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## **Losing Impact: why the Government's impact assessment system is failing Parliament and the public**

The SLSC has, for some time, been concerned at the way the Government has come to ignore, downplay or bypass the existing scrutiny safeguards which aim to ensure that Parliament has the necessary information provided in a timely fashion to enable it to undertake its critical function of holding the Government to account.

In this our latest Report, '*Losing Impact*', the Secondary Legislation Scrutiny Committee focuses on the decline in the quality of Impact Assessments (IAs) – which are essential documents if Parliament is to understand the full implications of government policy. It is true that in the past two years the system has undergone the dual challenges of Brexit and the pandemic. While for emergency legislation some pragmatic relaxations in the system could, to an extent, be justified, it is in the Government's 'business as usual' legislation that we have found some of the worst cases; and, more worryingly, we are still finding them.

Using examples from our weekly scrutiny of secondary legislation, this new Report illustrates the problems we are finding in the provision of IAs, and suggests some remedies: a simpler process, reviewed earlier with proper tracking and enforcement.

Our concern is not just about 'paperwork' – IA information should play a key role in the policy formulation process, so providing a firm evidence base that helps demonstrate that the legislation is targeted at the right groups and in the most cost-effective way. Delays in publishing an IA deprives those affected as well as those in Parliament of an opportunity to challenge the Government's assumptions and point out unforeseen consequences.

Even when good quality IAs are produced we have noted very variable practice in following them up through Post-Implementation Reviews – we remain surprised just how few amending Regulations presented to us for scrutiny are the result of this type of 'good housekeeping' evaluation. That is a wasted opportunity.

We heard evidence that the difference between the good and the bad IAs is within departments and not between them, so we raise questions about the role of departments' SI Ministers. We also find that the current approach, which leaves departments to regulate themselves, results in too many instruments being laid with IAs "to follow" sometimes months after the legislation has taken effect. That is wholly unsatisfactory.

This is the latest in a series of reports produced by the Secondary Legislation Scrutiny Committee (SLSC) and our sister Committee the Delegated Powers and Regulatory Reform Committee (DPRRC) drawing attention to the growing imbalance in power between Parliament (both Houses) and the Government.

In part, this shift in relative power is the result of an increasing use of skeleton primary legislation which leaves the detail of policy – which is what is really of importance to us all – to unamendable secondary legislation. The titles of the first two Reports, produced last November, 'Government by Diktat' (SLSC) and 'Democracy Denied' (DPRRC) says it all.

I hope that this report – and indeed our other reports – will give you food for thought.

Yours sincerely

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