reports of Parliamentary Debates since May 2010. The site has a search function and distinguishes reports based on which House they were held in, MPs participating and sitting date.

Appendix C: The SI development process

Statutory Instruments (SIs) are a form of legislation which allow the provisions of an existing Act of Parliament to be brought into force or altered without Parliament having to pass a new Act. The typical process for drafting of novel Statutory Instrument (SI) in the UK is as follows:¹¹

1. The Legal Office of the relevant Government department drafts an SI, during which consultation with relevant experts will occur
2. The ~ 3,500 SIs developed a year vary dramatically in scope, between 1 to several hundred pages and can apply to either UK or devolved level.
3. All SIs have an Explanatory Note (on scope and purpose) and Memoranda (explaining what it does and why, costs and outcome of public consultation exercise)
4. An SI may also be accompanied by:
 - o A regulatory impact assessment (outlining the potential costs and benefits to society of the proposed regulation)
 - o A “transposition note” for SIs that concern EU legislation, which sets out which how UK legislation will implement provisions of the EU directive (e.g. which UK Act the EU SI will fall under)
5. SIs are typically treated in one of the following ways:
 - o They are subject to “*negative procedure*” - They become law unless there is an objection from the HoC or HoL within 40 days.
 - o They are subject to “*affirmative procedure*” – They must be approved by both Houses to become law. Within this there are also “urgent cases” where the SI comes into effect immediately but cannot remain in force unless it has been approved (usually within 28 or 40 days)
 - o In exceptional circumstances they are subject to “super-affirmative” resolution procedure
 - o Affirmative procedure typically applies to around 10% of SIs
6. Whether an SI is subject to parliamentary scrutiny depends on the “Parent” Act it sits under, which will outline both if and how the SI will be subject to scrutiny – The EU Withdrawal Act stipulates that the SIs will be filtered initially through the EU Statutory Instruments Committee (ESIC) which will make advisory recommendation on whether SIs should be upgraded from the negative procedure to affirmative (i.e. subject to parliamentary scrutiny)
7. The HoL Secondary Legislation Scrutiny Committee has a 12 to 16-day consideration period of standard SIs after they have already been ‘presented’ before parliament. This committee focuses on the Policy merits and implications of an SI, and can refer SIs for debate in either the Houses or a separate “Delegated Legislation Committee”
8. Delegated Legislation Committees are formed to consider SIs that are subject to the affirmative procedure. They are typically comprised of around 17 members and are temporary Committees
9. There is also a separate committee, the Joint Committee on Statutory Instruments that does not focus on policy merits of SIs and instead serves to examine whether a “*Ministers Powers are being carried out in accordance with the enabling Act*” – i.e whether a given SI is appropriate given the scope and intention of the Act that it sits under - And publishes reports with recommendations on such matters.
10. Houses are not able to propose amendments for SIs as they would be for a Bill – They are either approved or rejected.

¹¹ <https://www.parliament.uk/documents/commons-information-office/l07.pdf>

For EU Law specifically there are also several other Committees of relevance:

- The HoC European Scrutiny Committee: assesses the legal and political significance of proposed EU laws on the UK, recommends which should be debated (typically by a new temporary European Committee as opposed to the Houses of Parliament)
- The HoC Exiting the EU Committee: Scrutinises the expenditure, administration and policy of the Department for Exiting the EU
- The HoC Procedure Committee: Considers the practice and procedure of the Houses of Parliament; proposed the development of a ESIC and ran the *Exiting the EU: Scrutinising Secondary Legislation* inquiry
- The HoL Procedure Committee: Similar to HoC Committee above
- The HoC Statutory Instruments Committee: scrutinises SIs which are subject to HoC scrutiny but not HoL scrutiny. Assesses legal validity, not policy merit
- The HoL Delegated Powers and Legislation Committee: Scrutinised Bills when they reach the HoL, and considers whether the proposed level of parliamentary control of SIs and secondary legislation is appropriate
- The HoL EU Select Committee: Scrutinises policies and laws develop by EU institutions
- 6 subcommittees focused on various areas of the EU (Energy and environment, External Affairs, Financial Affairs, Home affairs, Internal Market, Justice)