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How Policy is Made
A Short Guide

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How is Public Policy formed and given effect?

Introduction

“Policy” can be defined as “a course or principle of action adopted by an organisation or individual”: or “a prudent or expedient conduct or action.” The formulation of the principles and courses of action needed to ensure the proper working of the country is a key activity in order to ensure the health and welfare of the citizens and industry, together with the proper organisation, and supply of public services. This is ultimately the responsibility of the Government of the day.

In the twenty first Century we are living in an era when new discoveries, new understanding, new insights and new advances are making important contributions to improving the health and welfare of people. Many of these changes are of course going to be for the better, but there will inevitably be others which could be detrimental, or pose some degree of risk to Society. The Government in 1997 committed itself to move towards a general principle of creating Evidence Based Policy, a principle endorsed by successive Governments. Creation of policies for the future will therefore have to take into account the evidence of the risks as well as the benefits of these new developments, which will often have significant elements of science, engineering and technology (SET) at their heart. It is increasingly important therefore that our Government and Parliamentarians have access to reliable sources of scientific information and advice, and are enabled to understand the technologies which increasingly underlie new policies and laws. Areas such as climate change, cybercrime, genetically modified organisms (GMOs), nanotechnology, stems cells, embryology, new methods for the treatment and control of diseases, handling future human and animal epidemics, to name but a few, These are all areas where the formulation of new policies and regulations will almost certainly be a continuing need and will need a good level of understanding of the underlying science and technology if their use or control is to be in the best interest of the Nations.

The source of this information and advice resides largely within the SET base in our universities, research institutions and industries. In order to open up this rich source of knowledge it is vital that scientists, technologists and engineers are both willing and able to engage with those

in Government departments – both ministers and their civil servants - and also members of our Houses of Parliament. In the case of members of the House of Commons, where very few MPs hold SET qualifications and have experience, it is particularly important that they have access to information and scientific advice and also some understanding of how science works in order to make good decisions. Those working in our university research departments and institutes have their research funded by the Public purse and should therefore see it as their duty to ensure that their outputs and new knowledge are not only put into the scientific literature, but are also available to our policy makers.

In order to be most effective in meeting this objective it is essential that the scientists and those responsible for formulating and giving effect to public policies become more engaged with one another. A good starting point for the members of the SET Community is to gain some understanding of the various processes involved in Government and Parliament in the creation of policy, and to be able to identify those points in these processes where they may make their contribution to the creation, or amendment, of policy. The purpose of this booklet is to provide an introduction to the processes of policy creation and implementation.

The Government and creation of Policy

Most major policies, such as taxation and Government spending, the provision of such services as education, health, social security, and foreign policy, originate in the political parties who vie for power at the General Election. They are developed through the party machinery by the officials and are then subject to acceptance and agreement by the party conference before becoming incorporated into the party's election manifesto. The party will have been elected on its manifesto and the Civil Servants will have done work on how the manifesto can be implemented. In some cases circumstances may arise which require the Government of the day to create new policies to meet the situation. In the United Kingdom the Government is formed by the political party having the largest number of seats in Parliament and is led by the Leader of that party who becomes the Prime Minister. When no party has an absolute majority in the House of Commons following a General Election it is expedient for the majority party to form a coalition with one of the other minority parties to create a Government that can command a majority. This was the situation in which arose in the 2010 General Election. The delivery, and further creation, of

policies then becomes a matter for the Prime Minister, the leader of the partner party (who becomes the Deputy Prime Minister) and his or her Cabinet, the members of which share “collective responsibility”; although implementation of particular policies aimed at some area of life is usually the immediate responsibility of the relevant Government Department.

Sometimes new policies arise out of the recommendation of Royal Commissions or Departmental Committees or agencies after detailed study of a particular field of activity.

Policy will also be made on an *ad hoc* basis by the Government in order to respond to, and deal effectively with, situations that arise from time to time. Examples of this sort of policy are those developed and put in place to prevent the spread of animal diseases such as foot and mouth, or human diseases such as BSE/CJD, the handling of potential serious epidemics such as Influenza or to combat emerging threats of terrorism.

Finally, there may also be a need to adapt existing policies and laws, or to alter existing infrastructure to meet the changing societal needs and mores during the lifetime of the Government. Good examples of this that affect science and technology are the Human Tissues Act 2004 and the Human Fertilisation and Embryology Act 2008 and the provisions to deal with violent animal rights protestors in the Serious Crime and Police Act 2005,

In some cases Government policies can be given effect within the framework of existing legislation, and the regulations provided by it, but in other instances, particularly where major government policies are involved, these will have to be given effect through a new Act of Parliament. It is during the Parliamentary processes leading up to the new Act getting the Royal Assent that the details of the policy are fleshed out and amendments to it are made.

A Bill is born.

The first step in these processes is the formulation of a Government Bill. This process is lead by the Government Department with the main responsibility for the particular area of policy, but the Bill must then be adopted as a part of the Government’s legislative programme in Parliament by a Cabinet Committee. There can be fierce competition for a slot in this programme.

The relevant Department will decide the detailed content of the Bill and, in doing so, may take into account the advice of committees of experts established by it to examine issues involved. The Department may also seek advice from its agencies or, in some cases, from various additional bodies and individuals. Increasingly the Government Departments will actually consult with outside bodies, and actively seek the views of those who will be affected by the proposed new legislation. In some cases where it is a good idea to have more open consultation the Government will publish a “Green Paper”. This will give some idea of the Government’s provisional views on the matter and inviting views and responses to them. In other cases the Government may issue a “White Paper” which is a statement of policy giving the Government’s decided position, but which sometimes leaves some issues for further discussion. In matters of great importance a Green Paper or a White Paper may be the subject of debate in Parliament and thus MPs may contribute their views on the subject.

The Primary Department will also consult with other Departments of Government which may be affected by the Bill. The actual contents of the draft Bill would not usually be disclosed at this pre-legislative phase of the process except to other Government Departments. In 1997 a Select Committee - the “Modernisation of the House of Commons Committee” - was formed to examine aspects of parliamentary practice and it has made a number of recommendations in their reports which have resulted in a greater degree of pre-legislative scrutiny of draft Bills. This was seen as a means “of improving the law of Bills and drawing the wider public more effectively into the Parliamentary process.” As result an increasing number of Bills are now open to this process.

The Bill is drafted in detail by the official draftsmen known as the ‘Parliamentary Counsel’ who work within the Cabinet Office. Once it is in its final form, taking into account any revisions deemed necessary as a result of the various consultative processes, the Bill is ready to begin the legislative part of its journey into law.

The Bill goes forth

The Government Bill can be introduced into either of the two Houses of Parliament by the sponsoring minister according to the rules – called the Standing Orders – of the House. Many important Bills are introduced into

the House of Commons but now about half of the Bills are introduced into the House of Lords where the Government considers it more appropriate to do this - for reasons of Parliamentary timetabling for example. The account which follows will assume that the Bill begins life in the House of Commons, but essentially similar stages must be undergone if it starts its life in the House of Lords.

Any changes to the Bill can now only be made by formal amendment as it passes through the various parliamentary stages of its journey and by persuading the Government to think again. The new Bill is presented to Parliament and placed on the Table of the House as a “Dummy” copy. The Bill is then given its ‘First Reading’. This is a formal event and leads to the House ordering the publication and printing of the Bill which then enters the Public domain. New Bills are also accompanied by some Explanatory Notes. Bills that have been published, along with their explanatory notes, can be accessed on the web at:

<http://www.publications.parliament.uk/pa/paBills.htm>

Following this first stage the published Bill receives its ‘Second Reading’ when the general principles and provisions in it can be debated. The length of debate is dependant upon the importance of the Bill and can range from a few hours to several days in the case of particularly important Bills. However some Bills will pass through their Second Reading without any debate. At this stage the Bill may sometimes be opposed and a motion put by the Opposition to postpone the Second Reading for a period of time, or they may table a “reasoned amendment” objecting to the Bill. This motion will then be voted upon. In Parliament the voting process is known as a ‘*Division*’ when members of the House will divide and go through either the ‘Aye’ or ‘No’ lobbies according to the way they vote and are counted. It is very rare however that such a motion will be passed; the last Bill that was defeated at this stage was the Shops Bill in 1986 which was intended to relax Sunday trading. The Second Reading debate is reported in Hansard, the official journal which records all Parliamentary proceedings in the Chamber, in the Westminster Hall, the second Chamber of the House of Commons, and also questions and responses.

After the Second Reading the Bill passes into its ‘Committee Stage’ when it will be examined, clause by clause by a Committee of MPs. The Committee that the Bill is referred to is called a “Public Bill Committee” – once known as a ‘Standing Committee,’ which is appointed by the House’s

'Committee of Selection'. The membership of each Public Bill Committee is constituted as far as possible to reflect the proportion of seats held by each party in the House. They usually have 14-16 members, although they can range in size on rare occasions up to 50. The qualifications, expertise and interests of members may be taken into account when appointing individuals to the Committee, although the Government will not want to see dissenters on its own side appointed. One or more of the Ministers, responsible for the Bill, their Private Parliamentary Secretaries (PPSs) and also frontbench spokesmen from the opposition parties will be members of the committee alongside backbench MPs. A Public Bill Committee is appointed for each Bill and once it has made its report to the House it is dissolved. There may therefore be several Public Bill Committees working at any one time, each dealing with a different Bill. Each Committee will have two Chairmen appointed from the "Chairman's Panel" by the Speaker of the House.

There may be occasions when the Government requests that, instead of the Bill going to a Public Bill Committee it is sent to a committee made up of the whole House. This route may be used either where the committee stage of the Bill is really only a formality, or where the Bill is of outstanding constitutional, or political, importance, or in the case of some financial measures - such as are in the annual Finance Bill. It is also a mechanism that the Government could use to push a Bill into law when it needs to be done as quickly as possible. When sitting as a Committee, the House is not chaired by the Speaker but by one of the three Deputy Chairmen. The debates during the Committee stage where the whole House is the Committee are reported in Hansard.

During the Committee stage the Bill is examined and can be debated clause by clause and schedule by schedule. Its provisions can be examined in detail and amendments to the text of the Bill can be tabled, usually by the opposition parties. Opponents of the Bill may seek to change the Government's mind and for it to accept some changes. However as the Government party has the majority in the Committee it is not usually likely that such attempts will be successful. During this stage amendments to clauses can be proposed and either accepted or rejected by the committee. It is also possible for new clauses and new schedules to be added to the Bill. The Public Bills Committees now have the power to send for persons to come before them and to have papers and records to be provided to them. They can also summons witnesses and hear oral evidence, usually in

public, which will be printed in the official report of the Committee's proceedings to the House. Any written evidence they receive can also be reported to the House just as if the Committee was a Select Committee.

Once the Committee stage comes to an end the Bill is reported the House for its "Report" stage with whatever amendments have been agreed to. At the Report stage the Bill is now considered as a whole and not taken clause by clause, and those clauses and schedules that have not been amended by the Committee are not considered at all, it is still possible however for further amendments to be made. The time between the Committee and the Report stages allows the Government to think further about points raised by the Committee, to reconsider some clauses of the Bill and to come up with their own amendments. It is also the time when MPs not involved in the Committee stage can bring their own amendments forward. During this Report stage the House is also able to alter, or even reverse changes, made by the Public Bill Committee. A Bill that has been considered by the whole House as its Committee, and has not been amended, does not go through a report stage.

After the Bill has been considered in its report stage it proceeds to its final stage in the Commons and receives its "Third Reading." The House now has an overview of the Bill, and there will usually be a short, formal, debate as it is no longer possible to take further amendments.

Proceedings in the House of Commons are subject to a timetable imposed by the Government which does place limits on debate. In the case of some Bills when the Government cannot get its timetable accepted it may subject it to a "Guillotine" motion. This means that debate will be cut short at the end of a fixed period when the Guillotine falls on it. In addition to these limits the proceedings in the Committee stage may be divided into subsections – known as "knives". It is not uncommon for a Bill to be completed with significant passages not scrutinised at all because of lack of time.

The Bill in the House of Lords.

The passing of the Third Reading in the Commons is the signal for the Bill to progress into the House of Lords where, although it progresses through essentially the same stages as in the House of Commons, there are a few differences. First, the whole House forms the Committee which considers

the Bill after its second reading; second, there is no restriction on the time taken for debate on amendments; and, third, amendments may be made at the Third Reading.

The Lords may accept the Bill without any further amendment and send it back to the Commons unchanged. However they may make amendments which are sent back to the Commons for their consideration. This is particularly the case when examination in the Commons has been truncated through lack of time. MPs may accept the Lords' changes, amend them further or they may reject them. In these cases the Lords are asked to accept any further Commons changes or, in the case of rejection, to re-consider the matter.

The Bill becomes Law

The last stage in the Bill's journey into Law is when its text has been agreed by both Houses of Parliament and it is submitted to the Crown, the third element of the UK Parliament, for the Royal Assent. After the Royal Assent the Bill becomes Law. This can happen immediately or at some pre-specified time in the future. It may also provide for regulations to be made at some time in the future which can be brought into effect when required without the need to go through the full legislative procedure. These provisions are known as "Delegated Legislation."

It is essential that the whole legislative process for a Bill is completed within one Parliament and if it fails to do this it will fall. If the Bill does not complete its passage in one session it is now possible, by an Act of Parliament, for a Minister to move a "carry-over" motion that a Public Bill not completing its passage before the end of the session shall be resumed in the next. It can then be presented again in the next session but must then go through each of the legislative stages anew.

What happens when there is disagreement?

It is usual for both Houses to agree the final Bill even though at times the Bill may go back and forth between the two houses for some time before agreement is reached. Sometimes an impasse is reached when agreement is impossible - as happened in the case of the 2004 Hunting Bill. Thus there is a potential for a Bill to fail because it runs out of time. To prevent this

happening the Parliament Act 1911, as amended by the Parliament Act 1949, can be invoked. This Act originated to prevent a constitutional crisis caused by disagreement of the House of Lords and it allows the Bill to be passed without the consent of the Lords in the next Parliamentary session. To invoke this mechanism however the Bill must have been sent to the Lords at least one month before the end of the session; then one year must have elapsed between the Second Reading in the Commons and the Bill being passed in the following session; furthermore, the Bill must be exactly the same as it was in the previous session without amendments except any that are needed because of the passage of time. The House of Lords, which has many Cross Bench members (who are not aligned to any political party), as well as those who are politically aligned, can therefore delay a Bill but cannot stop it.

When MPs take the initiative -

Private Members Bills

The discussion so far relates to Public Bills that are created and introduced into Parliament by the Government. It is however possible for MPs and peers who are not a part of the Government to introduce their own Public Bills dealing with policy issues of concern to them. These are called “Private Members’ Bills” (PMBs). It has to be said however that the great majority of PMBs fail to make it through the Parliamentary process and become Law because the amount of Parliamentary time devoted to these Bills is very limited; there are only 13 Sitting Fridays devoted to these PMBs per session. Their chances of success are increased however if during the process the Bill is adopted by the Government. The PMB introduced into the House of Commons must pass through exactly the same stages outlined above that a Government Bill must. However whilst the Government has available to it all the resources it needs to draft the Bill, the Private member must manage the best he or she can alone.

The first step in the process is for the MP to provide a short title for the Bill, which is simply its name, and also a long title which describes briefly what it is about. The MP must then use one of the mechanisms available which allow the PMB to come to the surface.

- a.) *The Ballot.* At the start of the Parliamentary year all backbenchers MPs proposing a PMB s go into a ballot and twenty are chosen with the successful applicants get a day's debate. As there is limited time allowed in the Parliamentary timetable for these debates – only 13 Fridays in each session – the chances of the Bill getting very far are not high. Furthermore, Friday sittings are not well attended by MPs and thus it is relatively easy for opponents of the PMB, including Ministers and Whips, to 'talk it out' because the proposer needs support of at least 100 members to force a vote and these are not usually available.

- b.) *The "Ten Minute Rule".* On Tuesdays and Wednesdays, after question time and ministerial statements, there is time for backbench MPs to introduce a Bill under the Rule. The MP must give fifteen days notice of his or her intention to introduce a PMB and, as only one Ten Minute Rule Bill is allowed to be introduced each day, there is competition between MPs to be first in the queue for the slot on the day they propose to introduce their Bill. The successful MP is the allowed to speak for ten minutes for his 'Bill' and then a second MP can speak for the same length of time in opposition to it. If the Bill is approved by the House then it can progress from this First Reading stage and will then have to wait with other PMB s in the pipeline to receive its second reading, and thus onwards through the legislative process. In practice this mechanism is not a realistic way of getting a PMB into Parliament as only very rarely would a Ten Minute Rule Bill pass into law.

- c.) *"Presentation."* This process involves the MP giving notice of intention to introduce a PMB and then to introduce its title formally. There is no discussion of it however and it is most unlikely to become law.

These means for MPs to introduce PMBs are not very effective when it comes to creating a new law. However they do provide an MP with the opportunity to raise an issue of concern, perhaps about an existing law. They also allow an issue or opinion to be highlighted in Parliament and the level of support for it to be determined.

The Members of the House of Lords are also able to introduce PMBs and they go through the usual stages in that House but will only pass into the

House of Commons if it has the support of an MP. Lords' PMBs do not have any priority over Bills introduced into the Commons and are likely to have little time devoted to them.

Early Day Motions

Early Day Motions (EDMs) are not a route for MPs to introduce a PMB but a form of them can be used by an opposition party to challenge or annul a "Statutory Instrument", a form of "delegated legislation" which gives powers to Departments of Government or other public agencies to make regulations, or to create bodies in order for the functions of government to be carried out. An Early Day Motion of this type of case is called a "Prayer" and will usually be debated.

The potential value of the more usual EDM is that it provides backbench MPs with the opportunity to express views that differ from the official party line, or to raise issues of concern to them which may relate to local issues, personal matters (such as for example the treatment of a someone in their constituency), or more general societal concerns. EDMs also offer a mechanism by which an MP can assess the support of other members of the House for his or her views or opinion.

The MP gives notice of the EDM to the "Table Office" of the House of Commons and provides its title and the text of the motion which must consist of one sentence of not more than 250 words. The sponsoring MP signs the motion together with at least five supporting MPs. The Motion must conform to the various rules of the House and, if it does, it is then printed and issued to the House amongst "Notices of Motions for which no time has been fixed". Other MPs may add their signatures to the EDM and they are reprinted with the new names included. An MP may also submit an amendment to someone else's EDM, or even submit a replacement for it. Other Members may then sign the amendment which will then in turn be printed. The sponsoring Member can withdraw the EDM, the amendment may be withdrawn or an MP may withdraw his name from the list of signatures. In most cases only a low number of signatures are added to an EDM but there have been extremely rare instances where over 500 signatures have been added. This was the case of an EDM in the 2001-02 session relating to the need to avoid conflict between India and Pakistan. This attracted 502 signatures. However, as by convention

Government Ministers, PPSs and Front Bench members of the opposition do not sign EDMs, they usually do not often gain such high numbers of signatures. The number of signatures added is of course a good indication of the support in the House for the Motion.

A large number of EDMs are now submitted during a Parliamentary session. In 2006-7 there were 2,193 but the number of EDMs, other than “Prayers”, that actually come to debate in the House is very low. There is no guarantee an EDM will be debated even if it attracts a large number of signatures. However an MP can refer to his or her EDM during debates in the House, or during the weekly “Business Questions” as a supplementary question, requesting that it be debated in the House. The text of the Motion will then be recorded in Hansard and receive further publicity. The EDM remains in place during the rest of the Parliamentary Session and MPs can continue to add their signatures to it – or remove them. At the end of the session all EDMs will fall - although they can be brought forward again at the start of the new Session.

The EDM is a useful mechanism for raising issues in the House, including providing suggestions for new policies or challenging existing ones. However as it is doubtful if the Government is influenced by, or even aware of, more than a small fraction of the EDMs, some MPs consider the device rather devalued – they see them as a sort of ‘Parliamentary graffiti’ and refuse to have anything to do with them.

The Backbench Business Committee

This Committee is the first Business Committee to be established, and its purpose is to allow backbench MPs to schedule business in both Chambers of House of Commons at times set aside for non-government business. It is the Government which decides the amount of time, and the days of the week, which will be given to the Backbench Business Committee for its debates and this will vary each month. The committee therefore has limited time to schedule for debates and it is not possible to allocate debates on all the subjects suggested. The Committee meets weekly and receives suggestions from MPs who can bring forward debates of their choice to be held in “backbench time”.

The committee can consider any subject for debate, including those raised in e-petitions, such as that relating to the West Coast Mainline franchise decision, or national campaigns, provided that the MP can make the case for their consideration. Topics recently debated include Mental health, Banking competition, the Dairy Industry, Fisheries, Dementia and Autism.

Select Committees

There are Select Committees in both Houses of Parliament.

The Commons Select Committees are primarily there to scrutinise the workings of the particular Government Department that they are created to oversee. Their purpose is to examine the administration, finance and policies of the Department, but they are also able to undertake inquiries into other issues which they consider to be of importance within their general field of interest, including those involving outside bodies. They can examine areas where new policies are needed and also look at how the policies that have been implemented by Government in their field of activity are working, and how effective they are. For example, a previous Science and Technology Select Committee examined areas of cancer treatment and research and recommended some new policy developments which were eventually given effect by the Government. In the House of Lords there are 5 main Select Committees which concentrate on five main areas: Europe, science, economics, communications and the UK constitution.

There are times when a Select Committee will be used to as a part of the pre-legislative process to examine proposals for inclusion in a new Bill. Rarely, an *ad hoc* Select Committee, which may be a joint Committee of both Houses of Parliament, is set up with the primary purpose of carrying out scrutiny of a draft Bill. In the case of the Climate Change Bill, for example a specially established joint Select Committee with 24 members drawn from both the Lords and the Commons was created. (See below). The Human Rights Committee which was first established in 2005 and was re-appointed in 2007 is another example of one of these joint committees.

Select Committees in the House of Commons usually have at least 11 members, sometimes more, with the membership reflecting the relative

strength of each major Party in the House. In effect this means that the Government has a majority. Members are all backbenchers and are appointed by a Committee of Selection, which includes the party whips, and they are generally chosen for their particular expertise or interests relevant to the work of the Committee. The members are appointed after a General Election and serve for the life of the Parliament unless they become Ministers, or receive another Government appointment, such a PPS or Whip, when they cease to be eligible for Committee Membership. They may also be replaced during the course of a Parliament for one reason or another by their Party. When there is a major re-organisation of Government Departments, as happened in 2007, new committees will be created or re-constituted to reflect the changes in Departmental responsibilities or to scrutinise a new Department. It used to be the case that appointments to Committee Chairmanships at the start of each Parliament was the hands of the Whips. They named the Select Committee Chairman and then their nominee was then usually elected as Chairman by the Committee members. Now however, the election of the Chairmen of most Select Committees entirely in the hands of the MPs.

The Committees work through a process of Inquiries. They will choose those issues and topics that they wish to investigate, outline the areas they wish to cover and identify questions they would seek answers to. They then set about collecting evidence on which their deliberations, and eventually a report, will be based. This is done by means of a “Call for Evidence” which is publicly advertised and invites views from any person, group or organisation who can submit evidence to the Committee. Usually this evidence takes the form of written papers and data or statistics which have been collected from various sources, including research by the Committee’s clerk and staff. As the written evidence is received it is considered carefully by the Committee and its staff. Those submitting the evidence may later be asked to appear before the Committee in an oral evidence session.

The Committees will usually hold a number of oral evidence sessions in public during the course of each Inquiry, and will use them to hear from, and question, the witnesses they have called before them. In addition to those witnesses selected from amongst those providing written evidence a Committee may, on its own initiative, also call individuals, or representatives of organisations, which it believes could provide information useful to their investigation. The Committee can request

Government Ministers and Civil Servants to appear before them but cannot compel such witnesses; although in most instances requests are granted and Ministers are generally quite willing to provide evidence and answer questions. In the case of other people, the Committee does have the power to demand the appearance of a witness before them and in extreme, and very rare, cases may issue a subpoena. As many of the subjects under inquiry will be of a highly technical or complex matter the Committee may appoint one or more experts in the field as their Specialist Adviser(s) for the Inquiry. These experts provide views and advice for the Committee as a whole, and are usually in attendance, but may not take part in the oral evidence sessions held to question witnesses. The Committee may also make visits to outside organisations, or even to other countries, to gather information of relevance to their Inquiry and may take evidence from witnesses during such visits.

Once the Committee has gathered all the evidence and information it needs it will debate the issues in private session and a report will be drafted. This is then considered by the Committee and a final approved version of the report is prepared and laid before the House of Commons. The order is then given for it to be printed and published. All of the written evidence and minutes of the oral hearings are published, generally at the same time as the Report, and so are put into the Public Domain.

Some reports from Select Committees will be chosen to be the subject of debate by the House either in the Commons Chamber but, more commonly, in the Westminster Hall debating chamber (the Grand Committee Room). The Government receives the report and is given 60 days in which to respond to the proposals, points or issues raised by the Committee. The Government's formal response to the report is received by the Committee. It may comment on particular recommendations of the Committee, accepting some or rejecting them, sometimes explaining the basis of the rejection. The Committee then publishes the response - with or without further comment.

The Select Committee cannot force the Government to take note of, or act on, any of its recommendations although there will be instances where the Government does take steps to give effect to the Committee's recommendations, or to investigate them further. The fact that the Committee's reports are published does mean that they come to the notice of the media and also to the attention of the general public. They

therefore do have some persuasive force. There are times when a Committee's activities have led to a change of policy on the part of Government, or to the development of a new policy to meet the issues identified by the Committee. This happened as a result of a previous Science and Technology Select Committee's two reports on Cancer treatment and research, and resulted in a number of new developments. Thus the Select Committees can be very influential parliamentary bodies and therefore submitting evidence to Committee Inquiries is a useful way of getting views expressed, and information and policy ideas brought to the notice of MPs and sometimes even contributing to the creation of new Policy.

The Climate Change Act 2008 – A “Policy Process” Case Study

A useful, if unusual, case study of Policy formulation involving pre-legislative and Parliamentary processes is the Climate Change Act 2008 which illustrates the operation of a number of these processes.

The Climate Change Act started its life as a *Private Members Bill* which had been drafted by Friends of the Earth. It was introduced into the House of Commons in April 2005 and, like the majority of PMPs, it did not make sufficient progress through the various legislative stages. So when Parliament was dissolved before the 2005 General Election the Bill fell. During its time in the House it had however received some considerable support.

Early in the new Parliament there was an *Early Day Motion* calling for a Climate Change Bill to be introduced and for it to require a 3% annual cut in carbon emissions. This EDM was signed by 412 MPs which made it only one of four EDMs signed by over 400 MPs.

The introduction of a Climate Change Bill was then announced by the Government in the Queen's Speech in November 2006 and the draft Bill was published in March 2007. The draft Bill however did not include annual targets for carbon reduction, as had been called for in the EDM, but set a five year target because the Government regarded annual targets as impractical due to unpredictable weather changes.

A Joint Select Committee comprised of 24 members drawn from both Houses was then established to scrutinise the Bill. It spent some months taking evidence from interested parties and then published its report with the Government making its response in October 2007.

The Climate Change Bill was then introduced into the House of Lords in November 2007 and, after a lengthy debate on the floor of that House, it went into its Committee stage. During ten sittings in this stage a number of amendments were voted on. During its Third Reading, in March 2008, a further amendment was proposed which would have required the Secretary of State for Energy and Climate Change to set five-year budgets to ensure the 2050 target was met. This was narrowly defeated and the Bill passed to the House of Commons.

It passed through its stages in the Commons and during the Third Reading debate the opposition proposed an amendment to allow the Secretary of State to set the maximum levels of carbon dioxide emissions from power stations. This was rejected by the Government. However the target for carbon dioxide emissions by 2050 was changed from 60% of the 1990 levels to 80% of the major greenhouse gases. It was also agreed that the British share of emissions from aviation and shipping would be a part of the target when it became possible to measure them.

On the 26th November 2008 the Bill passed into Law and the Climate Change Act made it the duty of the Secretary of State to ensure that the net UK emissions are at least 80% lower than the 1990 baseline for all Kyoto greenhouse gases by the year 2050. It also gave Ministers powers to introduce the measures necessary to achieve these greenhouse gas reduction targets and established the Committee on Climate Change as an independent body to give advice to Government on these targets and related policies.

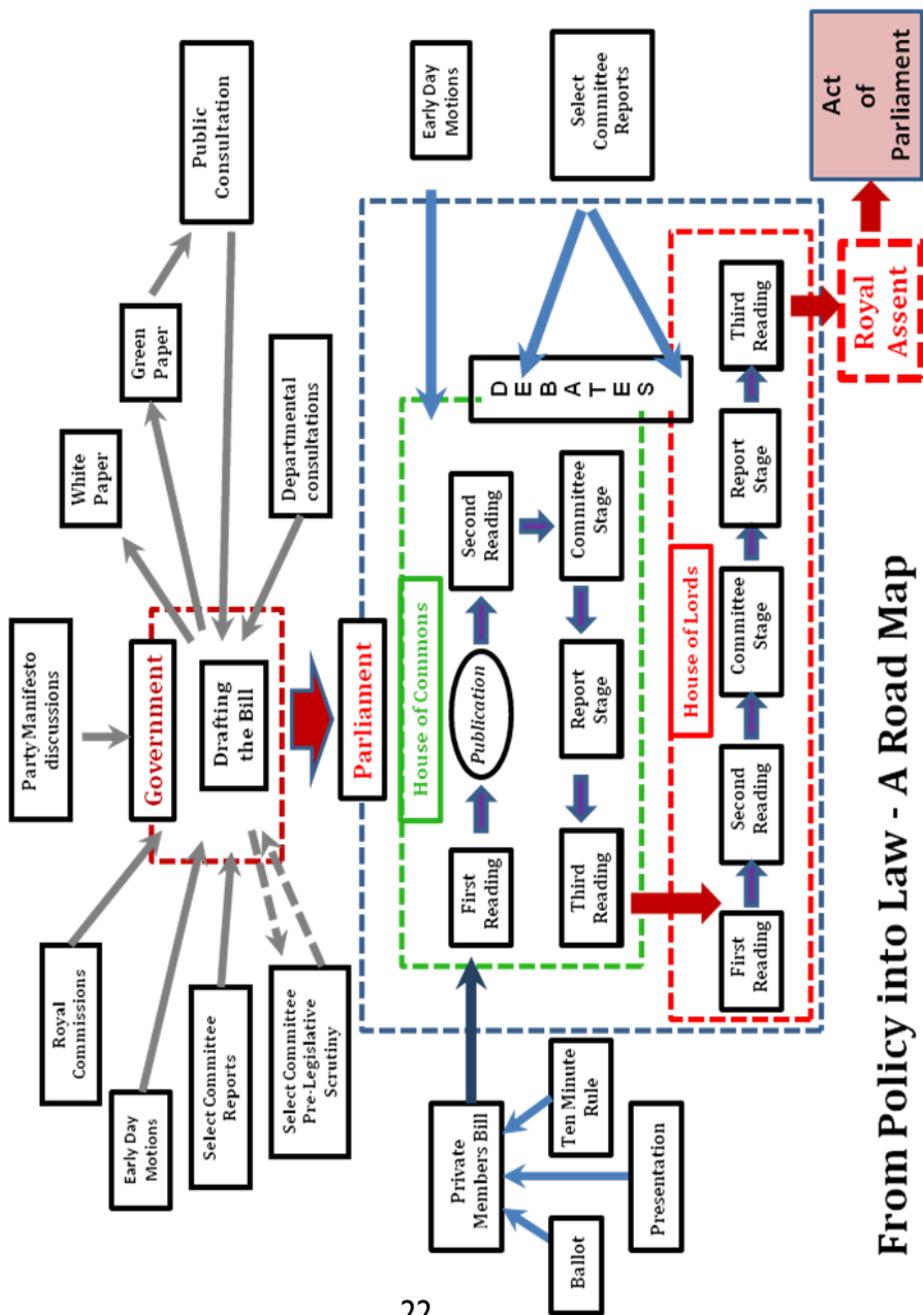
Where are the opportunities to contribute to policy formation?

From the above commentary we can identify several points where it is possible during the pre-legislative phase and the legislative processes for

citizens to have an input into in the formulation of Policy. These are illustrated in the Figure, and these include: .

- Lobbying during pre-legislative consultative processes - Providing information, advice or opinions to Government Departments.
- Green Paper or White Paper debates – Providing MPs with background information, data, expert views and explanations of the scientific method to aid their understanding and interpretation of conflicting expert views.
- Green Papers - Contributing evidence to Government Departments during Green Paper process.
- Providing information and advice to your constituency MPs, and others,, during the stages when the Bills are being debated and examined in the House of Commons.
- Working with MPs to formulate a Private Members Bill.
- Stimulating and formulating an Early Day Motion.
- Submitting evidence to Select Committees and providing oral evidence when asked to do so.
- Working with Policy Groups in the Learned Societies to formulate advice papers for Government or MPs, contributing to the Society's responses to Government consultations and providing information for inclusion in Society evidence to Select Committees.

The Parliamentary Website <http://www.parliament.uk> provides information about Bills passing through the Houses of Parliament and details of Inquiries being undertaken by Select Committees as well as a wealth of other information about what is happening in Parliament. Records of debates in the House of Commons and the daily business of the House can be found in Hansard at <http://www.publications.parliament.uk/pa/cm/cmhansrd.htm>. Government Business can be followed in <http://www.number10.gov.uk> www.direct.gov.uk and <http://www.direct.gov.uk/>



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- Providing a neutral forum in which scientists, engineers and technologists can engage and share knowledge amongst themselves and others so as to –

- (i) increase knowledge and understanding amongst the public of the practical application of science, engineering and technology and

- (ii) increase the contribution of the practical benefits of science, engineering and technology to the development of policy solutions in relation to issues and topics affecting the public in the UK.

This Booklet accompanies the “*Introduction to Science Policy*” workshops.



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