



AN INTRODUCTION TO POLICY IN THE UK

The British Ecological Society (BES) is committed to making the best ecological evidence accessible to decision-makers. Policymaking processes are rarely straightforward, however, and understanding how best to share their expertise with decision-makers can be challenging for scientists. Our Policy Guides aim to improve communication between our members and policymakers, increase the impact of ecological research and support evidence-informed policymaking.

INTRODUCTION

This first guide provides an introduction to the policymaking process, focusing on the UK Government and Parliament, how policies are developed and the difference between policy and legislation.

THE POLITICAL SYSTEM IN THE UK

The UK political system is a parliamentary democracy which functions under a constitutional monarchy. The monarch is the constitutional head of state, but acts mainly in a ceremonial capacity. Executive powers, the power to implement and enforce laws, lie with the Government. Government may propose a new law or piece of legislation to give legal underpinning to some or all of a policy.

The Government is monitored and scrutinised by Parliament, meaning all new legislation must go through Parliament before being passed into law. Parliament also scrutinises existing legislation, Government policies and their results.

WHAT IS A POLICY?

A policy is a set of principles to guide actions in order to achieve a goal. A 'government policy', therefore describes an objective or course of action planned by the Government on a particular subject. Policies are usually developed by a Government Department, for example the Department for Environment, Food and Rural Affairs (Defra), in order to achieve their objectives. Documentation on government policies is publicly available through the UK Government website (www.gov.uk/government).

KEY MESSAGES

- Under the UK's constitutional monarchy, the Government runs the country by implementing policies and is held to account by Parliament.
- A 'government policy' is a plan or course of action by the Government.
- Legislation is law. Policies must always comply with existing law, but may also lead to the proposal of new laws.
- Some aspects of policymaking and legislation, such as the environment and education, are devolved to the national level (England, Scotland, Wales and Northern Ireland).
- The processes for formulating, enacting and scrutinising policies are complex and non-linear. Policy tends to be evidence-informed, presenting opportunities for researchers to provide input and scientific evidence, but is also shaped by a number of other factors, including electoral considerations, public opinion and decision-makers' preferences and values.



WHERE DO POLICIES COME FROM?

Policies may emerge at different points during the political cycle. Some policies may be outlined in party manifestos prior to an election, such as the commitment to a 25 Year Plan to restore the UK's biodiversity in the 2015 Conservative Party manifesto, while others may emerge in response to particular situations or events, such as ash dieback. External organisations and individuals can influence policy development at all stages through formal consultation and engagement, or through informal lobbying of Ministers, Parliamentarians, and wider public advocacy.

WHO ARE POLICYMAKERS?

For scientific evidence to play a part in informing policy development it must be seen and understood by those responsible for making policy – but who is this?

'Policymaker' is a broad term, encompassing all people involved in formulating, developing or amending policy. In the UK, Ministers of Government, their advisors, civil servants, Chief Scientific Advisors, Members of the House of Commons (MPs) and the House of Lords, as well as their staff, all fall under this umbrella. Staff working for government agencies such as Natural England, who tend to have more expert knowledge in the ecological domain, play a critical role in informing the development of policies.

EXAMPLES OF POLICY

The details of a policy and the steps needed to meet the policy ambitions will often be set out within Government strategies, which are usually developed through stakeholder consultation. These strategies are non-binding in themselves but have often been developed in order to

help meet binding objectives and goals, for example, the commitment to reduce greenhouse gases under the Kyoto Protocol. A policy may have an associated piece of legislation that helps to enforce part or all of it. The case study in the final section of this Guide examines the development of the Biodiversity 2020 strategy⁴, showing how this was shaped by an international commitment to the Convention on Biological Diversity⁵ (CBD) and involved a major process of stakeholder consultation.

POLICIES ARE OFTEN EXPRESSED IN:

- Government manifestos
- White Papers, such as the Natural Environment White Paper⁶
- Thematic policies, such as those concerned with biodiversity (see the case study) or with invasive non-native species⁷.

EXAMPLES OF LEGISLATION THAT ENFORCES A POLICY:

- The Wildlife and Countryside Act 1981 is the primary legislation that protects animals, plants, and certain habitats in the UK. It consolidates and amends existing national legislation to implement the Bern Convention⁸ and the Birds Directive⁹. This Act also provides for the notification and confirmation of Sites of Special Scientific Interest (SSSIs), which are identified and protected for their flora, fauna, geological or physiographical features¹⁰.
- The UK Climate Change Act 2008¹¹ commits the UK to reducing emissions by at least 80% in 2050 from 1990 levels, based on advice from the Committee on Climate Change report: Building a Low-Carbon Economy¹². Under the United Nations Framework Convention on Climate Change the UK is party to commitments under this forum.

FACT BOX

WHAT IS THE DIFFERENCE BETWEEN THE UK GOVERNMENT, PARLIAMENT AND THE DEVOLVED ADMINISTRATIONS?

- The Government (also referred to as 'the executive') is responsible for deciding how the country is run and managing the process.
- The Parliament ('the legislature') is responsible for monitoring and scrutinising the actions of the Government and passing laws.
- Parliament is composed of two chambers; the House of Commons, composed of Members of Parliament (650) who have been elected by voters; and the House of Lords, composed of Members who are appointed (around 800).¹
- Some powers and responsibilities, including environmental policy are transferred from the UK Government and Parliament to the devolved administrations. These are the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly, whose executive agencies are the Scottish Government, the Welsh Government and the Northern Ireland Executive².
- As England does not have a devolved administration, the UK Government and Parliament consider English policy matters that are otherwise devolved. For example Defra has responsibility for English environmental policy.



WHAT IS THE DISTINCTION BETWEEN POLICY AND LEGISLATION?

Although policy and legislation are interrelated, each has a distinct function:

- A policy is 'a course or principle of action adopted or proposed by an organization or individual'. Legislation sets out the law and therefore, the procedure or standard that people and organisations must follow.
- Therefore, laws can be used to enforce the course of actions as set out within a policy, but policies may also be adopted as a way of fulfilling legislative commitments. New laws may be developed to enforce part or all of a policy.
- Policies tend to evolve and adapt over time under review processes, while laws tend to be fixed for much longer periods of time. Laws can be amended but this happens on a much less frequent basis.



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WHAT IS THE DIFFERENCE BETWEEN PRIMARY AND SECONDARY LEGISLATION?

- Primary legislation usually takes the form of an Act of Parliament, though it can also take the form of an Order of Council under the Royal Prerogative.
- A draft piece of primary legislation is called a Bill. When a Bill is passed by Parliament it becomes an Act of Parliament and part of statute law. The process by which a Bill becomes an Act will be covered in a separate Policy Guide.
- Secondary legislation allows the Government to make changes to the law, using powers conferred through primary legislation, often an Act of Parliament.³
- Most legislation passed in the UK each year is secondary; thousands of pieces of secondary legislation, also referred to as statutory instruments, are made each year, compared to a few dozen Acts of Parliament.
- Secondary legislation has several advantages: it stops Parliamentary time being used up on overly-technical matters, allows experts to prepare laws, and offers flexibility to deal with changing circumstances. Disadvantages include: lack of Parliamentary scrutiny, removal of controversial issues from Parliament to Government, and the huge quantity of legislation generated without much public debate or oversight.

FACT BOX

WHAT ARE GREEN PAPERS AND WHITE PAPERS?

- Green Papers are consultation documents produced by the Government, which set out proposals that are at a formative stage for further discussion.
- They enable people inside and outside of Parliament to provide feedback to the relevant department on its policy or legislative proposals;¹³ an example being the Defra Green Paper on Biodiversity Offsetting in England.
- Green Papers do not contain a commitment to action, but often form the basis of White Papers.
- White Papers are policy documents issued by the government and often set out their proposals for future legislation. These proposals may have their origins in the Green Paper process.
- White Papers may include a draft version of a Bill that is being planned. Some White Papers invite comments on the detail of the implementation of the policy and form the basis for consultation and discussion with interested parties, allowing for changes before a Bill is formally presented to Parliament.¹⁴
- The Department for Business, Innovation and Skills' White Paper on Higher Education: Success as a knowledge economy, is an example of a White Paper.
- Not all White Papers include a proposal for legislation, for example the Natural Environment White Paper – The Natural Choice, which set out the then government's vision for the natural environment over the next 50 years, including the actions to deliver that goal.





CASE STUDY:

BIODIVERSITY 2020: A CASE STUDY OF INTERNATIONAL COMMITMENTS AND FORMATION OF NATIONAL POLICY.

An example of how international commitments can shape and inform national policies is the Convention on Biological Diversity¹⁵ (CBD). A treaty of the United Nations, this provides a legal basis for biodiversity conservation, requiring its signatories to create and implement strategies for biodiversity conservation. Commitments made under the Nagoya protocol¹⁶ of the CBD led the European Union to adopt its own strategy – the EU Biodiversity Strategy 2020¹⁷ – which itself committed member states to a series of targets. Stimulated by these two key developments, and to address the international commitments made within them, each of the countries within the UK has developed their own biodiversity policy. Here we take a look at the development of England's biodiversity policy as an example.

In August 2011 Defra published "Biodiversity 2020: A strategy for England's wildlife and ecosystem services."¹⁸ This superseded the UK Biodiversity Action Plan, setting out the strategic direction for England's biodiversity policy. Key to the development of this strategy were the UK National Ecosystem Assessment¹⁹ and the Natural Environment White Paper – The Natural Choice²⁰. The White Paper itself was developed through consultation, with Defra's call for ideas eliciting responses from 15,000 individuals and organisations. It also drew upon the Lawton Report:

Making Space For Nature²¹, an independent review of England's wildlife sites and their connectivity. The Natural Choice and Biodiversity 2020 contain a suite of policies.

In the run up to 2020, we may expect a rapid period of development for environmental policies, both in response to current government commitments to publish a 25 year plan for the environment and to the UK leaving the European Union.

Key message: More comprehensive domestic policies often develop in response to broad international commitments, such as those within the Convention on Biodiversity. The details of the policy are informed through stakeholder consultation, of which evidence forms a part.

SUMMARY

This Guide provides an introduction to the process of policymaking in the UK and the institutions involved, further details of which will be discussed in subsequent Guides. The processes described, including the formulation of policies (e.g. in Green and White Papers), and the scrutiny of proposed legislation and policies, draw upon scientific evidence. As such, they present opportunities for ecologists at any career stage to engage individually, collectively and as members of organisations, such as the BES. Building on the background presented in this Policy Guide, further Guides will explore the details of the policymaking processes introduced and highlight specific opportunities to facilitate ecologists' engagement with policymaking.

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BRITISH ECOLOGICAL SOCIETY POLICY GUIDES

Policy Guides will provide an information resource for BES members, focusing on the policymaking process in the UK and the various avenues through which scientific evidence can be used to inform policy.

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Contact: British Ecological Society, Charles Darwin House, 12 Roger Street, London, WC1N 2JU, United Kingdom.

T: +44 (0)20 7685 2500

E: policy@britishecologicalsociety.org
britishecologicalsociety.org/policy