



# TRANSPARENCY OF EVIDENCE:

An assessment of government policy  
proposals May 2015 to May 2016

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# INTRODUCTION

## 1.1 Why look at *transparency* about evidence?

The need for better use and sharing of the evidence in policymaking is widely acknowledged in policy circles. The 2013 review of the Civil Service Reform Plan made a commitment to “publish more of the evidence base that supports policymaking”.<sup>1</sup> The Open Government Action Plan 2016-2018 set out changes to the publishing infrastructure that would support this. This sits alongside wider moves to promote the use of evidence in policymaking, including the What Works centres and the wider What Works national movement led by the Cabinet Office. But it is hard to tell whether those innovations are increasing the use of evidence in policy.

In 2015 the Institute for Government, Sense about Science and the Alliance for Useful Evidence took forward a suggestion by the What Works National Adviser to develop a rapid assessment tool to rate government departments on the use of evidence behind policy decisions. Our approach to doing this was published in the report *Show your Workings*.<sup>2</sup> It established that in order to evaluate policy evidence and the effectiveness of these initiatives, government’s use of evidence needs to be more transparent: “transparency is a first and necessary step in enabling the quality of a department’s evidence-based decision-making to be judged”.

When the evidence that has been used to justify and shape a policy proposal is transparent:

- The evidence can be evaluated and improved upon.
- The public are better able to understand and engage with the reasoning for policy interventions.
- Further government initiatives and policy evaluation can build on it.

In *Show your Workings* we set out a draft transparency framework – an approach to testing evidence transparency that could be applied rapidly, did not require subject matter expertise, produced meaningful and consistent results, and allowed comparison between different policy areas and departments. Sense about Science committed to leading an assessment of policy proposals to see how different departments ranked on evidence transparency.

As we embarked on this we became inclined towards an experimental year, to test the framework and identify the range of practices we should be looking at, assisted by discussion with departmental analysts and the Cabinet Office What Works Team. Following the changes in the leadership and machinery of government in July 2016, we decided that the review of the year to May 2016 should aim to identify good and bad practice and that we will instead start rating departments in 2017. This has also enabled us to elaborate on the framework, particularly in the context of early stage announcements.

This report shares what we found. It highlights examples of how transparency about the use of evidence is being achieved and warns of the kinds of practices that will lead to low scores in next year’s assessment.

Both the assessment exercise and the development of the framework have benefited from departments’ responses and clarifications, regular discussion with departmental directors of analysis, and an initial testing exercise involving 21 volunteers from various policy backgrounds. A grant from the Nuffield Foundation supported a dedicated researcher for the assessment and the partnership between Sense about Science, the Institute for Government and the Alliance for Useful Evidence provided oversight and review. In the Next Steps section at the end we set out some further opportunities to discuss these findings and develop the methods for the full review in 2017 and we would welcome further feedback.

<sup>1</sup> Civil Service Reform Plan: One Year On Report, July 2013 [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/211506/CSR\\_OYO\\_LOW\\_RES\\_PDF.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/211506/CSR_OYO_LOW_RES_PDF.pdf)

<sup>2</sup> Show your workings. Assessing how the government uses evidence to make policy, Jill Rutter & Jen Gold, October 2015 <http://www.instituteforgovernment.org.uk/publications/show-your-workings>

## 1.2 The transparency framework

Put simply, the question we have asked of departments is: **could someone outside government see what you're proposing to do and why?** The framework looks at this across the following areas:

### **DIAGNOSIS** (The issue that will be addressed)

The document(s) should explain: • what policymakers know about the issue, its causes, effects, and scale.

### **PROPOSAL** (The government's chosen intervention)

The document(s) should explain: • why the government has chosen this intervention • what evidence, if any, that choice is based on • how policymakers have assessed the evidence base, including what has been tried before and whether that worked • whether there are other options and why they have not been chosen • what the government plans to do about any part of the intervention that has not yet been decided upon • what the costs and benefits are estimated to be and the assumptions behind those calculations.

### **IMPLEMENTATION** (How the intervention will be introduced and run)

The document(s) should explain: • why this method for delivering the intervention has been chosen • what evidence, if any, that decision is based on • whether there are other methods and if so the reasons for not choosing them • if the way to deliver the intervention is still being decided, what the method is for deciding • what the costs and benefits are estimated to be and the assumptions behind those calculations.

### **TESTING AND EVALUATION** (How we will know if the policy has worked)

The document(s) should explain: • any testing that has been or will be done • plans to measure the impact of the policy, and the outcomes that will be measured • plans to evaluate the effects of the policy, including a timetable • plans for using further inputs.

Following a validation exercise with policy volunteers in May 2016, we amended the initial framework, which had a separate section on value for money, to include this under the Proposal and Implementation headings, and expanded the definition of Testing and Evaluation to include whether consultation-stage proposals were transparent about departments' plans to use the material gathered.<sup>3</sup>

Although we have not created departmental scores this year, the framework's scoring ladder was used to look at a sample of policies from each department. The two underlying questions under each heading were:

#### **Can you tell what evidence has been used?**

#### **Can you tell how the government has assessed or used this evidence?**

Broadly the score levels were as follows (with some adjustment to suit document types):

- 0 Not sufficiently for level 1.
- 1 Evidence is mentioned with some indication of what it is and how it has been used.
- 2 As in level 1 and the supporting evidence is mostly linked to the relevant parts of the policy, properly cited and findable, and there is discussion of how it has been used.
- 3 Supporting evidence is consistently linked to the relevant parts of the policy, properly cited and findable, and there is assessment of uncertainties and contradictions in the evidence base.

<sup>3</sup> The original version of the framework, as published in *Show your Workings*, is replicated in Appendix 3. The amended version used to generate the findings described here appears in Appendix 2.

### 1.3 The sample

We defined a policy as a specific intervention to change the status quo – what the public would intuitively think of as a policy and the usual way that policies are presented in announcements. Several policies are sometimes grouped under one initiative such as a ‘strategy’. These are treated as separate policy proposals. Where a proposal has components that share similar evidence propositions, we treated it as a single policy.

The list of policies was assembled by gathering all policy-related documents (consultations, white papers, impact assessments, bills and announcements) from the period and then cross referencing them.

We chose to look at 13 domestic policy departments. We excluded the Foreign Office, the Ministry of Defence and the Department for International Development (DfID) from the assessment because there were no policies that fitted our definition. We note that DfID has been using our draft framework since its publication in October 2015 to reflect on the information contained in its aid reviews.

For this first stage we looked at policies from Whitehall departments. We did not gather policies from the Welsh, Scottish or Northern Irish governments. We are keen to expand the use of the framework and the evidence transparency agenda in the future. We removed policies implemented by executive agencies such as the Environment Agency. This was due to both time constraints and the fact that these bodies are mostly implementing policies set by central departments.

In the year from the 2015 general election to May 2016, we found 593 discrete policy proposals by 13 domestic policy departments:

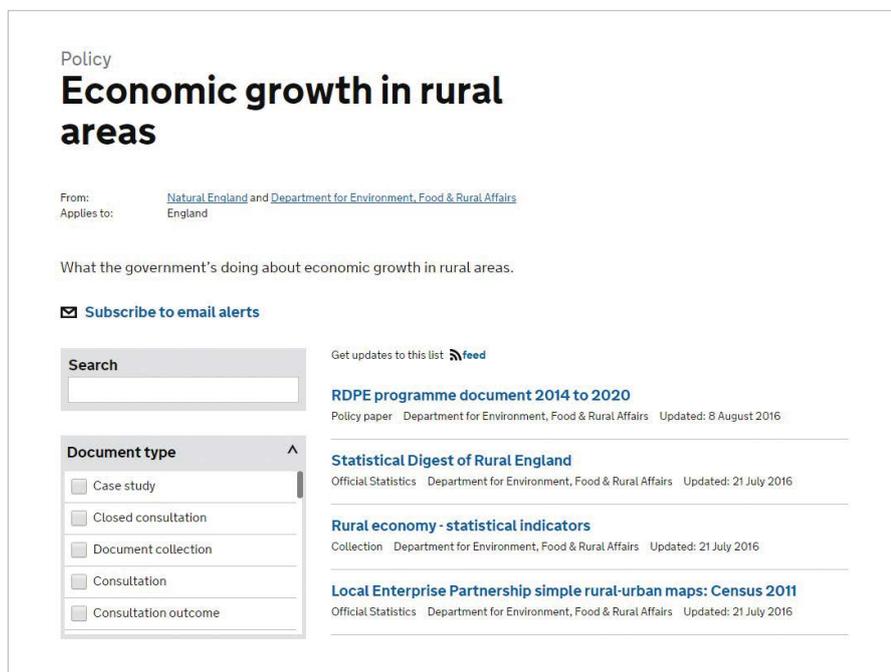
Department	Number of policies
Cabinet Office	17
Department for Business, Innovation and Skills	64
Department for Communities and Local Government	49
Department for Culture, Media and Sport	39
Department for Education	20
Department for Environment, Food and Rural Affairs	24
Department for Transport	22
Department for Work and Pensions	18
Department of Energy and Climate Change	30
Department of Health	15
HM Treasury	186
Home Office	87
Ministry of Justice	22
<b>Total</b>	<b>593</b>

We assembled the documents available at the point when the government first set out a policy publicly. This is important – this is when the public, parliament and the media first have the chance to assess a new proposal – and when it is important that the government exposes the evidence behind its initial thinking in order to promote informed engagement.

We made some exceptions. Where the first description of a policy was a press release or budget announcement, this was disregarded if another pre-implementation stage document was available. Where an initial announcement indicated a fuller proposal to be published very shortly after, eg the following month, this later document was assessed.

Because of the nature of the assessment – looking at how the public can grasp the basis for a policy when it is first set out – most of the policies we looked at were early stage. Consultations made up around half of the total policy proposals identified and just over half of those reviewed. We noticed that a policy being further down the line of development did not automatically mean it scored higher. However, there were some policies where we judged that it would be an over-application to fully apply the framework and these are explained in the further detail about methods in Appendix 1.

Attempting to assemble a comprehensive list of policies confirmed that gov.uk is extremely limited as a platform for public engagement with policymaking. The “policies” section is a collection of press releases, policy papers, speeches, guidance and other documents under very broad headlines such as “Counter-terrorism”, “Tourism” and “Smoking”.<sup>4</sup> The image below shows the result of a search for the “What the government’s doing about economic growth in rural areas”. There is a collection of documents with no coherence:<sup>5</sup>



We therefore had to create our master list of policies by working through all lists and references that we could find for government documents. Places where we could find policies or clues about their existence included:

- Consultations
- Government bills
- White papers
- Budget and spending review announcements
- Impact assessments
- Announcements on gov.uk and press releases
- Conservative Party Manifesto 2015
- Single departmental plans

From the resulting master list of 593 policies, we selected an initial list of 6-8 per department. These were picked on the basis of departmental priorities, as set out in their single departmental plans, but were also designed to cover the breadth of a department’s work. Where there was a choice between policies – such as multiple policies contained in one strategy – we selected those that the public were most likely to be interested in (a new driving test rather than a small administrative change to the licensing body for example). Finally, we compared the selections to make sure that they were reasonably equivalent for each department. The policies and associated policy documents we assessed are listed by department in Appendix 4.

<sup>4</sup> We found a similar problem when developing the framework for *Show your Workings*, see <http://www.instituteforgovernment.org.uk/sites/default/files/publications/4545%20IFG%20-%20Showing%20your%20workings%20v8b.pdf> p8

<sup>5</sup> <https://www.gov.uk/government/policies/economic-growth-in-rural-areas> (accessed 14th November 2016)

The list was shared with departments. A group of volunteer scorers and the steering group and research team then assessed the six policies per department. The resulting scores and comments were reviewed by the research team. From this, we have drawn examples of good and bad practice in evidence transparency.

While the scores have not been collated for an assessment of overall departmental performance, nor moderated to give a final score as they will be in 2017, where it is helpful the kinds of scores achieved by different policies and practices have been indicated.

The assessment process has raised questions to be decided upon next year, such as how best to reflect the breadth of departmental work in the sample. In the spirit of consultation that has informed this project, we will convene a methods review group that will help resolve these issues, and possibly lead to further amendments to the framework.<sup>6</sup>

<sup>6</sup> A more thorough outlining of how we evaluated transparency of evidence in government can be found in Appendix 1.

## 1.4 Summary of findings

Readers are reminded that our aim here is to improve use of evidence and engagement with the evidence used in policymaking through **increasing transparency**. Transparency is a prerequisite to assessing quality. This review assesses transparency, not the quality of the evidence used or the merits of the policy. A well-founded policy and a poorly founded policy may both score well for transparency. A transparent evidence base enables a better conversation about the pros and cons of any policy.

Our assessment showed that while there were some examples of very good practice (which shows the standards we are setting are attainable), there were some general shortcomings in departmental approaches to evidence transparency. In particular:

### 1. **Sharing work done**

Departments should make available (and clearly reference) the research and reviews that they have conducted to inform a policy, so that the public can understand the rationale for it.

### 2. **Poor referencing**

Referencing needs to be more specific and useful. Some policies linked to significant documents, showed clearly which points were referenced to which sources and how these were relevant to the government's conclusions. Most didn't. We couldn't locate guidance on referencing for government documents, which might help.

### 3. **A clear chain of reasoning**

People should be able to follow the thinking between Diagnosis, Proposal, Implementation and Testing & Evaluation. The most transparent proposals demonstrated the chain of reasoning as to what the problem was and why the policy was the chosen response, and included discussion about the limitations of the evidence.

### 4. **Manifesto-derived policy commitments can be transparent**

Policies that originated in manifesto commitments featured among the best and the worst for transparency. This seems to have been influenced by whether they are concerned with outcomes (ends) or with specific measures to achieve them (means), and whether departments consulted on their development.

### 5. **Budget announcements**

Policies announced in the Budget or Autumn Statement were significantly less transparent about the underlying evidence than other policies.

### 6. **Alternatives**

There was very little transparency overall about the consideration given to other policy options, even though this is a requirement in impact assessments.

### 7. **Modelling policy impacts**

Some departments have found clear and impressive ways to share their modelling and the assumptions behind models.

### 8. **Testing and evaluation**

There is a lot of scope to improve the description of plans for testing and evaluation and for what consultations will do with inputs. Few policies scored well on this. Policies with clear testing and evaluation plans tended to be clearer about the evidence for the scope and scale of the issues they were addressing.

Many of the problems raised are easily remedied and if addressed, would make a substantial difference to government's performance on evidence transparency ahead of next year's full ranking of departments. This report looks first at findings in relation to the four areas of the transparency framework and then at practices relevant to all parts of the policy proposal.

# SECTIONS OF THE FRAMEWORK

In the following pages we have set out good and bad examples of transparency against the four sections of the framework and where useful we have indicated how our scorers rated them. The examples are not exhaustive and some of the policies we assessed could have been mentioned under a number of headings, but we have sought to show a range of examples across different areas of policy.

## 2.1 Diagnosis

The starting point of a robust policy is an understanding of the problem it is trying to address. This helps people understand the need for it and any relevant information they should raise. It also makes it possible to assess whether the policy is likely to have its intended effect, and later whether it has had that effect. Departments should describe what they know about the issue, its causes, effects and scale, and they should set out the sources from which they have drawn that knowledge.

We found some good examples of departments doing this. Policies that were at a very early stage of development still did well where the departments in question had diagnosed the problem transparently and been clear about how the next stages would be developed. For the Department for Transport (DfT)'s policy on New Bus Franchising Powers for Local Authorities, which would be part of the Bus Services Bill, we looked at the very early-stage paper created for its bus reform workshops.<sup>7</sup> This paper had a thorough look at trends in bus use by geographic area. For the mooted franchising policy, it set out principles and different models of franchising appropriate for an early-stage document. It was clear about which points were to be decided on.

The Cabinet Office's proposal to Establish Common Measures of Socio-Economic Background, also very early stage, was accompanied by thorough discussion of the problem and uncertainties in the evidence base. Studies that showed the benefits of a diverse workforce were clearly cited.<sup>8</sup>

- 1. There is a clear business case for increased diversity of our workforces. Recent findings from [McKinsey](#) show that "inherent diversity" (gender, race and socio-economic background) and "acquired diversity" (experience and skills) leads to improved business outcomes, including companies with such "two dimensional diversity" having 45% more market share. These findings align with a report by Boston Consulting Group for the [Sutton Trust](#) in 2010, which found that failing to improve low levels of social mobility will cost the UK economy up to £140 billion a year by 2050 – or an additional 4% of Gross Domestic Product. Having a dependable and consistent measure for socio-economic background is an essential element in attempting to address unequal access to education and the workplace.**
- 2. We therefore believe that this work in developing a common set of measures for SEB will enable us to establish evidenced interventions to achieve a more inclusive workforce. Researchers have already established tools looking at a range of factors to determine SEB and there are good practices from many employers, academics and within the higher education sector. We intend to build on these established practices by identifying a set of nationally accepted measures for employers to identify the SEB of applicants, and their workforce. These measures need to be a sensible balance of robust and practicable.**

<sup>7</sup> Bus Reform Workshops Background Document: Moving Britain Ahead, September 2015

<sup>8</sup> Engagement Document: Developing a Common Set of Measures for Employers on the Socio-Economic Backgrounds of their Workforce and Applicants, May 2016, p3

The Home Office's consultation on Introducing a Stalking Protection Order explained (and elsewhere referenced) its view on the limitations of existing measures:<sup>9</sup>

To label stalking as a different offence may also risk cases of serial perpetration being missed. If criminal justice or police records indicate that previous offending was harassment, anti-social behaviour, or even criminal damage, but these incidents are not identified as forming part of a stalking campaign, there is a possibility that the level of risk to any future victims could be underestimated and could even put lives at risk.

- **Section 3 Injunctions** are available to victims of stalking and harassment without a prosecution being brought. These do have limitations in that only the victim can apply for these injunctions and may not wish (or may fear) to do so. An order allowing the police to apply as well could be beneficial. Section 3 does not include any provision for positive requirements to be placed on the perpetrator. We are keen to explore the potential of an order which would include appropriate requirements to manage and deter the perpetrator before they become entrenched in their fixation on the victim.

The Background chapter of the Department of Culture, Media and Sport (DCMS)'s consultation on Requiring Direct Marketing Callers to Provide Calling Line Identification showed the chain of reasoning, with references to the evidence base throughout, from diagnosing the problem to demonstrating why current measures are not effective:<sup>10</sup>

- 1.3 However, despite an increase in enforcement action, some organisations continue to breach the law; and in a significant proportion of cases the failure to provide Calling Line Identification (CLI) is making it more difficult for the ICO and Ofcom to pursue enforcement action against them. The scale of the problem is highlighted by the statistics. Of the 149,016 complaints received by the ICO about live and automated direct marketing calls in 2014, 15% didn't provide CLI. This was further highlighted in a 2015 survey by Ofcom that found that valid CLI was recorded by consumers for just 39% of all nuisance calls (including direct marketing) received<sup>4</sup>.

The Department for Communities and Local Government (DCLG)'s Promoting Supply of Starter Homes, part of the Housing and Planning Bill, scored 2s for Diagnosis with its background evidence section. Scorers felt that they understood the basis of the government's contention that there is a shortfall in the construction and completion of new houses:<sup>11</sup>

#### **A. The supply of suitable land**

The delivery of new housing requires land supply. The amount of land in England is fixed with a land area of just over 13 million hectares<sup>3</sup> Of this land, around 11 per cent<sup>4</sup> is developed. Whilst this might imply there is no fundamental issue with land supply, two major considerations must be taken into account.

Firstly, the suitability of land. More than a third of England's land area is protected from development through being part of an Area of Outstanding Natural Beauty, a National Park or part of the Green Belt. These designations reduce the overall area in which housing can and should be built. In 2013/14 the majority (60 per cent) of newly created residential addresses were on brownfield land.

Secondly, making sure homes are provided where people want to live. Since 89 per cent of England remains undeveloped, with many parts unprotected by designations, there is clearly enough space across the country to accept the number of homes required. But, currently those areas of high demand often have the highest proportion of planning constraints.

<sup>2</sup> DCLG (2013) <https://www.gov.uk/government/publications/household-interim-projections-2011-to-2021-in-england>

<sup>3</sup> Ordnance Survey

<sup>4</sup> Office for National Statistics [Built up Areas 2011](#)

<sup>9</sup> Introducing a Stalking Protection Order – a consultation, December 2015, p11 para 5

<sup>10</sup> Requiring Direct Marketing Callers to Provide Calling Line Identification, January 2016, pp7-8

<sup>11</sup> Housing and Planning Bill 2015/16: Impact Assessment, October 2015, p16

However, where several measures are linked in the same bill or strategy, departments need to be clear about the diagnosis for each issue. In DCLG's Broadening the Definition of Affordable Housing in the same bill, scorers had difficulty working out which issue that policy was trying to address. After several readings it appeared to be that there are new models of affordable home ownership and the current planning framework doesn't recognise them, but this was hard to disentangle from the other issues set out in the bill.

Among the lower scores for Diagnosis, the Cabinet Office's proposal for an Anti-Lobbying Clause in Government Grant Agreements – set out in a press release and a summary of the measure – contained just an unreferenced mention of external commentary about the issue and gave no indication as to what government believed to be its scale, cause or effects:<sup>12</sup>

**The Institute of Economic Affairs has undertaken extensive research on so-called 'sock puppets', exposing the practice of taxpayers' money given to pressure groups being diverted to fund lobbying rather than the good causes or public services.**

It referred to a successful pilot of the new rule in another department but the link it provided went straight to another government press release, which in turn referenced a speech by the minister. We note that the lack of transparency about the issue being addressed in this case led to public speculation about the reason for the policy, some of which was probably unfounded.

The Department for Work and Pensions (DWP)'s proposal on Limiting the Child Element of Universal Credit and Tax Credits was introduced in the Summer Budget 2015 and brought forward by the Welfare Reform and Work Bill straight afterwards. It scored very poorly for transparency. Claims were made about the problem and the impact of the policy without any discussion about where these assumptions came from, and no evidence was mentioned or referenced. While it is concerned with fairness, it made a lot of testable claims that should have associated evidence or an explanation about their source.

The Department of Energy and Climate Change (Decc)'s Contracts for Difference for Carbon Capture and Storage, while achieving a basic level of transparency and some good scores for referencing, did not explain the source of its claim that the current regulations were deficient, though this point was repeated often in a variety of ways. Scorers struggled to understand the problem the policy was intending to fix. Decc's draft legislation Providing Ofgem with Powers to Implement Switching and Settlement Reforms had a similar lack of transparency about the source of its claim that the powers are needed, which contrasts with the discussion about uncertainties about the projections and other transparent aspects of the policy.

The Treasury's consultation on Abolishing the Carbon Reduction Commitment also lacked transparency in setting out the evidence behind its diagnosis. This consultation scored poorly on transparency in the other sections of the framework too.

The Department for Environment, Food and Rural Affairs (Defra)'s Single Animal Establishment Licence was quite typical in setting out a logical rationale but not providing a transparent source-able account of the scale and significance, in this case of the problems of multiple licences:<sup>13</sup>

**Animal licences have developed over time, through a series of different Acts of Parliament. As a result, although the licensing schemes are generally similar, and usually administered by the same local authority staff, each activity is regulated separately by one or several specific pieces of legislation. Dog breeding, for instance, is regulated by three separate laws. This creates unnecessary complexity around the legal requirements, for both local authorities and businesses. Moreover, some types of businesses require more than one type of licence – both an animal boarding and pet shop licence, for example – for broadly similar and related activities.**

**We propose, therefore, to introduce revised regulations under the Animal Welfare Act 2006, which update and consolidate the animal licensing system into a single piece of legislation. We would also take the opportunity to simplify the administrative process, and reflect up-to-date knowledge on animal health and welfare.**

<sup>12</sup> Government announces new clause to be inserted into grant agreements, Cabinet Office press release, 6th February 2016 <https://www.gov.uk/government/news/government-announces-new-clause-to-be-inserted-into-grant-agreements> (accessed 14th November 2016)

<sup>13</sup> Consultation on the review of animal establishments licensing in England, December 2016, p6, para1-2

## 2.2 Proposal

Once departments have diagnosed a problem, they need to develop a clear hypothesis about how an intervention might help address it and deliver the government's objectives. Departments would usually draw on evidence – from past attempts to address a similar problem, evaluations of those attempts, international or other jurisdictional experience or academic research – to justify why they have reason to believe their intervention might work.

We expected to be able to tell why the government had chosen its intervention, and what others it had considered, what evidence, if any, that choice was based on and how policymakers had assessed the evidence base, including what had been tried before and whether that worked. We also expected to see what the government planned to do about anything it had not yet worked out, what the costs and benefits are estimated to be and the assumptions behind those calculations. What's available will sometimes be of very limited relevance – but in such cases we would expect departments to be clear on this and explain how they are taking that into account as the policy proceeds, by for example piloting and establishing mechanisms for rapid feedback and adaptation.

Overall we noted an unsurprising relationship between the care and attention given to communicating the basis of the diagnosis and the transparency of conclusions about the proposal.

The Department of Health (DH)'s New Alcohol Guidelines proposal scored highly for transparency on both Diagnosis and Proposal: the material that the department had used for the Diagnosis and Proposal were clear and the government's view on its strengths and weaknesses was presented and frank, eg on early pregnancy effects, "Relevant good quality studies are few" (section 99).<sup>14</sup> That transparency has enabled a lively debate to ensue about whether the evidence justifies the content of the guidelines the department issued.

The Department for Education (DfE)'s proposal for a New Social Work Regulator was poor on the transparency of its Diagnosis, scoring mostly 0s and 1s. It cited and linked to three reports on social work education and bureaucracy in the system but gave no explanation of how these reports informed its proposals (expanding existing programmes, setting professional standards and setting up a new regulatory body). Other departments with policies at a similar early stage managed to do much better than this.

While a link between transparency of Diagnosis and Proposal was generally evident, there were notable examples where very dense and detailed material in the Diagnosis then made it difficult to see how the Proposal emerged from it. When trying to explain, or understand, what the government is trying to do and why, explaining the relevance and impact of material on the way the department has developed the policy proposal is more transparent than heaping on further material. This section of DH's proposal for Infected Blood: Reform of Support is one example of sharing reasoning transparently, carrying through points from its diagnosis of the issue, including the limitations of that evidence, to the proposal and its calculations of value for money: it would have scored a 3 with better referencing (though it won't win any prizes for clear prose):<sup>15</sup>

*See next page [p13].*

<sup>14</sup> Alcohol Guidelines Review – Report from the Guidelines development group to the UK Chief Medical Officers, January 2016, p29

<sup>15</sup> Developing a new system of financial and other support for people infected with hepatitis C and/or HIV through blood and blood products in the UK, January 2015, p10

### Value for money of spending the pre-existing budget

45. The part of the pre-existing (Option 1) budget that is not used to fund continuation of fixed annual payments and other payments, such as lump sums, would be reallocated in a way that is designed to meet the objectives of creating a simpler scheme and linking new annual payments on the impact of infection, including as a result of treatment, on each person's health. If only the pre-existing budget were available, this reallocation would mean that, compared with Option 1, some individuals could receive higher or lower payments in future than they would otherwise have done. In purely financial terms, these changes would necessarily balance out. There are two possible arguments according to which the *social value* of such changes might not balance out, neither of which apply here. The first would occur if there were substantial differences in incomes. As set out in the Treasury Green Book guidance, people with lower incomes in general gain more value from an extra pound of income. The Department of Health does not hold data on the income of individuals who receive ex-gratia payments. One of the objectives of Option 2 is to link the assistance a person receives to the impact that infection is having on their health. We would therefore expect those gaining most to comprise individuals who have lower health related quality of life. Research conducted by the University of Sheffield's School of Health and Related research (SchARR) has measured the link between health related quality of life, age and productivity. Unsurprisingly, productivity declines with age and increases with health related quality of life. To the extent that productivity determines workplace earnings, we would expect that people with lower quality of life will have lower earnings. However, workplace earnings are only one aspect of an individual's income. Among other things, state welfare payments, returns on investments and, in the case of infected blood, ex-gratia payments all contribute to income. There is thus an argument that the proposed redistribution would lead to a net increase in social value, but it is far from conclusive. An additional (and contrary) argument is that in general losses from a given starting point are psychologically valued more highly than gains, so that redistribution will in general reduce net value. Whilst there is evidence for this effect, standard practice in valuation of public policy is to ignore this differential, which would otherwise lead to a strong bias in favour of the status quo. A differential may be applied in decisions that involve prospective prevention of harm to health, but this is not the case here.

46. In the absence of further evidence, it is therefore reasonable to assume that the net welfare effect of the redistribution of payments is neutral.

The Treasury's proposal for Strengthening the Governance, Accountability and Transparency of the Bank of England was one of the most consistent policies, scoring 2s across the framework. It referenced the evidence behind its proposal and had a straightforward, easy-to-follow description of the basis for its identification of a problem, the proposal to deal with it and assumptions about how it would be implemented.

It was rare for departments to show they had considered alternative approaches, although there were exceptions. The Cabinet Office's engagement document on Establishing Common Measures of Socio-Economic Background transparently laid out a range of potential measures, along with its assessment of the pros and cons of each. These were linked to evidence, as seen in this example relating to parental income or wealth on page 16:<sup>16</sup>

As part of the last Child Poverty Strategy, the government produced a comprehensive [evidence review](#), detailing the multiple aspects of child poverty that have greatest effect on an individual's outcomes.

**Parental income or wealth at age X.**

*Pros*

- ✓ The measure is likely to be easily understood by employers and employees
- ✓ Responses, when put in real terms, would be comparable across employers
- ✓ Responses, with adjustment, would be comparable over time
- ✓ As responses are scalar, they would provide a sense of scale of deprivation.

*Cons*

- X Income and wealth are highly sensitive topics, which may affect response rates to the question posed
- X The individual may not have known, or may not remember their parent's income or wealth
- X To compare across individuals / organisations / time, the income / wealth would need to be understood in context. This would require an additional question about the date this related to or current age of the individual to be posed. Given the adjustments which will need to be made to the values, firms which are smaller in size may find this measure more difficult to analyse.

DCLG's proposed reforms to the New Homes Bonus were a model for setting out the rationale behind choices. The strengths and weaknesses of alternative options were considered in detail and reasons for not taking them were transparent:<sup>17</sup>

**3.30. An alternative option would be to set a baseline based on the average growth rate of dwellings in each local authority or local area. However, potentially, this would have the impact of "rewarding" authorities who had only achieved low growth in the past and penalising those who had done well. In addition, it could result in large numbers of authorities not receiving a Bonus payment at all (using 2016-17 provisional figures, we estimate that around 65 authorities would fall outside the Bonus with a "moderate" baseline of 0.5%). This could have the perverse impact of reducing the significance of the Bonus for those authorities and, thus, eroding its incentive effect overall.**

<sup>16</sup> Engagement Document: Developing a Common set of Measures for Employers on the Socio-Economic Backgrounds of their Workforce and Applicants, May 2016, Appendix 1 Possible measures of socio-economic

<sup>17</sup> New Homes Bonus: Sharpening the Incentive - Technical Consultation, December 2016, p16

## 2.3 Implementation

Once the government has proposed an intervention, it needs to work out the ways to make that happen. There are often choices on the best way to deliver the policy, and departments should be able to explain why they have chosen one way over another and what evidence they have used, as well as cost and benefit calculations and the assumptions behind them. There should also be some discussion of the opportunity cost of the new intervention if it is likely to divert resources from existing activity. But often implementation issues – which are the root of many policy failures – are not thoroughly considered when a policy is proposed. Transparency about the evidence behind plans to implement policies was an area of weakness for many policy documents, including those that had scored well on other parts of the framework.

DH's Death Certification Reforms was an example of good practice in transparency. The planned implementation was linked to lessons from pilot programmes, as seen on p70 of the consultation document:<sup>18</sup>

**The Office for National Statistics carried out a case study<sup>18</sup> analysing just over 5000 records supplied by the pilots, comparing the cause of death proposed by the certifier and the cause confirmed by a medical examiner after scrutiny.**

A “lessons from the pilots” document accompanied the consultation, providing further evidence. The consultation also identified outstanding questions for implementing the policy, such as this example:<sup>19</sup>

### **Who should be responsible for paying the fee?**

**3.5 There needs to be a simple way for families and local authorities to understand who is responsible for paying the fee, or for ensuring that it is paid. There are various ways in which this person might be identified but we believe the main choices are:**

- **The person who collects the MCCD; or**
- **The person who registers the death at a register office.**

Scorers did not find much mention of the evidence behind options for implementing the Apprenticeships Levy, which was a proposal where the Department for Business, Innovation and Skills (BIS) led on the implementation of a policy first announced in the Budget. They found none in the implementation aspects of the Treasury's Help to Save, which discussed two alternative methods of implementation on which the government was hoping to consult. DfT's and Transport for London (TfL)'s joint prospectus on a New Partnership for Rail Passenger Services in the South East explored ways of improving services, such as new metro-style trains, but it was vague as to the information these were drawn from. An appendix presented different options for implementation, but little in the way of costs and benefits or what was being looked at in relation to each option.

<sup>18</sup> Introduction of Medical Examiners and Reforms to Death Certification in England and Wales: Policy and Draft Regulations – Consultation, March 2016, p70 para7.135

<sup>19</sup> Ibid p22

## Showing the department's modelling

Transparent implementation plans included, where relevant, the department's modelling of costs and benefits. We found a number of really good examples of this.

The Ministry of Justice (MoJ)'s Rationalising the Court and Tribunal Estate achieved a mid-level score for sharing reflections on its calculations:<sup>20</sup>

### **Risks and Assumptions**

**50. It is assumed that there is no change in the volume of court cases, court fees or court user waiting times while at court. There is a risk, however, that longer journey times might impact on service delivery (e.g., leading to an increase in waiting times) or trial effectiveness rates (e.g., leading to an increase in the number of cracked or ineffective trials).**

The best examples of this set out the calculations used as well as the methods used to make them and the assumptions behind input figures. One example of this was Defra's proposal for Changes to Plastic and Glass Packaging Recycling Business Targets. The consultation provided five options and indicated the government's preferred one. It clearly displayed the modelling for the costs and benefits of each option (p15).<sup>21</sup>

The accompanying impact assessment provided a breakdown of the costs and benefits of each option for amended glass and plastic recycling targets. There was analysis of the costs and benefits not just of the headline targets, but also sub-issues such as carbon saving. The document set out the assumptions behind its modelling and provided a sensitivity analysis that outlines assumptions made by the department and how they affect the calculations (p21 of the impact assessment):<sup>22</sup>

### **Sensitivity**

**The results are sensitive to several assumptions, particularly material price assumptions.**

**Glass prices are currently the lowest they have been since 2008. Therefore we use current glass prices for the lowest NPV scenario, as well as the best estimate scenario. We use the highest prices seen since 2008 for the high scenario.**

**For plastic we assume material prices could be 50% higher or lower than current prices for the high, low and best estimates respectively. This is consistent with the kind of volatility we have seen in recent years. There could be low material plastic prices at the negative extreme or at the positive extreme the material price for PTTs (which will be an increasing proportion of the recycling required if targets increase) may increase if better end markets develop.**

Continues on next page [p16].



<sup>20</sup> Impact Assessment on Her Majesty's Courts and Tribunals Service proposals on the provision of courts services in England and Wales, July 2016, p11

<sup>21</sup> Consultation on changes to the plastic packaging recycling business targets for 2016-17 and new targets for plastic and glass for 2018-20, November 2015

<sup>22</sup> Plastic & Glass Packaging Recycling Business Targets 2016-2020, November 2015, p21

The table below summarises the effect on the NPV of each option using the low and high material price assumptions:

Variable	Best Estimate	Low Estimate	High Estimate	NPV change (relative to best estimate)
				Low: option 1; option 2; option 3; option 4; option 5  High: option 1; option 2; option 3; option 4; option 5
Plastic material prices	£71	£36	£107	-£30m; -£11m; -£21m; no change; no change  +£31m; +£12m; +£22m; no change; no change

Defra's Banning the Burning of Waste Oil as a Fuel in Heaters achieved slightly lower, mid-level scores for Implementation however, because it did not indicate the sources for its calculations. DfE's Schools National Funding Formula scored highly for referencing the material in its tables and showing what lay behind its assumptions.

Decc's proposal for Reforms to the Warm Home Discount Scheme was another example of transparency of modelling. The impact assessment had a comprehensive set of models exploring the costs and benefits of the proposals. A range of factors, such as the impact on energy demand and changes to household bills were taken into account (along with references to the sources that informed the department's assumptions). The results of Decc's analysis were presented in tables like the one below.<sup>23</sup>

50. Table 4.2 presents the Net Present Values (NPV) of the central scenario:

**Table 4.2 – Summary of discounted costs and benefits (£ millions)**

		Policy Option 1
<b>Benefits</b>	Equity weighted value of rebate (including the impact of the £20m from II)	294
	Increase in equity weighted comfort (including the impact of the £20m from II)	205
	Remaining £10m of Industry Initiatives (not equity weighted)	10
	<b>Total Benefit</b>	<b>509</b>
<b>Costs</b>	Equity weighted value of bill increase	407
	<i>Admin costs to Industry<sup>28</sup></i>	[10]
	Reduction in utility from lower energy consumption (bill-payers)	3
	Resource Costs	58
	Carbon Costs	17
	Air Quality	3
	Administrative Costs – Government	2
	<b>Total Cost</b>	<b>490</b>
	<b>NPV</b>	<b>19</b>

<sup>23</sup> Impact Assessment: Warm Home Discount: Extension 2016/17, April 2016, p14

The risks and sensitivities that could affect Decc's models were also addressed and presented.

DWP's proposed Cap on Early Exit Charges for Members of Occupational Pension Schemes was a further high scoring example, with its transparent display of the costs and benefits calculated by the department under five different scenarios. See this example of the calculations for charges faced under a 2% cap (p18 of the impact assessment).<sup>24</sup>

### **2% exit charge cap**

49. Table 3 below shows that under a 2% cap the estimated total charges received would be £1.94 million. This means the total estimated charges foregone under a 2% cap are £3.88 million (£5.82m minus £1.94m) with 3,925 members directly benefitting.

**Table 3: Total charges faced by trust-based members exiting early under a 2% cap**

Charge %	Mean exit charge in this band with a 2% cap (A)	Number of pots (B)	Total amount of exit charges in the sample (A x B)
0-1	£83.80	3,067	£257,013
1-2	£251.41	1,464	£368,069
2-3	£335.21	896	£300,378
3-4	£335.21	682	£228,456
4-5	£335.21	505	£169,227
5-6	£335.21	442	£148,074
6-7	£335.21	177	£59,229
7-8	£335.21	151	£50,768
8-9	£335.21	126	£42,307
9-10	£335.21	114	£38,076
10-15	£335.21	328	£109,998
15-20	£335.21	240	£80,383
20-40	£335.21	215	£71,921
40+	£335.21	50	£16,923

<sup>24</sup> Introducing a cap on early exit charges in trust-based occupational pension schemes, May 2016, p18

In DCLG's technical consultation on Reforms to the New Homes Bonus the appended technical consultation provided a worked example of a hypothetical local authority under the new bands. See p22 for example.<sup>25</sup>

## Annex – Worked Example

Suppose a unitary local authority has 10,000 dwellings in their council taxbase in October 2015 and these are spread evenly across the council tax bands. If there was a net increase of 80 dwellings added during the following year, evenly spread across the council tax bands, then this would equate to an increase of 97 band D equivalent dwellings.

	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H	Total
Adjustment factor for Band D	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9	
2015 council taxbase	1,250	1,250	1,250	1,250	1,250	1,250	1,250	1,250	<b>10,000</b>
Net additions	10	10	10	10	10	10	10	10	<b>80</b>
Additions (Band D equivalents)	7	8	9	10	12	14	17	20	<b>97</b>

Assuming 10 of these new dwellings were eligible for the affordable housing premium and applying the latest average Band D council tax rate (2015/16 - £1,483.58) then that local authority would be eligible for the following payments under an unreformed New Homes Bonus scheme in 2017/18:

Band D equivalents	97
Average band D	£1,483.58
<b>Sub-total:</b>	<b>£143,413</b>
Affordable housing premium (per unit)	£350
Affordable housing supply	10
<b>Sub-total:</b>	<b>£3,500</b>
<b>Total Bonus:</b>	<b>£146,913</b>

Again, the modelling did not just show the headline costs and benefits, but also the impact of the policy under several different scenarios, such as when the local authority had seen planning decisions appealed.

Defra's proposals for Clean Air Zones, which were part of the Draft Air Quality Plans, laid out cost and benefit models in a single accessible document, an Evidence Annex. There was an exploration of the costs and benefits to society, "comparing improvements in air quality against the associated costs of implementation" (see pp20-21).<sup>26</sup>

Most of the examples of modelling were found in impact assessments.

<sup>25</sup> New Homes Bonus: Sharpening the Incentive - Technical Consultation, December 2015, p22

<sup>26</sup> Draft Evidence Annex: Assessment of the plans to improve air quality in the UK, September 2015, p20-21

## *Impact assessments: do they make a difference?*

Impact assessments have to be provided by departments alongside proposals for a particular kind of policy – those with a regulatory impact on business or community organisations. They must provide a rationale for government intervention, the options considered, and the costs and benefits of the policy.<sup>27</sup> The Regulatory Policy Committee (RPC)'s guidance on impact assessments encourages departments to produce reliable evidence for costs and benefits and ensure they have substantive evidence.<sup>28</sup> These are submitted to the RPC and given red, amber or green ratings depending on the evidence presented. Our assessment suggests the rigours of producing an impact assessment improve transparency in relation to cost and benefit modelling.

The calculations of value for money, and the evidence behind these, tended to be stronger in documents with impact assessments. Within these, a good example was DH's policy Extending Charges for NHS Services for Overseas Visitors and Migrants, which set out details of costs and benefits so that its value for money calculations could be looked at for each of the options, explained the baseline for these and the assumptions being made. In most of the other types of policy proposals this information was patchy if it existed.

More broadly, there was little to distinguish our top and bottom performers overall with respect to having an impact assessment or not, although the requirement to produce an impact assessment seemed to raise the transparency standard off the bottom level – none of our worst performers were policies where departments had been required to produce an impact assessment. At the other end, there were examples of high scoring transparent policies that had not been obliged to produce impact assessments. A look at the scores allotted to each policy showed that those with impact assessments appeared to do slightly better on transparency for Diagnosis, Proposal and Implementation, though not Testing and Evaluation.

This suggests that the discipline of having to produce an impact assessment, with the necessary cost/benefit analysis and consideration of alternative options, does compel departments to set out the evidence used. However we recognise that the contribution of clear cost/benefit analyses to our transparency scores against Proposal and Implementation may mask relatively less transparent behaviour in other aspects. Our sample was not big enough to draw any firm conclusion. We are at an early stage of our comparative work, but we may want to investigate the effects of impact assessments on transparency in the full ranking stage.

<sup>27</sup> Better Regulation Framework Manual: Practical Guidance for UK Government Officials, March 2015, [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/468831/bis-13-1038-Better-regulation-framework-manual.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/468831/bis-13-1038-Better-regulation-framework-manual.pdf)

<sup>28</sup> Regulatory Policy Committee: recommendations used when scrutinising impact assessments, May 2014, <https://www.gov.uk/government/publications/how-the-regulatory-policy-committee-scrutinises-impact-assessments/regulatory-policy-committee-recommendations-used-when-scrutinising-impact-assessments>

## 2.4 Testing and Evaluation

Testing allows policy development to be informed by real world experience, to gather information and feedback, and to incorporate unforeseen influences on the policy's effects before embarking on any major costs and reorganisation. Evaluation promotes a more systematic and objective organisation of information about the policy's effects, which as well as informing policy development is an essential part of the accountability of government.

The Testing and Evaluation section was an area of weakness for many documents: it tended to be something that was done well or not at all. It was rare for policy documents to include plans to measure the impact of the policy, or to outline the department's next steps in developing it. It was slightly more common for consultations to set out clearly what would be done with the inputs, although still only around half of those in our sample scored 2 or above for this, which is hard to understand as it's a straightforward, well-established requirement.

The best documents had clear plans to measure success and timetables for evaluation. DCMS's Cultural Protection Fund was one of the most transparent in this section of the framework. For instance, there was a clear proposition for a monitoring and evaluation scheme for the Fund, and acknowledgement of the difficulty of measuring things such as social development and wellbeing (pp18-19 of the consultation).<sup>29</sup>

### 2.1.3 Project monitoring and evaluation

**Project monitoring and evaluation is a government requirement and is crucial to ensuring that grant funding is allocated efficiently and to where it is most needed.**

**The Fund's administering body will be responsible for monitoring and evaluation of projects. This will take place regularly to ensure the viability of projects and that funding is directed most effectively. It is expected that project evaluation will require reporting**

**against measures which are linked to the fund outcomes and with assessment of the realised project benefits.**

**We are aware that there are difficulties in measuring some of the benefits linked to the outcomes of likely projects under the Fund. For example social development and wellbeing may be harder to capture than other benefits such as economic impact.**

This would have been improved if DCMS had outlined what the measures are, how they would be developed, and when it would report on progress. A good example of doing this was DfE's plans for Full Academisation of the School System, which, while not well referenced (see below), were transparent on Testing and Evaluation, with clear, accountable plans for measurements and for publication of some of these annually, such as the Parent Portal and new performance tables website.

<sup>29</sup> Cultural Protection Fund: Government Proposals to Protect Cultural Heritage Overseas, January 2016, pp18-19

Another example of good practice in evaluation is the Draft Air Quality Plans, which showed what the department expected the policy to achieve and by what date.<sup>30</sup> Defra's consultation on Statutory Post-Movement Testing of Cattle for TB also stood out. There is a stated desire to pilot elements of the policy intervention, along with a set of criteria for doing this (p9 of the consultation):<sup>31</sup>

**10.3 We would like to pilot such a scheme to gauge likely levels of uptake and the impact on this specific disease risk. But further work is required to fully develop a specific proposal. In particular, we need to:**

- **Decide on eligibility criteria for a Government-funded pre-sale TB check test – based on factors such as lot size, type of animal and time since the last negative TB herd test on the farm of origin.**
- **Identify how best to encourage uptake.**
- **Determine the likely cost for Defra.**
- **Decide how success should be measured, the length of the pilot and how to modify the proposed voluntary scheme in response to the uptake.**

DCMS's Sports Governance Code was aligned to some of its key performance indicators (p80),<sup>32</sup> which increased the transparency score, though it was noted that it was not possible to tell how the baseline for these would be determined.

DfE's National Teaching Service plans included a pilot and scored more highly on Testing and Evaluation than on other parts of the framework. It was noted that it was not especially clear about how the pilot will affect the plans for the full roll-out of the programme.<sup>33</sup>

**3.17. The most significant of these new programmes will be the National Teaching Service (NTS), through which underperforming schools in challenging areas will be able to request support from elite teachers and middle leaders for up to three years. These teachers and middle leaders will receive a package of support and a clear path to promotion – creating a career pathway for talented teachers and leaders working in challenging schools. We will start a pilot in the north-west from September 2016 with up to 100 participants. By 2020 the NTS will have placed 1,500 high-performing teachers and middle leaders into challenging schools across the country.**

<sup>30</sup> Draft plans to improve air quality in the UK: Tackling nitrogen dioxide in our towns and cities – UK overview document, September 2015, pp7-10

<sup>31</sup> Improving TB Cattle Controls, including a proposal for statutory post-movement testing, August 2015

<sup>32</sup> Sporting Future: A New Strategy for an Active Nation, December 2015, p80

<sup>33</sup> Educational Excellence Everywhere, March 2016, p475

Largely, though, Testing and Evaluation was not shared with the public, which may mean that there are no serious plans to do it, that it's not been thought about, that departments are not inclined to be open about it, or that they are not putting effort into communicating it. DCLG's Promoting Supply of Starter Homes had scored well (2s) on Diagnosis but referred to Testing and Evaluation in a way that people outside of the policy process would likely read as diffident (p6 of the impact assessment):<sup>34</sup>

### **Will policy be reviewed?**

**The Department will in the normal way undertake a post-legislative review of these provisions within three to five years after Royal Assent.**

The department's Right to Buy for Housing Association Tenants also gave little information about next steps. The Starter Homes section of the same bill achieved better scores for this (a mix of 1s and 2s).

### **What consultations will do with inputs**

We took into account the early stage of the policies in relation to plans for Testing and Evaluation. For early stage consultations we looked simply at whether they were clear about the planned uses of inputs and the next stage of policy development.

There was an issue across departments with consultations not explaining what would be done with the information collected. One example is Decc's proposed Changes to Financial Support for Solar PV [photovoltaics], which scored very well on Diagnosis, Proposal and Implementation, but poorly on Testing and Evaluation because it did not explain what it would do with the next round of information gathering in sufficient detail. Defra's Banning the Burning of Waste Oil as a Fuel in Heaters, while scoring reasonably well against other parts of the framework, was not transparent about next steps, scoring a mix of 1s and 0s.

In contrast, DCLG's technical consultation on Reforms to the New Homes Bonus, the Home Office's consultation on the Stalking Protection Order, Defra's Draft Air Quality Plans, and the Cabinet Office's Establishing Common Measures of Socio-Economic Background were all credited for being clear about how they would respond to inputs. The Cabinet Office's English Language Requirements for Public Sector Workers was an example of being able to give transparent explanations about this at a very early stage of development (p11 of impact assessment).<sup>35</sup>

### **Scale of the impacts of the policy**

**42. At this stage of policy development we are not certain how many public sector roles will fall under the scope of this policy or how many organisations will be impacted. We expect consultation to provide this information and to shape our expectations of what organisations are involved with public sector employment. Given the current lack of information we have not attempted to provide monetary estimates of the costs and benefits of the policy at this stage, however we provide the following estimates of the potential numbers affected by the policy to give some indication of its scope and the likely scale of impact. All estimates of the numbers of workers affected, below, will be refined through consultation. The costs and benefits which are then outlined, below, are largely incurred on a per worker, or per organisation basis, so these initial estimates of the total population concerned may be used to indicate the scale of costs and benefits very approximately.**

*"...The Code of Practice will be prepared once a full understanding of the effect of the statutory duty on public services has been gained through consultation."*

<sup>34</sup> Housing and Planning Bill 2015/16: Impact Assessment, October 2015, p6

<sup>35</sup> English Language Requirement for Public Sector Workers: impact assessment, August 2015, p11

DH's proposal for Extending Charges for NHS Services for Overseas Visitors and Migrants was clear about the way that the consultation would be used to develop the policy (and would have scored 2s across the board if it had indicated what the basis was for its plans for implementation).

DfT's Changes to the Driving Test: 'Cashback' proposal was at an early stage of development and was transparent in its report about the gaps left by the strategy consultation:<sup>36</sup>

### Financial incentives

**2.10 In the strategy consultation we raised the possibility of some kind of financial incentive to greater preparedness. While respondents to the consultation welcomed initiatives that encouraged pre-test practice, they were generally sceptical that the suggested 'cashback' would be sufficient to shift behaviour. We need to understand better the influences on behaviour that will encourage better preparation.**

DfE's National Funding Formula scored top marks for transparency about what would happen next:<sup>37</sup>

### Next steps

27. This document sets out our assessment of the impact of our proposals to reform schools and high needs funding, set out in the accompanying consultation documents. It forms part of the first stage of our consultation on proposals for a national funding formula, where we are setting out the principles of funding reform, the structural changes we propose to the system, and the various factors we propose to include in the national funding formulae for schools and high needs. We would welcome further views and evidence to inform our response to this consultation, when we will finalise our proposals for the structure of the reformed funding system, including the factors that will be included in each formula. We will review our assessment in the light of responses received to the first stage of consultation and publish any updates to it through the consultation process.

28. The next stage of consultation later this year will then consider the design of the national funding formulae and exemplify the impact on individual schools and areas. We will continue to review the impact of our proposals in line with the Public Sector Equality Duty throughout the consultation process.

**Are there any other factors not included in the consultation document and not included in the assessment above that we should take into account? Has the analysis we have conducted so far captured all relevant statistics or is there further analysis we should undertake?**

It is unreasonable to expect people to take the time and effort to contribute to consultations if departments are not clear about what their purpose is. When the government's consultation principles were revised in 2016, cabinet secretary Sir Jeremy Heywood pointed out, "this is not simply about open government, it is also crucial to our efforts to provide the best possible service to the public".<sup>38</sup>

<sup>36</sup> Safe, secure, sustainable: The Motoring Services Agencies: MOTs for all makes of vehicles, April 2016, p13

<sup>37</sup> National funding formula: equality analysis, March 2016, p14

<sup>38</sup> Consultations - what's new and why they are so important, Sir Jeremy Heywood, January 2016  
<https://civilservice.blog.gov.uk/2016/01/15/consultations-whats-new-and-why-they-are-so-important/>

# CROSS-CUTTING ISSUES

Across the examples we looked at, some more general themes emerged, which we think all departments would benefit from taking account of as they look to present new policies. We set out these more general findings below.

## 3.1 Referencing and sharing work done

In many of the less transparent policies, it became clear that departments had looked at evidence or undertaken their own research and analysis – in some cases extensive and high quality work – but they had not shared this in their policy documents. This is a prerequisite of informed discussion – for the public, parliament and specialists – and it is essential to knowledge management within government.

In many cases, documents had used but not referenced evidence from third parties:

The Treasury’s consultation on Abolishing the Carbon Reduction Commitment said the government had “reviewed evidence on the operation of existing schemes, looked at lessons learned from schemes overseas and sought initial views from a range of businesses, academics and other bodies”.<sup>39</sup> It made claims about how energy efficiency can spur productivity, but did not provide references or links for this.

The Department for Business, Innovation and Skills (BIS)’ consultation on Moving the Operations of the Land Registry into the Private Sector was a comprehensive 42-page document but did not reference statements such as: “The model is one which has, broadly speaking, been implemented successfully elsewhere, for example in Canada”.<sup>40</sup> As the implementation elsewhere was described as a success, we would expect to see references to assessments. However, even if there had been no easily referenced reports to cite, the department could have provided a brief summary to make it possible to identify the examples and the indicators of success that are being referred to.

From a review of the scores of the Department for Transport (DfT)’s policy proposal Making Tactile Paving Surfaces Easier to Use as a Navigational Tool and Warning System, we believe that the department had done a considerable amount of work on this subject, but it did not share it or set out the workings for the suggestion.

The proposal to merge Manchester’s Local Justice Areas<sup>41</sup> had an open discussion of alternative approaches, particularly on implementation, which would have positioned it for a high transparency score. However it did not provide much information about the sources it was using. This was also true of: the Department for Environment, Food and Rural Affairs (Defra)’s Single Animal Establishment Licence; the Department of Health (DH)’s assessment of the case for a 7-day NHS; and DfE’s Educational Excellence Everywhere, where DfE had developed a methodology and underlying data for its experimental analysis but its proposal did not lead the reader to this. These left the basis for the policies open to speculation.

<sup>39</sup> Reforming the business energy efficiency tax landscape, September 2015, p5 para 1.2

<sup>40</sup> Consultation on moving Land Registry operations to the private sector, March 2016, p21, para 73

<sup>41</sup> This consultation was issued by MoJ on behalf of Manchester’s Judicial Business Group and HMCTS. It is not an MoJ policy, but we have retained it because it illustrates this issue.

There were plenty of examples where the policy research was transparent and included references and links to the evidence base. For example the Department for Culture, Media and Sport (DCMS)' proposal for Age Verification for Pornographic Material Online was clear about how it had used sources:<sup>42</sup>

<b>70%</b>	...of 18-year-olds surveyed felt that pornography can have a damaging impact on young people's views of sex and relationships <sup>7</sup> .
<b>78%</b>	...of women questioned believed that pornography encourages society to see women as sex objects (and 61% of men) <sup>8</sup>
<b>45%</b>	...of 18 to 19-year olds frequent internet users who viewed pornography reported that in hindsight they were too young when they were first exposed to it <sup>9</sup>

DfT's consultation and impact assessment for increased penalties for using mobile phones while driving included accessible links to the evidence base throughout:<sup>43</sup>

**1.10 New research from the Institute of Advanced Motorists (IAM) shows that 9% of drivers surveyed admitted taking a selfie whilst driving 'in the last month'. This increases to 19% of 25-35 year olds<sup>6</sup>.**

<sup>6</sup> <http://www.iam.org.uk/media-and-research/media-centre/news-archive/20671-the-new-driving-dangers-selfies-video-calls-or-just-watching-the-telly>

As did the Cabinet Office's engagement document on Establishing Common Measures of Socio-Economic Background:<sup>44</sup>

There is much academic literature on the link between an individual's outcomes and their parental occupation (see e.g. [Sturgis and Buscha: 2015](#)). The Office for National Statistics has also [published on this topic](#), and it was summarised in the recent [State of the Nation](#) report from the Social Mobility Commission.

<sup>42</sup> Child Safety Online: Age Verification for Pornography, February 2016, p8

<sup>43</sup> A consultation on changes to the Fixed Penalty Notice and penalty points for the use of a hand-held mobile phone whilst driving, January 2016, p.6

<sup>44</sup> Engagement Document: Developing a Common set of Measures for Employers on the Socio-Economic Backgrounds of their Workforce and Applicants, May 2016, p18

In some cases a department had undertaken or commissioned its own research, but did not mention it or reference it. The Home Office's proposal to Strengthen the Role of the Disclosure and Barring Service (DBS) in its counter-extremism strategy was set out as follows:<sup>45</sup>

**119.** We will also **strengthen the role of the Disclosure and Barring Service (DBS)** to enable employers to identify extremists and stop them working with children and other vulnerable groups. The DBS helps employers in sensitive areas of work to safeguard their workplace by disclosing information about employees and if necessary barring them from certain roles. We will review eligibility for DBS services to ensure they cover the full range of activity where vulnerable people and young people are at risk from extremists.

**120.** We will introduce measures for the DBS to notify eligible employers if it has new information about extremism relevant to an employee. We will also introduce changes to make anyone with a conviction or civil order for extremist activity subject to the DBS's automatic barring arrangements. This will mean that we can bar the most harmful extremists from working with vulnerable people.

In follow up with the department, it transpired that research had been done prior to this announcement and fed into this decision, including a remodelling review<sup>46</sup> of the DBS and a Criminal Records Regime review.<sup>47</sup> None of these were mentioned or referenced.

By contrast, DCMS' white paper on the Future of the BBC scored well for including the review behind its proposal to introduce a Unitary Board for the organisation and for specific references to the relevant parts of it that had been used to shape the policy.

When a department has undertaken its own research or reviews to inform its policies, these should be included or accessible.

<sup>45</sup> Counter-Extremism Strategy, October 2015, p35

<sup>46</sup> Vetting and Barring Scheme remodelling review, Disclosure and Barring Service, 11th February 2011 <https://www.gov.uk/government/publications/vetting-and-barring-scheme-remodelling-review-report-and-recommendations>

<sup>47</sup> Criminal Records Regime review: phase two, Home Office, November 2011 <https://www.gov.uk/government/publications/criminal-records-regime-review-phase-two>

## 3.2 Gesturing vs referencing

The provision of links and references does not itself fully satisfy transparency requirements. It might seem obvious, but the references do need to provide specific enough links to enable people to understand what piece of evidence was used to inform which aspect of the policy proposal.

We saw examples where links led to a collection of policy documents or departmental home pages with no clear direction to the evidence base. The plans for Full Academisation of the School System, laid out in DfE's *Educational Excellence Everywhere* white paper provided a footnote for the methodology behind a map showing the performance of schools in England.<sup>48</sup>

<sup>2</sup> Experimental analysis: the methodology and underlying data for this experimental analysis is available at [https://www.gov.uk/government/publications?departments\[\]=department-for-education&publication\\_type=transparency-data](https://www.gov.uk/government/publications?departments[]=department-for-education&publication_type=transparency-data)

But it led the reader to a collection of 192 publications about transparency on DfE's gov.uk website.<sup>49</sup>

The screenshot shows the GOV.UK website interface. At the top, there is a search bar and navigation links for Departments, Worldwide, How government works, Get involved, Policies, Publications, Consultations, Statistics, and Announcements. The main heading is 'Publications: transparency data'. Below this, there are filters for 'Contains' (keywords), 'Publication type' (Transparency data), 'Policy area' (All policy areas), 'Department' (Department for Education), and 'Official document status' (All documents). On the right, it displays '192 publications by Department for Education' with options to get updates via email or feed. The list of publications includes:

- Rural primary schools designation**  
3 October 2016 DfE Transparency data Part of a collection: School organisation
- Open academies and academy projects in development**  
23 September 2016 DfE Transparency data
- New school proposals**  
22 September 2016 DfE Transparency data Part of a collection: School organisation
- DfE monthly workforce management information: 2016 to 2017**  
21 September 2016 DfE Transparency data Part of a collection: DfE: monthly workforce management information

Another link to a 'fuller statement of DfE's strategy' leads to DfE's gov.uk home page. In both cases, a member of the public hoping to look at the evidence base would encounter substantial difficulties.

<sup>48</sup> Educational Excellence Everywhere, March 2016, p6

<sup>49</sup> [https://www.gov.uk/government/publications?keywords=&publication\\_filter\\_option=transparency-data&topics%5B%5D=all&departments%5B%5D=department-for-education&official\\_document\\_status=all&world\\_locations%5B%5D=all&from\\_date=&to\\_date=](https://www.gov.uk/government/publications?keywords=&publication_filter_option=transparency-data&topics%5B%5D=all&departments%5B%5D=department-for-education&official_document_status=all&world_locations%5B%5D=all&from_date=&to_date=)

Even transparent policy documents sometimes scored less well on this point. The Home Office's Single Legislative Provision to Provide for Equipment Interference (an impact assessment) was clear about the sources for its background to the issue and would have scored better if it had referenced these more precisely. As would the Department for Work and Pensions (DWP)'s Reducing the Benefit Cap to £20,000 (£23,000 for Greater London) which included a good discussion of the evidence but was quite inconsistent in providing references for it, eg:<sup>50</sup>

### **Life Chances**

**The new Life Chances legislation (incorporated into the Welfare Reform and Work Bill) proposes to remove a number of the legal duties and measures set out in the Child Poverty Act 2010 and to place a new duty on the Secretary of State to report annually on children in workless households and the educational attainment of children. This is because evidence shows these to be the two main factors leading to child poverty now and in the future (respectively).**

The Ministry of Justice (MoJ)'s Cap on the Fees that Regulated Claims Management Companies can Charge Consumers referenced work by the Financial Ombudsman and the FCA, but it was hard to tell when referenced material ended and new material began.

### ***Transparent can be short and simple***

It would be a mistake to imagine that a document crowded with references or extensive extracts is better grounded or more transparent. References should be meaningful and useful, to enable the reader to understand how the source is relevant and to enable them to assess that source for themselves if they wish when it is the basis for a significant conclusion or the authority of a policy statement.

Length is not a prerequisite of transparency. It is not necessary to include voluminous amounts of material. What matters for transparency is clear analysis of evidence and discussion of its relationship to the policy. We saw good examples of this being achieved in some of the shortest documents we examined:

- Defra's consultation on Strengthened Measures against Epirix was just 9 pages long. It contained clear referencing, an upfront discussion of the limitations of the policy and evidence, and clear identification of what submissions to the consultation would achieve. This was judged to be just as good as (and by some scorers slightly better than) the Department of Energy and Climate Change (Decc)'s Feed-in Tariffs policy proposal, which has over 200 pages of material.
- The Home Office's 16-page consultation on the Stalking Protection Order was transparent. The reasoning was clearly laid out and included discussion of the evidence of an ongoing problem that was not being addressed by existing measures and the potential of this further measure to address it. This achieved the same level of transparency as DH's Death Certification Reforms, which was over 100 pages.

DfE's Schools National Funding Formula, while scoring well on Diagnosis and Testing and Evaluation, contained so much material across four documents that scorers found it bewildering to work out what evidence had actually been used.

<sup>50</sup> Welfare Reform and Work Bill: Impact Assessment for the benefit cap, July 2015, p11

## A note on referencing practice

The Government Digital Service has a style guide.<sup>51</sup> The Regulatory Policy Committee guidance on impact assessments asks,

*“Does the IA reference the source of data, research and evidence used and is the robustness of each of these clearly demonstrated?”<sup>52</sup>*

But a more substantial set of principles may be useful. There are some transparency-relevant points from the Committee on Publication Ethics:<sup>53</sup>

- *“2.6 Authors should represent the work of others accurately in citations and quotations.”*
- *“[...] Authors should not copy references from other publications if they have not read the cited work.”*
- *“4.3 Relevant previous work and publications, both by other researchers and the authors’ own, should be properly acknowledged and referenced. The primary literature should be cited where possible.”*

To this we would add the points above about being clear about what aspect of the policy document is being referenced to what aspect of the source.

<sup>51</sup> <https://www.gov.uk/guidance/style-guide/a-to-z-of-gov-uk-style> (viewed 10 October 2016)

<sup>52</sup> <https://www.gov.uk/government/publications/how-the-regulatory-policy-committee-scrutinises-impact-assessments/regulatory-policy-committee-recommendations-used-when-scrutinising-impact-assessments#produce-reliable-estimates-of-costs-and-benefits> Item 6 (viewed 10 October 2016)

<sup>53</sup> Wager E & Kleinert S (2011) Responsible research publication: international standards for authors. A position statement developed at the 2nd World Conference on Research Integrity, Singapore, July 22-24, 2010. Chapter 50 in: Mayer T & Steneck N (eds) Promoting Research Integrity in a Global Environment. Imperial College Press / World Scientific Publishing, Singapore (pp 309-16). (ISBN 978-981-4340-97-7)

### 3.3 Absent or weak evidence

#### *In the absence of evidence*

Governments often have to act where the evidence base is weak or absent. They may not have the luxury of waiting for those gaps to be filled before they introduce proposals.

The most transparent policy documents were those that acknowledged this and explained how the department would fill the gap or evaluate the policy at a later point. The consultation on Reducing Disruption on Local 'A' Roads was clear about what the department (DfT) didn't know:<sup>54</sup>

**7. We currently do not have evidence as to the number of works which are left in place but not worked during the weekend.**

The department explained that it would use the consultation to fill in gaps in the evidence base:<sup>55</sup>

**117. Some contractors may be regarded as small firms. At present we do not have data to suggest how many or what proportion of contractors this represents. We ask for further evidence on this during the consultation.**

Another example is MoJ's proposed Panel for Publicly Funded Criminal Advocacy. The consultation highlighted areas where quantitative evidence is limited:<sup>56</sup>

**2.9 As Sir Bill Jeffrey noted in Chapter Two of his report (2014, p. 21), the quantitative evidence about advocacy quality is limited. The government is not suggesting that the apparent correlation between the changing constituents of the advocacy market and concerns about quality are causally linked.**

The consultation document also acknowledged points where the evidence is largely anecdotal:<sup>57</sup>

**4.3 In spite of these prohibitions, we are told by the Bar Council, other advocates, and the Law Society that referral fees are frequently paid and received. The evidence for this is, however, largely anecdotal. There is little quantitative evidence as to the scale of the problem due to a lack of reporting of such practices. Both advocates and litigators appear reluctant to report breaches given the obvious implications for their own reputations, and their future prospects of securing instruction.**

<sup>54</sup> Reducing Disruption on Local 'A' Roads (Impact Assessment), April 2016, p20, Annex A: Number of works in scope of the requirement

<sup>55</sup> Reducing Disruption on Local 'A' Roads (Impact Assessment), April 2016, p17

<sup>56</sup> Preserving and Enhancing the Quality of Criminal Advocacy, October 2015, p10

<sup>57</sup> Preserving and Enhancing the Quality of Criminal Advocacy, October 2015, p18

### Weakness in the evidence base

The most transparent policy documents acknowledged weaknesses and discussed them. For example, Defra’s Draft Air Quality Plans had an easily accessible summary of assumptions and associated uncertainties. This would score a 3:<sup>58</sup>

<p><b>The modelling is based on the assumption that consumers are economically rational, that their utility from a vehicle is based on its economic cost and that vehicle owners always prefer newer vehicles. It is also assumed that consumers on average replace their vehicles every 4 years, and the introduction of CAZs is announced 4 years before implementation, therefore consumers will not experience any additional transaction costs.</b></p>	<p>In reality this may not be the case, as there are a number of motivations for owning particular vehicles besides economic (i.e. preference for a certain model, or particular vehicle). This may mean costs of upgrading may be greater than it is assumed that for such vehicle owners. The assumption also ignores the potential transaction cost impacts on consumers who replace their vehicles less frequently than every four years.</p>
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The same department’s proposals for Statutory Post-Movement Testing of Cattle for TB also included a sensitivity analysis to capture uncertainties in the evidence base, in this case in the department’s own modelling:<sup>59</sup>

**11. Sensitivity analysis**

11.1 Table 10 illustrates a possible ‘worst’ and ‘best’ case scenario, alongside the central case, using the above ranges to try and capture some of the uncertainty about the various parameters which could affect the costs and benefits of the policy.

**Table 10 – Sensitivity checks on total costs and benefits of post-movement testing**

Parameter	Scenario value	Worst	Best	Central
Purchasing behaviour (% switching)		0%	34%	17%
Level of TB infection pressure		-2.2%	+2.2%	0%
Cost of a BAU breakdown +/- 10%		-10%	+10%	£59k
Cost of breakdown by Post-MT +/- 10%		-10%	+10%	£34k
Cost of neighbouring herd controls		40%	0%	20%
Cost of switching (per animal) +/- 10%		£8	£6	£7

<sup>58</sup> Draft Evidence Annex Assessment of the plans to improve air quality in the UK, September 2015, pp24-25

<sup>59</sup> Options to increase the chance of achieving Officially TB Free (OTF) status for the TB Low Risk Area (Impact Assessment), August 2015, p15

DCMS' consultation on Age Verification for Pornographic Material Online was transparent about the lack of academic consensus it had encountered.<sup>60</sup>

### **Prevalence - how many children view pornographic material?**

**There is no clear consensus in the academic literature about the proportion of children viewing pornographic material or what type of content is seen. Children are more likely to report accidental rather than deliberate viewing of pornography<sup>21</sup>, however there is considerable variation across studies.**

DWP's policy Banning Member-Borne Commission in Workplace Pensions, to prevent employees paying commission fees for occupational pensions, was also transparent about uncertainties caused by the available evidence (as well as demonstrating how it had drawn on previous consultations to answer some points).

On the other hand, the Government Equalities Office's Gender Pay Gap proposals included a lot of assertions and statistics about pay gaps, but did not consider the weaknesses and contradictions in what it had included. Decc's Contracts for Difference for Carbon Capture and Storage had a similar issue. This kind of omission was common and a reason why some transparent policies did not score a 3. For the most part, departments only referred to gaps in knowledge in relation to consultation questions or explaining missing information in an impact assessment. The strengths and weaknesses of the evidence base were rarely discussed.

<sup>60</sup> Child Safety Online: Age Verification for Pornography, February 2016, pp13-14

### 3.4 Values-based policies

Governments sometimes introduce policies that are predominantly expressions of values – rather than justified just by their intended outcomes and effectiveness. In those cases there may be less of a role for evidence.

Policies were considered to achieve a basic level of transparency if they were clear about their rationale being values-based rather than evidence-based and if they supported any testable claims about the situation they were addressing. They were considered to be fully transparent if they also discussed the evidence and explained the limits of its role in developing the policy.

#### *Values-based policies*

There were in fact very few policies that were not based on some testable claims or assumptions. (See Appendix 5 for examples of testable statements versus value statements.) The only example we assessed to be purely values-based was, surprisingly, the Treasury’s consultation on Reforms to the Taxation of Non-Domiciles. The first statement, which is testable, was disregarded as this was not the stated goal of the policy. It was clear that the changes were being proposed on the principle of fairness:<sup>61</sup>

The government wants to attract talented individuals to live in the UK who will help to contribute to the success of this country by investing here and creating jobs. The long-standing tax rules for individuals who are not domiciled in the UK are an important feature of our internationally competitive tax system, and the government remains committed to that aim. However, it is only right that those people who choose to live in the UK for a very long time pay a fair share of tax, and those who are born in the UK with a UK domicile of origin cannot move abroad and return as a ‘non-dom’.

The Department for Communities and Local Government (DCLG)’s Updating the Local Government Transparency Code scored mainly 2s and some 1s because it was clear about the values basis of its rationale – that the government believes transparency is the bedrock of accountability – but also made claims about the use and function of the data that it did not provide any references for.

Acknowledging different influences also helps the public to follow the chain of reasoning behind the policy and to see how evidence has been weighed alongside other pressures. DfT’s consultation and impact assessment for Changes to the Fixed Penalty Notice and Penalty Points for the Use of a Hand-Held Phone Whilst Driving acknowledged how growing pressure from the media and public opinion had fed into the decision:<sup>62</sup>

**1.22 There has been growing media pressure to increase the penalty due to a number of recorded fatalities. In 2013 the Commissioner of the Metropolitan Police, Sir Bernard Hogan-Howe, proposed doubling the penalty points. A YouGov poll conducted in 2014 for the Sunday Times showed that 73% of drivers are in favour of the move<sup>14</sup>.**

<sup>61</sup> Reforms to the taxation of non-domiciles, September 2015, section 0.1 Foreword

<sup>62</sup> A consultation on changes to the Fixed Penalty Notice and penalty points for the use of a hand-held mobile phone whilst driving: Moving Britain Ahead, August 2015, p8

## Manifesto and political commitments

Many policies are introduced as a result of election promises in manifestos – and there is a public expectation that governments deliver on these commitments.<sup>63</sup> Officials often raised this with us as a limitation on transparency about the use of evidence, suggesting there should be different evidence standards for policies that come out of electoral competition to those which are developed inside government. However, we found that policies that had originated in manifestos featured among the best and the worst for transparency. What did matter was whether the commitment focused on the *means* – a commitment to do something, where the evidence base was often not transparent; or the *ends* – the outcome the policy was intended to achieve, which left space for evidence to be considered about the best way to do that.

DWP's Youth Obligation and DH's 7-Day NHS arose from means-focused manifesto commitments and gave limited information about the source of the policy. DfE's proposal for implementing the English Baccalaureate was based on a specific manifesto commitment to "require secondary school pupils to take GCSEs in English, maths, science, a language and history or geography".<sup>64</sup> Unlike the others, it had a reasonably transparent and well-cited exploration of the problem it was trying to address, but less transparency on why this was the best way of addressing the problem and its costs and benefits.

BIS' proposal for Ballot Thresholds [for strike action] in Important Public Services had to work with a very specific 2015 manifesto commitment: "Industrial action in these essential services would require the support of at least 40 per cent of all those entitled to take part in strike ballots".<sup>65</sup> The scorers felt that the consultation was unclear why the 40% threshold had been used rather than any other number.

Specific manifesto commitments to the means of achieving outcomes may hinder the government's subsequent ability to consider evidence on alternative proposals. In contrast, the DfT's proposal for Changes to the Fixed Penalty Notice and Penalty Points for the Use of a Hand-Held Phone Whilst Driving was linked to an open-ended commitment: "...reduce the number of cyclists and other road users killed and injured on our roads every year".<sup>66</sup> The evidence in this was clearly cited and discussed. The Cabinet Office's English Language Requirements for Public Sector Workers was based on an outcomes-oriented manifesto commitment to "legislate to ensure that every public sector worker operating in a customer-facing role must speak fluent English".<sup>67</sup> While it produced mixed scores for transparency, it did well on an open discussion about alternative options to achieve this.

More implementation-focused commitments that were still broad and not tied to specific measures also scored quite well. BIS' proposal for a Small Business Commissioner came from a broad manifesto commitment to establish "a new small business conciliation service to mediate in disputes, especially over late payment".<sup>68</sup> It had a transparent diagnosis of the problem, with references to the surveys and research about the disadvantages small businesses face. DCMS' proposal for Age Verification for Pornographic Material Online was clear about elements of the policy yet to be decided on, for instance a civil versus criminal enforcement regime (the government's preferred option), and acknowledged uncertainties in the evidence base, which is a marker of transparency.

<sup>63</sup> *Trust in government is growing - but it needs to deliver*, Institute for Government (19th September 2016), [http://www.instituteforgovernment.org.uk/sites/default/files/publications/lfg\\_polling\\_note\\_WEB3.pdf](http://www.instituteforgovernment.org.uk/sites/default/files/publications/lfg_polling_note_WEB3.pdf)

<sup>64</sup> 2015 Conservative Party Manifesto, <https://s3-eu-west-1.amazonaws.com/manifesto2015/ConservativeManifesto2015.pdf>, p36

<sup>65</sup> *Ibid* p21

<sup>66</sup> *Ibid* p17

<sup>67</sup> *Ibid* p51

<sup>68</sup> *Ibid* p22

## Budget announcements

Some of the policies reviewed had been announced by the Treasury at a budget or spending review, and then ‘handed down’ to other departments for further development. We found that proposals that originated in the Budget or Autumn Statement were particularly non-transparent about the evidence base used. We are not the first to find this: the Social Security Advisory Committee’s chairman Paul Gray recently complained about the quality of welfare measures presented to his committee originating in the Budget: “secondary legislation [is] being presented to us without meaningful analysis of impact or interactions with other parts of the benefit system”.<sup>69</sup>

For this assessment, when a budget announced a consultation, we sought out those documents to assess instead of just relying on the material produced at the time of the announcement; where the government had moved straight to action without any intervening stages, we looked at the budget or spending announcement.<sup>70</sup>

The Youth Obligation was a manifesto commitment brought forward by the Summer Budget 2015.<sup>71</sup>

### Employment support

**1.157** The government is committed to achieving full employment: it has already set out its ambition for the UK to have the highest employment rate in the G7 and will introduce a statutory duty on the government to report progress against this ambition. Achieving full employment means backing business, reforming welfare and rewarding work. But it also means ensuring that all groups in society are given the support they need to find and keep a job.

**1.158** To help young people move into and get on in work, **the Budget will introduce a new Youth Obligation for 18 to 21 year olds on Universal Credit.** From April 2017, young people will participate in an intensive regime of support from day 1 of their benefit claim, and after 6 months they will be expected to apply for an apprenticeship or traineeship, gain work-based skills, or go on a mandatory work placement to give them the skills they need to move into sustainable employment.

There was an outline of changes to spending on p74. This was the extent of the government’s proposal at this stage. Scorers found no reference to any kind of evidence about the problems that the Youth Obligation sought to tackle, such as how many young people are out of work, why the proposal was chosen and how it could be delivered.

DCMS’ consultation on Business Rates Relief for Local Newspapers, which originated from a manifesto commitment and Budget announcement, did not indicate what evidence had been used to conclude the current system is not working for local newspapers and gave little indication of how costs were assessed.

There appears to be a systemic problem associated with policies announced in Budgets, which needs to be addressed. One particular feature, which could explain this, is the way in which Budget proposals are developed – with the Treasury acting as the policy promoter who then hands a policy on to a department to implement. The fact that many Budget measures are developed in secret, and the Treasury does not play its normal role as policy challenger may explain (but not excuse) why there are so many transparency issues around Budget announcements.<sup>72</sup>

One way to address this might be to ensure that all Budget announcements are followed by a further pre-implementation policy proposal. We noted that where consultations had followed spending announcements (whether from the Budget or indeed a spending review), transparency was better. Decc’s consultation on the Exemption from the Costs of the Renewables Obligation and Feed-in Tariff, which was announced in the 2015 Spending Review, was transparent. The Cap on Early Exit Charges for Members of Occupational Pension Schemes, announced by the Treasury but set out in detail by DWP clearly modelled costs and benefits, explained what was yet to be decided and acknowledged contradictory information about that.

<sup>69</sup> Social Security Advisory Committee Annual Report 2015-16, p5

<sup>70</sup> We initially included the Treasury’s Soft Drink Levy announcement, but this included plans for a consultation, which fell outside our time frame.

<sup>71</sup> Summer Budget 2015, HM Treasury, July 2015, p41

<sup>72</sup> This issue is raised in the Institute for Government’s findings on taxation policy: *Improving tax policy making: Emerging findings - an invitation to comment*; Institute for Government, the Chartered Institute of Taxation and the Institute for Fiscal Studies; <http://www.instituteforgovernment.org.uk/sites/default/files/publications/Post-roundtable%20paper%20FINAL%20FINAL.pdf>

# NEXT STEPS

Through this 2016 assessment, we have established a process for collating policies, selecting a sample and conducting the review. We have also been able to identify more specifically the features of transparency about the use of evidence in policymaking. We hope that by discussing the plans with departments over the past six months and continuing to discuss the features and findings, it will be possible for them to address many of the issues and to self-monitor their standard of transparency in advance of next year's ranked assessment.

In July 2017, we will assess just over a year of policy proposals, starting from the date the new administration was formed to the start of recess. The resulting ranked table of departmental scores will be presented under the four headings of the transparency framework: Diagnosis, Proposal, Implementation, and Testing and Evaluation. We expect that the presentation of this will be:

- a. A ranked table of departments showing average scores for each of the four headings of the framework.
- b. Department by department tables showing how each of the policies in their sample contributed to the average score.
- c. A commentary on findings.

There are several assessment methods issues that we want to resolve. For this we will convene a methods review group to help us determine the final methodology. In the spirit of consultation and engagement that has informed this project, this will include analysts and policy professionals in our discussions. The issues we want to consider further are:

- A more efficient process for gathering policy proposals.
- How best to cover the breadth of departmental work.
- The required framework adaptation notes for scoring different kinds of documents.
- How best to represent the departmental scores through sums and averages.
- How to score values-based policies.
- Whether we should make any further revisions to the framework (see Appendix 2 and Appendix 3)

We are also keen to have feedback on the issues we have identified in this report.

## ***Timetable***

December 2016	Methods review
March 2017	Discussion of 2016 findings with policy professionals and analysts
July 2017	Finalise list of all policies Sample selections notified to departments
September 2017	Assessment
November 2017	Publication of ranked departmental transparency scores

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# APPENDIX 1: EVALUATING TRANSPARENCY OF EVIDENCE

## Step 1: defining a policy

We defined this as a specific intervention, aiming for what is intuitive for the public and the usual way that policies are presented in announcements and for decision. For instance changes to the driving test to reduce accidents would be considered a single policy proposal; each new test question would not be.

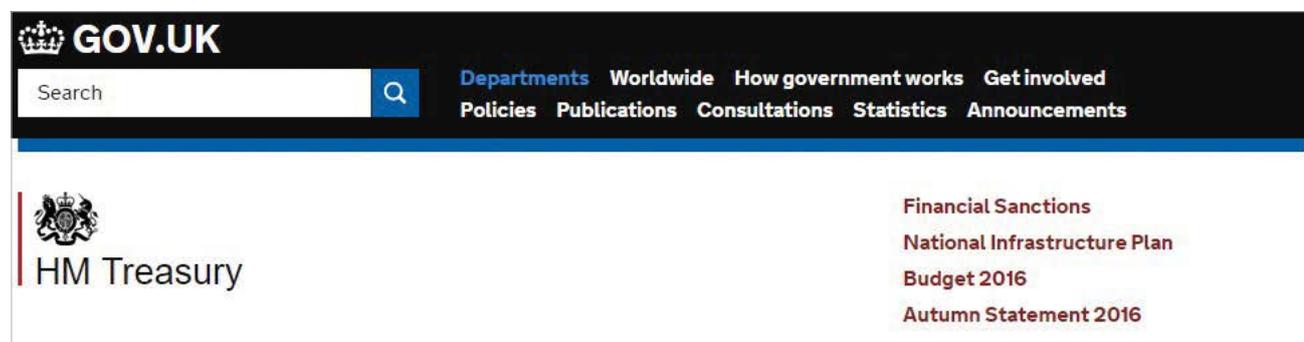
A number of decisions early on further shaped which measures we looked at and what defined a policy. Administrative measures (such as changing the way departmental statistics are published) were largely excluded as not substantial enough to qualify as policies. Individual spending decisions and money committed to pre-existing programmes were also mostly excluded as deriving from policy announcements made outside our timeframe.

## Step 2: finding policies

Our initial plan was to select those proposals which fit the departmental priorities, as set out in the single departmental plans. But as the Institute for Government found in its analyses of these, they mostly comprised of unspecific indications of the direction of action.<sup>73</sup> The National Audit Office also identified that single departmental plans did not “provide the degree of Parliamentary accountability that was promised, nor represent good practice in transparency.”<sup>74</sup> The first attempt at gathering a list of policies came from downloading the ‘announcements’ section of gov.uk — using August and November 2015 as a starting point. We found this to be an imperfect way of gathering policies, and opted for an additive approach, manually gathering all policies proposed by government between May 2015 and May 2016.

Gov.uk was the main platform for this process, but in practice it is not an effective system for the public to engage in policymaking. It is more suited to interaction with public services. There is no comprehensive list of the government’s policies for people to find. Gov.uk’s ‘policies’ section is a collection of press releases, policy papers, speeches, guidance and other documents under very broad headlines.

The homepages of individual departments were of little use, since they all use the gov.uk master list for the policies section of their pages. The closest to an example of good practice is the Treasury’s page, which has a link to the main documents where its policies are announced in the top-right corner of the page (see below).<sup>75</sup> But even here the problems we have outlined remained:



<sup>73</sup> Response to Single Departmental Plans, Institute for Government, 19th February 2016 <http://www.instituteforgovernment.org.uk/news/latest/response-single-departmental-plans>

<sup>74</sup> Government’s management of its performance: progress with single departmental plans, National Audit Office, July 2016, <https://www.nao.org.uk/wp-content/uploads/2016/07/Governments-management-of-its-performance.pdf>

<sup>75</sup> <https://www.gov.uk/government/organisations/hm-treasury>

It was very difficult to find the government's specific interventions in this format. We therefore had to source them from various public documents for the purposes of the additive list. Places where we could find policies or clues about their existence included:

- Consultations
- Government bills
- White papers
- Budget and spending review announcements
- Impact assessments
- Announcements on gov.uk and press releases
- Conservative Party Manifesto 2015
- Single departmental plans

There are some cases where it was difficult to identify the appropriate document to score. One case is the Ministry of Justice (MoJ)'s policy, Changes to the Definition of "Sampler" for DNA Testing in Private Family Law Cases. The original consultation was sent to accredited laboratories, since it was considered only relevant to them. It was not published online. The consultation response, which detailed the background to the policy, responses to the consultation, and next steps, was put in the public domain: on MoJ's Consultation Hub. Whilst in most cases we looked at the original consultation document, here we had to look at the response. In this case, the propositions are clearly sourced and the government's use of the evidence was mostly well explained.

### Step 3: scope

We chose to look at 13 domestic departments: the Cabinet Office; Business, Innovation and Skills; Communities and Local Government; Education; Culture, Media and Sport; Environment, Food and Rural Affairs; Transport; Work and Pensions; Health; Energy and Climate Change; HM Treasury; Ministry of Justice; and the Home Office.<sup>76</sup>

There were certain organisations and institutions that we excluded from our analysis:

- Due to the nature of their work, it was nearly impossible to get a selection of 'policies' as we had defined them for the Foreign Office and the Ministry of Defence (MoD). There were next to no applicable consultations and impact assessments associated with them, and the relevant policy documents (such as the National Security Strategy and Strategic Defence and Security Review) were too broad. The Department for International Development (DfID) was also considered, but excluded. In the absence of the Bilateral and Multilateral Aid reviews, which had not been published at the time we were creating the master list, we could not find anything that qualified as a DfID policy. Most of its activities were project-based. We note DfID has been using our draft framework since its publication in October 2015 to reflect on the information contained in its aid reviews.
- For this first stage we were looking at policies from Whitehall departments. We did not gather policies from the Welsh, Scottish or Northern Irish governments. We are keen to expand the use of the framework and the evidence transparency agenda in the future. We have presented it at several meetings and also at a meeting of the new Regulatory Scrutiny Board of the European Commission, which plans to adopt aspects of it.
- We removed policies implemented by executive agencies such as the Environment Agency. This was due to both time constraints and the fact these bodies are mostly implementing policies set by central departments.

<sup>76</sup> The time frame we looked at came before the changes to the machinery of government (such as the merger of Decc and BIS into the Department of Business, Energy and Industrial Strategy) made in July 2016

The stage we looked at was when a policy was first proposed by the government. The documents were the first substantive ones to outline the government's proposals. The only cases when we looked at a first announcement (such as a budget announcement or press release) was when the government had moved straight from that to implementation. In some cases, a budget or spending review would commit a department to holding a consultation or review. For example, the 2015 Spending Review and Autumn Statement made this commitment regarding the New Homes Bonus:<sup>77</sup>

**the government will also consult on reforms to the New Homes Bonus, including means of sharpening the incentive to reward communities for additional homes and reducing the length of payments from 6 years to 4 years. This will include a preferred option for savings of at least £800 million, which can be used for social care. Details of both reforms will be set out as part of the local government finance settlement consultation, which will include consideration of proposals to introduce a floor to ensure that no authority loses out disproportionately**

In cases like this, we scored the consultation that was mentioned. We excluded calls for evidence from our assessment.

We discovered a small number of policies following assessment that should have been excluded. These did not provide a proposal or preferred option from the government:

#### **Pre-policies**

There were a few cases where proposals looked like policies but were not. Their introductions may have presented a developed consideration of the issues or subject but their primary purpose was to marshal information in one place or find out what was going on. These were the Department for Business, Innovation and Skills (BIS)' Creating UK Research and Innovation, which announced that the government is committing to the results of a review; the Department for Education (DfE)'s Regional Adoption Agencies Programme; the Cabinet Office's Anti-Corruption Innovation Hub; the Department for Communities and Local Government (DCLG)'s Banning and Blacklisting Rogue Landlords; and the Department for Culture, Media and Sport (DCMS)' Broadband Universal Service Obligation.

#### **Carrying out (court) orders**

In July 2015 the MoJ issued an impact assessment and explanatory memorandum to Amend the Civil Legal Aid Merits Criteria. This change was to comply with a High Court ruling, to avoid a risk of being unlawful while the government appealed it. It was not a preferred solution to an identified problem. The policy scored well for transparency – it was very clear what the government was proposing to do and why. Future assessments will identify situations like this and test them simply for a clear explanation rather than against the full transparency framework.

<sup>77</sup> Spending review and autumn statement 2015, updated November 2015, Section 8.2 English devolution, Local government reform <https://www.gov.uk/government/publications/spending-review-and-autumn-statement-2015-documents/spending-review-and-autumn-statement-2015>

## Step 4: assessment

We ended up with a list of 593 interventions for the year to May 2016. There are measures we included which on reflection may not qualify as policies, and some which may overlap. But it still represents the vast majority of what the government introduced in our time frame and gives a strong indication of which departments produce the most policy. The number of policies for each department was influenced by the absence of major policy documents that had been announced, but were yet to come out. For instance, the Department for Environment, Food and Rural Affairs (Defra)'s flagship 25-year plan for the environment and the Life Chances Strategy were yet to be published.

In May 2016, we held a workshop at the Institute for Government with 21 volunteers from a variety of policy backgrounds, from the civil service fast stream, to academia, to charities. The participants were split into groups and given a policy document. They applied the framework to the document and scored it. As a result of these discussions, we made two notable changes to the framework (the revised version can be found in Appendix 2):

- The Value for Money section was merged with Implementation and Proposal
- A question about further plans for consultation was added to account for the fact we are looking at early-stage documents

There was a lot of discussion about what should be done when a department says that there is no evidence.

We began the process intending to produce a full ranking of departments. The changes to the machinery of government in July 2016 complicated this task. We also wanted to take time to engage with departments further on some of the methodological questions raised on producing a full ranking. We therefore took the decision to produce this good and bad practice commentary this year, and a full ranking in September 2017.

From our list of policies, we selected eight discrete interventions per department based on the government's own documents about its priorities and ranging, as far as possible, across their policy portfolios. This often meant policies that were manifesto commitments or were mentioned in the department's Single Departmental Plan. For example, we selected policies for DfE ranging across the subject areas of schools, social work and the functions of the Government Equalities Office. We also took public interest into account (when deciding between a narrow administrative measure or one that would have more public significance) and sought to ensure a similar profile of policy documents for each.

Following feedback from departments on the range of policy areas and the documents we had selected, we narrowed our list down to six policies. In a number of cases, we changed the documents we looked at and amended the sample based on our correspondence. We benefited from engagement with every department involved in this exercise to some degree. We spent some time clarifying that our focus is on evidence *transparency* as opposed to the *quality* of evidence or the merits of the policy.

A group of scorers used the modified framework to score and comment on this sample. During the scoring process we recognised that some sections of the framework, particularly Testing and Evaluation, may not be relevant for very early-stage documents. For this reason, we gave scorers the option of awarding these sections a "Not Applicable" rating and subsequently are developing the questions about use of consultation material and transparency about next steps.

The insights and scores that we collected from this process, subject to review, formed the basis of this report and the compendium of good practice.

# APPENDIX 2: THE REVISED TRANSPARENCY FRAMEWORK, JULY 2016

	LEVEL:	0	1	2	3	Worked Example
<p><b>Diagnosis</b></p> <p>This concerns why something is proposed, ie what the issue is that will be addressed.</p> <p>The document should explain:</p> <ul style="list-style-type: none"> <li>• what policymakers know about the issue, its causes, effects, and scale</li> <li>• how policymakers have assessed the strengths and weaknesses of that evidence.</li> </ul>	<p><b>So, can you see what evidence has been used and the role it has played?</b></p>	Not sufficiently for level 1.	Evidence is mentioned, with some explanation of how it has been used.	As in level 1 and the supporting evidence is mostly linked to the relevant parts of the policy, properly cited and findable, and there is discussion of how it has been used.	Supporting evidence is consistently linked to the relevant parts of the policy, properly cited and findable, and there is assessment of uncertainties and contradictions in the evidence base.	The government has assessed the extent of problem drinking in the UK: the economic and human cost
<p><b>Proposal</b></p> <p>What is the government's chosen intervention?</p> <p>The document should explain:</p> <ul style="list-style-type: none"> <li>• why the government has chosen this intervention</li> <li>• what evidence, if any, that choice is based on</li> <li>• how policymakers have assessed the strengths and weaknesses of the evidence base, including what has been tried before and whether that worked or not</li> <li>• whether there are other options and why they have not been chosen</li> <li>• what the government plans to do about any part of the intervention that has not yet been decided upon.</li> <li>• what the costs and benefits are estimated to be and the assumptions behind those calculations.</li> </ul>	<p><b>So, can you see what evidence has been used and the role it has played?</b></p>	Not sufficiently for level 1.	Evidence is mentioned, with some explanation of how it has been used.	As in level 1 and the supporting evidence is mostly linked to the relevant parts of the policy, properly cited and findable, and there is discussion of how it has been used.	Supporting evidence is consistently linked to the relevant parts of the policy, properly cited and findable, and there is assessment of uncertainties and contradictions in the evidence base.	The government has chosen to implement minimum unit pricing for alcohol, instead of, for example, increasing alcohol taxes or starting a new educational campaign.



	LEVEL:	0	1	2	3	Worked Example
<p><b>Implementation</b></p> <p>How will the chosen intervention be introduced and run?</p> <p>The document should explain:</p> <ul style="list-style-type: none"> <li>• why this method for delivering the intervention has been chosen</li> <li>• what evidence, if any, that decision is based on</li> <li>• whether there are other methods and if so the reasons for not choosing them</li> <li>• if the way to deliver the intervention is still being decided, what the method is for deciding</li> <li>• what the costs and benefits are estimated to be and the assumptions behind those calculations</li> </ul>	<p><b>So, can you see what evidence has been used and the role it has played?</b></p>	Not sufficiently for level 1.	Evidence is mentioned, with some explanation of how it has been used.	As in level 1 and the supporting evidence is mostly linked to the relevant parts of the policy, properly cited and findable, and there is discussion of how it has been used.	Supporting evidence is consistently linked to the relevant parts of the policy, properly cited and findable, and there is assessment of uncertainties and contradictions in the evidence base.	The government has decided to implement minimum unit pricing through a voluntary agreement with major retailers rather than through legislation.

	LEVEL:	0	1	2	3	Worked Example
<p><b>Testing and evaluation</b></p> <p>How will we know if the policy has worked?</p> <p>The document should explain:</p> <ul style="list-style-type: none"> <li>• any testing that has been or will be done</li> <li>• plans to measure the impact of the policy and the outcomes that will be measured</li> <li>• plans to evaluate the effects of the policy, including a timetable</li> <li>• plans for using further inputs</li> </ul>	<p><b>So, can you see what evidence has been used and the role it has played?</b></p>	Not sufficiently for level 1.	Some indication of success measures but no plans for testing/ evaluation (or explanation of why inappropriate).	More comprehensive success measures (or process for developing them outlined). Also provides details about use of testing and plans for evaluation or explains why testing or evaluation would not be appropriate.	As in level 2 but explains the reasons for the use of testing and plans for evaluation. It is also clear what will happen to the results of testing and evaluation, including timing and plans for publication.	The government sets out how it plans to measure the results of the policy. The government sets out plans for piloting, initial evaluation of those results and timetable for publication and then describes decision process around roll-out if the evaluation is satisfactory.

# APPENDIX 3: THE ORIGINAL FRAMEWORK

	LEVEL:	0	1	2	3	Worked Example
<p><b>Diagnosis</b></p> <p>This concerns why something is proposed, ie what the issue is that will be addressed.</p> <p>The document should explain:</p> <ul style="list-style-type: none"> <li>• what policymakers know about the issue, its causes, effects, and scale</li> <li>• how policymakers have assessed the strengths and weaknesses of that evidence</li> </ul>	<p><b>So, can you see what evidence has been used and the role it has played?</b></p>	Not clearly enough for level 1	Evidence is mentioned, with some explanation of how it has been used.	As in level 1 but the supporting evidence is linked to the relevant parts of the policy, properly cited and you could find the source.	As in level 2 but the evidence base is also assessed and uncertainties and contradictory information are acknowledged.	The government has assessed the extent of problem drinking in the UK: the economic and human cost.

	LEVEL:	0	1	2	3	Worked Example
<p><b>Proposal</b></p> <p>What is the government's chosen intervention?</p> <p>The document should explain:</p> <ul style="list-style-type: none"> <li>• why the government has chosen this intervention</li> <li>• what evidence, if any, that choice is based on</li> <li>• how policymakers have assessed the strengths and weaknesses of the evidence base, including what has been tried before and whether that worked or not</li> <li>• whether there are other options and why they have not been chosen</li> <li>• what the government plans to do about any part of the intervention that has not yet been decided upon</li> </ul>	<p><b>So, can you see what evidence has been used and the role it has played?</b></p>	Not clearly enough for level 1	Evidence is mentioned, with some explanation of how it has been used.	As in level 1 but the supporting evidence is linked to relevant parts of the policy, properly cited and you could find the source.	As in level 2 but the evidence base is also assessed and uncertainties and contradictory information are acknowledged.	The government has chosen to implement minimum unit pricing for alcohol, instead of, for example, increasing alcohol taxes or starting a new educational campaign.





	LEVEL:	0	1	2	3	Worked Example
<p><b>Implementation</b></p> <p>How will the chosen intervention be rolled out?</p> <p>The document should explain:</p> <ul style="list-style-type: none"> <li>• why this method for delivering the intervention has been chosen</li> <li>• what evidence, if any, that decision is based on</li> <li>• whether there are other methods and if so the reasons for not choosing them</li> <li>• if the way to deliver the intervention is still being</li> </ul>	<p><b>So, can you see what evidence has been used and the role it has played?</b></p>	Not clearly enough for level 1	Evidence is mentioned, with some explanation of how it has been used.	As in level 1 but the evidence is linked to relevant parts of the policy, properly cited and you could find the source.	As in level 2 but the evidence base is also assessed and uncertainties and contradictory information are acknowledged.	The government has decided to implement minimum unit pricing through a voluntary agreement with major retailers rather than through legislation.

	LEVEL:	0	1	2	3	Worked Example
<p><b>Value for money</b></p> <p>This considers the costs and benefits of the policy to show why the government thinks it is worth doing.</p> <p>The document should explain:</p> <ul style="list-style-type: none"> <li>• what the costs and benefits are estimated to be</li> <li>• the assumptions behind those calculations</li> <li>• what evidence is being used to make those assumptions</li> <li>• the uncertainties about the costs and benefits and how likely the figures are to change</li> </ul>	<p><b>So, can you see what evidence has been used and the role it has played?</b></p>	Not clearly enough for level 1	The assumptions (the basis) for conclusions about risks and benefits are described.	As in level 1 but supporting evidence is also properly cited and you could find the source.	As in level 2 but it is also clear how the uncertainties in these assumptions have been considered.	The assessment shows the potential of the proposal to reduce problem drinking, but also the impacts on business (eg supermarkets, pubs), the public sector (eg police, NHS), and to the public of raising prices.





	LEVEL:	0	1	2	3	Worked Example
<p><b>Testing and evaluation</b></p> <p>How we will know if the policy has worked?</p> <p>The document should explain:</p> <ul style="list-style-type: none"><li>• plans to measure the impact of the policy and the outcomes that will be measured</li><li>• plans to test the policy first, or reasons why not</li><li>• plans to evaluate the effects of the policy including a timetable</li></ul>	<p><b>So, can you see what evidence has been used and the role it has played?</b></p>	<p>Not clearly enough for level 1</p>	<p>Some indication of success measures but no plans for testing/evaluation (or explanation of why inappropriate)</p>	<p>More comprehensive success measures (or process for developing them outlined). Also provides details about use of testing and plans for evaluation or explains why testing or evaluation would not be appropriate.</p>	<p>As in level 2 but explains the reasons for the use of testing and plans for evaluation. It is also clear what will happen to the results of testing and evaluation, including timing and plans for publication.</p>	<p>The government sets out how it plans to measure the results of the policy. The government sets out plans for piloting, initial evaluation of those results and timetable for publication and then describes decision process around roll-out if the evaluation is satisfactory.</p>

# APPENDIX 4: POLICY DOCUMENTS REVIEWED

This appendix contains all the policy documents we reviewed, listed by department. Documents were published by the corresponding department unless otherwise stated.

## Cabinet Office

### **Anti-Corruption Innovation Hub.**

*UK Open Government National Action Plan 2016-18* [policy paper] (12th May 2016), <https://www.gov.uk/government/publications/uk-open-government-national-action-plan-2016-18/uk-open-government-national-action-plan-2016-18> (last accessed 11th November 2016).

### **Anti-Lobbying Clause in Government Grant Agreements.**

*Government announces new clause to be inserted into grant agreements* [press release] (6th February 2016), <https://www.gov.uk/government/news/government-announces-new-clause-to-be-inserted-into-grant-agreements> (last accessed 11th November 2016).

### **English Language Requirements for Public Sector Workers.**

*Consultation report on draft language requirements for public sector workers Code of Practice* [consultation report] (February 2016), [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/501754/Consultation\\_report\\_on\\_draft\\_language\\_requirements\\_for\\_public\\_sector\\_workers\\_Code\\_of\\_Practice.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/501754/Consultation_report_on_draft_language_requirements_for_public_sector_workers_Code_of_Practice.pdf);

*English Language Requirement for Public Sector Workers* [impact assessment] (28th August 2015), [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/467493/Impact\\_Assessment\\_-\\_English\\_Fluency\\_in\\_Public\\_Sector\\_Workers\\_-\\_for\\_publication.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/467493/Impact_Assessment_-_English_Fluency_in_Public_Sector_Workers_-_for_publication.pdf);

*Draft Code of practice on the English language requirement for public sector workers - Part 7 of the Immigration Act [2016], Version 1.0* (October 2016), [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/467731/Draft\\_Code\\_of\\_Practice\\_on\\_the\\_English\\_Language\\_Requirement\\_for\\_Public\\_Sector\\_Workers\\_.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/467731/Draft_Code_of_Practice_on_the_English_Language_Requirement_for_Public_Sector_Workers_.pdf) (all last accessed 11th November 2016).

### **Establishing Common Measures of Socio-Economic Background.**

*Engagement Document: Developing a Common set of Measures for Employers on the Socio-Economic Backgrounds of their Workforce and Applicants* (May 2016), [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/525928/6\\_2224\\_co\\_engagement\\_document\\_employer\\_measures\\_on\\_socio-economic\\_background.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/525928/6_2224_co_engagement_document_employer_measures_on_socio-economic_background.pdf) (last accessed 11th November 2016).

### **Introduction of New Powers for Bodies to Disclose Identified Data for the Purpose of Improving Public Service Delivery.**

*Better Use of Data in Government: Consultation Paper* (February 2016), [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/503905/29-02-16\\_Data\\_Legislation\\_Proposals\\_-\\_Con\\_Doc\\_-\\_final\\_\\_3\\_.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/503905/29-02-16_Data_Legislation_Proposals_-_Con_Doc_-_final__3_.pdf);

*Introduction of new powers for bodies to disclose identified data for the purpose of improving public service delivery* [impact assessment], [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/504018/Consultation\\_Stage\\_Impact\\_Assessment\\_for\\_Public\\_Service\\_Delivery\\_power.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/504018/Consultation_Stage_Impact_Assessment_for_Public_Service_Delivery_power.pdf) (both last accessed 11th November 2016).

### **New Powers for Bodies to Disclose Identified Data for the Purpose of Taking Action in Connection with Debt Owed to a Specified Public Authority.**

*Better Use of Data in Government: Consultation Paper* (February 2016), [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/503905/29-02-16\\_Data\\_Legislation\\_Proposals\\_-\\_Con\\_Doc\\_-\\_final\\_\\_3\\_.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/503905/29-02-16_Data_Legislation_Proposals_-_Con_Doc_-_final__3_.pdf);

*Introduction of new powers for bodies to disclose identified data for the purpose of taking action in connection with debt owed to a specified public authority* [impact assessment] (1st February 2016), [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/504023/Consultation\\_Stage\\_Impact\\_Assessment\\_for\\_Debt\\_power.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/504023/Consultation_Stage_Impact_Assessment_for_Debt_power.pdf) (both last accessed 11th November 2016).

## Department for Business, Innovation and Skills

### Apprenticeships Levy.

*Apprenticeships Levy: Employer owned apprenticeships training* [consultation] (August 2015), [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/455101/bis-15-477-apprenticeships-levy-consultation.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/455101/bis-15-477-apprenticeships-levy-consultation.pdf) (last accessed 11th November 2016).

### Ballot Thresholds [for strike action] in Important Public Services.

*Trade Union Reform: Consultation on ballot thresholds in important public services* (July 2015), [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/445433/BIS-15-418-consultation-on-ballot-thresholds-in-important-public-services.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/445433/BIS-15-418-consultation-on-ballot-thresholds-in-important-public-services.pdf);

*Ballot Thresholds in Important Public Services: Consultation Impact Assessment* (July 2015), [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/445514/BIS-15-418-IA-40-threshold.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/445514/BIS-15-418-IA-40-threshold.pdf) (both last accessed 11th November 2016).

### Creating UK Research and Innovation.

*Success as a Knowledge Economy: Teaching Excellence, Social Mobility and Student Choice* [white paper] (May 2016), [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/523546/bis-16-265-success-as-a-knowledge-economy-web.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/523546/bis-16-265-success-as-a-knowledge-economy-web.pdf) (last accessed 11th November 2016).

### Moving the Operations of the Land Registry into the Private Sector.

*Consultation on moving Land Registry operations to the private sector* (24th March 2016), [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/510987/BIS-16-165-consultation-on-moving-land-registry-operations-to-the-private-sector.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/510987/BIS-16-165-consultation-on-moving-land-registry-operations-to-the-private-sector.pdf) (last accessed 11th November 2016).

### National Living Wage.

*Summer Budget 2015*, HM Treasury (July 2015), [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/443232/50325\\_Summer\\_Budget\\_15\\_Web\\_Accessible.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/443232/50325_Summer_Budget_15_Web_Accessible.pdf);

*Summer Budget 2015 data sources*, HM Treasury (July 2015), [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/443273/Data\\_sources\\_-\\_Summer\\_Budget\\_2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/443273/Data_sources_-_Summer_Budget_2015.pdf) (both last accessed 11th November 2016).

### Small Business Commissioner.

*Enterprise Bill: A Small Business Commissioner* [consultation] (26th July 2015), [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/450695/BIS-15-438-a-small-business-commissioner.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/450695/BIS-15-438-a-small-business-commissioner.pdf) (last accessed 11th November 2016).

## Department for Communities and Local Government (DCLG)

### Banning and Blacklisting Rogue Landlords.

*Tackling rogue landlords and improving the private rental sector: A technical discussion paper* [consultation] (August 2015), [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/450862/Discussion\\_paper\\_FINAL.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/450862/Discussion_paper_FINAL.pdf) (last accessed 11th November 2016).

### Broadening the Definition of Affordable Housing.

*Consultation on proposed changes to national planning policy* (December 2015), [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/488276/151207\\_Consultation\\_document.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/488276/151207_Consultation_document.pdf);

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# APPENDIX 5: TESTABLE CLAIMS. WHEN IS EVIDENCE EXPECTED

Policymaking is about finding ways to influence and organise society, so it is based on a combination of politics, values and pragmatism. Some claims about why a policy is being introduced cannot be tested with evidence and some can.

But while we can all agree that there are many factors in a decision, it's useful to distinguish where we would expect supporting evidence, and where we wouldn't. We have a right to know when policymakers are simply asserting beliefs and when they are making claims about fact. There is a world of difference between expressing political values and making promises that could one day be proved right or wrong. For example ...

“Hosting the Olympics will be an exciting and prestigious thing for our city to do.”

“Hosting the Olympics will encourage more people to take up sport and get more exercise, and there will be a net financial benefit from increased tourism and investment.”

“Marriage is the bedrock of our society and we should support and recognise that commitment through a married couples' tax allowance.”

“A married couple's allowance will increase the number of children growing up in married households and reduce anti-social behaviour.”

“Supporting children from all backgrounds is a priority for this government, so we need a national network of early years centres to show that commitment.”

“If we provide early years centres we will measurably improve the education of children who have access to them.”

“We don't believe that what people do in their personal lives is our business. So we support decriminalisation of small amounts of cannabis for personal use.”

“Cannabis has substantial health benefits and we should decriminalise it.”

“It is not fair that some rich people don't play by the same rules as everyone else. ‘Non-doms’ should be taxed.”

“‘Non-doms’ should be taxed because it will bring more money to the Exchequer, even if some of them leave as a result.”

“This government is committed to devolving power to the regions because everyone has a right to local democracy.”

“This government is committed to devolving power to the regions because it will stimulate economic regeneration.”

Sense about Science is an independent campaigning charity that challenges the misrepresentation of science and scientific evidence in public life. We advocate openness and honesty about research findings, and work to ensure the public interest in sound science and evidence is represented and recognised in public discussion and policymaking.

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Designed by Francesca Tortora

For more copies or for further information, please contact  
Stephanie Mathisen, [smathisen@senseaboutscience.org](mailto:smathisen@senseaboutscience.org)

**Sense about Science**

14a Clerkenwell Green  
London EC1R 0DP  
+44 (0)20 7490 9590

[www.senseaboutscience.org](http://www.senseaboutscience.org)

[hello@senseaboutscience.org](mailto:hello@senseaboutscience.org)

Registered charity No. 1146170

Company No. 6771027

