MEND’s Politics Masterclass Cribsheet

Module I: UK Governance

**Table of Contents**

[MEND’s Politics Masterclass Cribsheet 1](#_Toc74030441)

[The British executive, legislative, and judicial branches of government (Slide 1) 2](#_Toc74030443)

[Overview (Slide 2) 4](#_Toc74030455)

[The Branches of Government (Slide 3) 5](#_Toc74030459)

[Parliament: the legislative branch (Slide 4) 6](#_Toc74030461)

[Government: the executive branch (Slide 5) 10](#_Toc74030478)

[Government: the executive branch (Slide 6) 13](#_Toc74030494)

[What holds the Government to account? 13](#_Toc74030495)

[Local Government: the Executive Branch (Slide 7) 16](#_Toc74030513)

[Local Government in England 16](#_Toc74030514)

[Local Government: the Executive Branch (Slide 8) 20](#_Toc74030531)

[Local Government in Wales 20](#_Toc74030532)

[Local Government: the Executive Branch (Slide 9) 22](#_Toc74030537)

[Local Government in Scotland 22](#_Toc74030538)

[The Role of Elected Officials (Slide 10-12) 24](#_Toc74030542)

[Devolved Powers (Slide 13) 27](#_Toc74030552)

[The Scottish Parliament (Slide 14) 28](#_Toc74030557)

[The Welsh Senedd (Slide 15) 30](#_Toc74030562)

[Establishing the need for new legislation (Slide 16) 32](#_Toc74030567)

[How is Legislation made? Proposing new legislation (Slide 17) 33](#_Toc74030575)

[How is Legislation made in Westminster? (Slide 18) 35](#_Toc74030584)

[How is Legislation made in Scotland? (Slide 19) 38](#_Toc74030598)

[How is Legislation made in Wales? (Slide 20) 40](#_Toc74030603)

[Voicing opposition to a bill (Slide 21) 42](#_Toc74030608)

[The Role of Elected Officials (Slide 22) 43](#_Toc74030613)

[The Judicial System (Slide 23) 45](#_Toc74030619)

# The British executive, legislative, and judicial branches of government (Slide 1)

## The importance of political and media engagement

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| Key messages:Introduce MEND.Islamophobia can only be tackled through increased engagement of Muslim communities within political and media institutions.MEND runs these masterclasses as we believe in the importance of educating people about media and politics.Muslims must be fully engaged with politics and media in order to be represented.Democracy is more than voting.It is natural to feel lost, so ask questions.  |

### MEND and tackling Islamophobia

* Muslim Engagement and Development (MEND) is a community-funded organisation that seeks to encourage political, civic, and social engagement within British Muslim communities through empowering British Muslims to interact with political and media institutions effectively. We firmly believe that enhancing the mainstream participation of vulnerable and under-represented communities is an important step towards deepening and strengthening our democracy.
* As Islamophobia is a form of racism that serves to exclude Muslims from political, social, civic, economic, and public life, MEND is at the forefront of tackling Islamophobia for the sake of empowering British Muslims to fully enjoy their human rights and fundamental freedoms on an equal footing with all other members of society. At the same time, Islamophobia can only be tackled through increased engagement of Muslim communities within political and media institutions.
* In other words, MEND seeks to tackle Islamophobia:
	+ Through empowering British Muslims to be actively engaged in politics and media,
	+ And in order to empower British Muslims to be actively engaged in public life.

### Why politics matters

* Democracy only works when people are involved and, in order to be involved, you first need to know *how* to be involved.

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| Activity***Question****: Democracy is far more than voting in general elections. What ways do you know of that you can use to engage with the democratic process beyond voting in elections?* |

* We use words and concepts in our everyday language which, in reality, we often don’t fully understand; words such as ‘executive’, ‘legislative’, ‘first past the post’, ‘proportional representation’.
* There are going to be a variety of terms and concepts within this session that you may find difficult to understand; this is perfectly natural and you should be sure to ask any questions that you need.

# Overview (Slide 2)

## What to expect from this masterclass

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| Key messages:Give an overview of the session  |

* The executive and the legislative branches
* Local government
* Devolved powers
* How laws are made
* Voicing opposition to laws
* The judicial system
* Challenging the law - case studies

# The Branches of Government (Slide 3)

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| Activity***Question:*** *What the three branches of Government?**Executive, Legislative, Judiciary* |

# Parliament: the legislative branch (Slide 4)

## Understanding the executive and the legislative branches

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| Key messages:Explain the difference between the executive and the legislative branches. The legislative introduces legislation (laws)The executive implements legislation (it executes laws) and sets policy (The judiciary enforces laws)Explain the structure of Parliament: The House of CommonsThe House of LordsThe Monarch |

**The separation of power**

* In most democracies such as the UK, the government (or state) is divided into three branches.
* Each branch has defined roles and functions that prevent the concentration of power in any one branch and enable each branch to serve as a check on unlimited power.
* This is known as the “separation of power” and typically divides power into three:
	+ The executive,
	+ The legislative,
	+ And the judiciary.

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| Activity***Question****: Can anyone define what we mean by ‘the executive and the legislative branches’ and what is the difference between them?* |

* Starting with the executive and the legislative, essentially;
	+ The legislative introduces legislation (laws)
	+ The executive implements legislation (it *executes* laws) and sets policy
* For example;
	+ The legislative branch would traditionally introduce taxes,
	+ The executive is responsible for collecting taxes and ensuring that there are the resources to do so (for example, through civil service departments such as HMRC),
	+ (While the judiciary would oversee any failings to adhere to tax law – they would *enforce* the law).

### Parliament

* Parliament is essentially the legislative branch of government
	+ This includes:
		- Parliament in Westminster
		- The Scottish Parliament (we will discuss this later)
		- The Welsh Senedd (we will discuss this later)
		- The Northern Irish Legislative Assembly
* Parliament in Westminster is responsible for the majority of laws across the UK and is composed of:
	+ The House of Commons
	+ The House of Lords
	+ The Monarch: Time has witnessed a reduction the power of the monarchy within the Parliamentary system, and today this power is largely ceremonial. However, the Queen plays a constitutional role in opening and dissolving Parliament and approving Bills before they become law. (See below note on the UK constitution).
* Parliament is where:
	+ Bills (which are essentially proposed laws) are discussed and debated.
		- How bills become law will be discussed later in this session.
	+ Existing laws are discussed and changed.
	+ The Government is held to account and scrutinised.

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| Activity***Question****: What is the difference between the House of Commons and the House of Lords?* |

### The House of Commons

* The House of Commons consists of 650 members of parliament (MPs) who are elected in general elections by voters in their constituency.
* As of May 2021, there are currently 220 female and 430 male members of the House of Commons.
	+ This is the highest number of female MPs in UK history
	+ Both the Liberal Democrats and Labour have more women MPs than men.
* In terms of ethnicity, roughly 10% of MPs are from BAME communities (compared to 15% of the overall population).
* One in five Labour MPs are currently from BAME backgrounds, compared with 6% of Conservatives.
* There are no BAME MPs in the House of Commons from Wales, nor Northern Ireland, and only 1 from Scotland.

### The House of Lords

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| Activity***Explore****:* [*https://members.parliament.uk/parties/Lords*](https://members.parliament.uk/parties/Lords) |

* The House of Lords has roughly 800 members.
* Members are selected and appointed through a number of avenues:
	+ Hereditary peers:
		- Hereditary appointments are no longer being made, however, there are still currently 87 hereditary peers (as of June 2020).
	+ Life Peers:
		- Nominations from parties as a result of long-term service (Sayeeda Warsi).
		- Those appointed on account of particular expertise (Shabi Chakrabati, Alan Sugar etc.).
		- There are currently 666 life peers (as of June 2020).
	+ Bishops (Lords Spiritual):
		- The clergy also have fixed number of seats (25) which are filled by the highest-ranking members of the church.
		- The Bishops are politically neutral with no party affiliation
* Hereditary peers and life peers are either:
	+ Independent of any political party.
		- Crossbench (179) or non-affiliated (46)
			* Lords may choose which description they wish to use, but both are essentially independent of any political party.
			* Non-affiliated members also choose to remain independent of the crossbench group
		- The Lord Speaker (1): the current Lord Speaker is Lord Fowler. The speaker is elected by the members of the House of Lords and chairs the daily business of the chamber. They must drop any party affiliation upon their election to the position.
	+ Affiliated to a political party:
		- Conservatives – 259
		- Labour – 177
		- Lib Dem – 86
		- Other – 245
* As of October 2020, there are 572 male and 222 female members of the House of Lords.
* An estimated 6% of the House of Lords are from BAME backgrounds (compared to 14% of the population)
* As membership to the House of Lords is for life, changes in diversity are slow.

# Government: the executive branch (Slide 5)

## Government

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| Key messages:Explain what the Government is. Explain what the Cabinet is. Explain what the Shadow Cabinet is. Interesting notes:Governments with a large majority (such as the current government) mean a smaller gap between the legislative and executive.The UK doesn’t have a single and codified written constitution. |

### The Government

* Following an election, the party that wins a majority of seats in the House of Commons, the Scottish Parliament, the Welsh Senedd, or the Northern Irish Assembly forms a government.
	+ In the House of Commons, a majority is more than 326 seats.
* The Government is responsible for implementing laws and setting policies.
	+ These policies are laid out in the party manifesto which acts as a public declaration of the party’s policy positions and aims.
* In the event that no party achieves a clear majority in a general election, a coalition government is formed, usually consisting of two political parties who work together and negotiate an agreement to support each other’s policy positions during the lifetime of the government.
* The largest party that opposes the ruling party (or government) is known as the “opposition”.
* The opposition sits on the left-hand side of the House of Commons (from the perspective of the speaker), and the ruling party sits on the right.

### The Prime Minister

* The Prime Minister is an MP and the leader of the party that wins the most seats in a general election. They are appointed Prime Minister by the Queen and become the head of the Government.
* The Prime Minister is responsible for appointing other members of the government in the form of the cabinet

### The Cabinet

* The Cabinet is the collective decision-making body of the Government. (They are the primary decision-making authority in the government).
* It consists of the Prime Minister and the most senior ministers who lead the executive (government) departments specialising in different policy areas (such as the Secretary of State, the Foreign Minister, the Chancellor of the Exchequer etc.)
* All ministers (whether in the cabinet or not) are appointed by the Queen on the advice of the Prime Minister and are selected from the House of Commons and the House of Lords.

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| Activity***Question****: What is the Shadow Cabinet?* |

### The Shadow Cabinet

* The Shadow Cabinet (which is not part of the Cabinet) consists of senior members of the opposition party who mirror the position of government ministers as ‘shadow ministers’ in order to scrutinise the work of their counterparts, develop alternative policies, and hold the Government to account for its actions and responses.

### Interesting notes

* It is worth bearing in mind that, in the UK, it has historically been argued that there has been such a great deal of overlap between the three branches of state and that the idea of a separation of powers doesn’t truly exist in the UK. Historically, the overlap was significant across all three branches. At present, the greatest overlap is between the executive and legislative branches. Indeed, if you have a Prime Minister (and a cabinet) with a strong majority in the House of Commons, they wield a lot of power to push legislation through Parliament and scrutiny becomes more difficult. Since 2010, coalition governments and weaker majority governments have increased the distance between the legislative and the executive. However, with the current Conservative majority in the Commons, this gap has arguably closed once more.
* The UK is one of only three countries that doesn’t have a single and codified written constitution (the only other countries are New Zealand and Israel). Instead, we have a series of laws and rules (in the form of acts of Parliament, court judgments, and conventions) that provide precedent when important decisions need to be made and which regulate the relationships between different institutions, branches of government, and between the state and individuals. On one hand, this has historically allowed the UK to robustly deal with changing times, on the other, it has created confusion in times of uncertainty – including Brexit negotiations.

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| Activity***Discussion questions****:* *What are the advantages and disadvantages of a written constitution?**What is the difference between a dictatorship and a democracy?**How does the separation of powers protect against a dictatorship?**At what point does the separation of powers become so small that a dictatorship emerges?* |

# Government: the executive branch (Slide 6)

## What holds the Government to account?

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| Key messages:Parliamentary questions PMQs / FMQsCommittees Royal prerogativeJudicial review The Attorney General The Advocate General The press |

* There are a variety of mechanisms through which Parliament and the public hold the Government to account.

### Parliamentary Questions (in Westminster, the Scottish Parliament, and the Senedd)

* Every day, MPs and Lords have the opportunity to question Government ministers on their policies.
* This can be through oral questions or written questions.
* Government ministers then publicly respond and explain or justify policies and decisions.

### Prime Minister’s Questions (in Westminster)

* Every Wednesday, MPs have the opportunity to question the Prime Minister on the actions and policies of their government.

### First Minister’s Questions (in the Scottish Parliament and the Senedd)

* Every Thursday, MSPs have the opportunity to question the First Minister on the actions and policies of their government.
* Every Tuesday, MSs have the opportunity to question the First Minister on the actions and policies of their government.

### Committees (in Westminster, the Scottish Parliament, and the Senedd)

* Committees examine specific policy issues or legislation in detail.
* These committees scrutinise proposed legislation, spending, administration, and policy before publishing a report.
* The government issues responses to most committee reports.

### Judicial Review (in Westminster, the Scottish Parliament, and the Senedd)

* A judicial review is a court proceeding, in which a judge examines the lawfulness of a decision made by a public body (including the Government). They do not make a comment on the conclusion that was reached, but judge the process by which that decision was made. As such, the public body in question can subsequently re-examine the case and come to the same conclusion as long as their process is lawful.
* A good example of this is the recent judicial review against the Government regarding their appointment of Lord Carlile as the Independent Reviewer of the PREVENT Strategy.
	+ The judicial review was brought by Rights Watch UK on the grounds that:
		- Lord Carlile’s strong support of PREVENT brought his independence into serious question.
		- There was a lack of transparency and due process surrounding his appointment.
	+ The Government was forced to concede and removed Lord Carlile from the position and launched a new open application process to appoint a new reviewer.
* However, there is currently efforts being made by the Government to curtail the powers of judicial review.
* Judicial review and the challenges to it will be looked at in greater detail further below.

### The Attorney General for England and Wales (in Westminster and the Senedd)

* The Attorney General is the Government’s principal legal advisor, both in terms of domestic or international legislation, and domestic or international litigation in which the Government may be involved.
* The Attorney General is a non-cabinet minister and does not usually attend cabinet meetings (but they may do when advice is needed). This is in order to distinguish between their political advice and legal advice. However, this is by political convention and not by law.
* While they are separate from the Government, they remain subordinate to the Lord Chancellor (the Secretary of State for Justice), who is a member of the Cabinet (and therefore the Government.)
* As a government minister, the Attorney General is directly answerable to Parliament.
* Suella Braverman was appointed Attorney General on 13 February 2020.
* In March 2021, Michael Ellis was appointed as acting Attorney General while Braverman is on leave
* Recent controversy surrounding the independence of the Attorney General have emerged following Suella Braverman’s support of the Government in its plan to break parts of the UK-EU withdrawal agreement, as laid out in its new Internal Market Bill – which amounts to supporting the Government in breaking international law.

### The Advocate General for Scotland (in the Scottish Parliament)

* The Advocate General is the Government’s chief legal advisor on Scots Law including all devolved issues relating to Scotland and is responsible for scrutinising all legislation going through the Scottish Parliament.

### The Press

* The press is often used to hold the government and political representatives to account.
* It is often referred to as the fourth pillar of democracy (alongside the executive, legislative, and judicial) as it exerts significant indirect social influence over policy making.
* However, the ability of the press to hold governments to account is also predicated upon issues to do with press ownership and financial structures. We will cover this issue in greater detail during a later module.

# Local Government: the Executive Branch (Slide 7)

## Local Government in England

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| Key messages:Local Government is complicated and differs depending on your local area.Principle (local) authorities are mostly organised in either:A two-tier system of county councils (the upper tier) and district, borough, or city councils (the lower tier).Or unitary (single tier) systemsUnitary authorities sometimes join forces to create combined authorities that share responsibilities and resources to provide services over a larger area.Local Parish, Community, and Town councils operate below the level of both local authorities and district, borough, or city councils. They deal with local events, relationships, organisations, and public areas. All councils are led by elected councillors who represent their local community and who must either live or work in the area. You can either stand for election as a member of a political party or as an independent. |

**Understanding Local Government**

* Local government is complex, with the functions and responsibilities of different branches varying depending on the local area.

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| Activity***Question****: Why do you think that systems of local government are so complex and differ across the country?* |

* This is because local systems have developed separately and gradually through time according to the history and needs of local communities.
* Because it is so complex, it is important that people educate themselves and are familiar with the systems that are operating in their local areas.
* Local authorities receive funding from a range of sources, including Government grants, council taxes, business rates, and local fees and charges.

### Principal Authorities

* There are roughly 350 local authorities in England. These authorities largely fall into two main types of local authority systems; two-tier authorities (which covers most of England) and unitary (one-tier) authorities.

#### Two-Tier Systems:

* Some areas in England function through a two-tier system of county councils (the upper tier) and district, borough, or city councils (the lower tier).
* County and district councils have distinct functions, but their remits overlap regarding some issues.
* There are 25-30 county councils and around 200 district councils In England.
* County Councils (the upper tier) cover a county-wide area and are responsible for:
	+ Education,
	+ Transport,
	+ Planning,
	+ Fire and public safety,
	+ Social care,
	+ Libraries,
	+ Waste management,
	+ Trading standards.
* District councils, borough councils, and city councils (the lower tier) cover a smaller area and are responsible for:
	+ Rubbish collection,
	+ Recycling,
	+ Council Tax collections,
	+ Housing,
	+ Planning applications.

#### Unitary Authorities

* Around 125 local authorities are unitary (single-tier) authorities. This includes 33 London boroughs and 36 metropolitan boroughs.
* As there is only one-tier of government, they are responsible for all of the services of both county councils, as well as those of district, borough, and city councils.
* It is these unitary authorities that join to create combined authorities to provide services such as fire, police, and public transport to a wider area.
* For the most part, unitary authorities have been created depending on a Government policy or a local initiative at a certain time, rather than any standardised rationale relating to local economy, geography, or identity.

### Combined Authorities

#### Unitary authorities sometimes join forces to create combined authorities that share responsibilities and resources to provide services over a larger area.

* The first combined authority created was Greater Manchester Combined Authority, which was established in April 2011.
* There are currently ten combined authorities in existence across the country, with around half a dozen more proposed.
* Combined authorities are created voluntarily and allow a group of local authorities to pool responsibilities and resources in order to deliver transport and economic policy more effectively over a wider area.

### Local Councils: Parish, Community, and Town Councils

* Larger districts, particularly those in rural areas, are often divided into parish, community, or town councils.
* These operate in areas that are governed by both two and one-tier systems and hold a position below district, borough, and city councils, as well as unitary authorities.
* These councils are largely consultative on planning and development decisions, as well as overseeing issues such as:
	+ Public areas (parks, benches, clocks, bus shelters, play areas and play equipment,
	+ community centres,
	+ Grants to help local organisations,
	+ Allotments,
	+ Local events and competitions (village fetes, Britain in Bloom etc.).
* They also have the power to issue fixed penalty fines for offences including litter, graffiti, fly posting, and dog offences.

### Becoming a Councillor

* All councils are led by elected councillors who represent their local community and who must either live or work in the area.
* You can either stand for election as a member of a political party or as an independent.
* If you wish to stand as a member of a political party, your party will decide whether or not to select you as a candidate
* Whether you’ve been selected by a party or are standing as an independent candidate, you must be officially nominated by 10 registered electors in the ward where you wish to stand.
* To find out more information, go to <https://beacouncillor.co.uk/>
* Or have a look at the guides produced by the Local Government Association (<https://www.local.gov.uk/councillors-guide-2018-desktop-use>)

# Local Government: the Executive Branch (Slide 8)

## Local Government in Wales

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| Key messages:22 Unitary authorities with councillors being elected every four years The elections planned for May 2021 were delayed a year so as not to clash with Senedd and Police Crime commissioner elections |

**Understanding Local Government**

* Local government in Wales is organised through 22 unitary authorities (called councils) which are run by councillors who are elected every four years.
* The elections planned for May 2021 have been delayed to 2022 so as not to clash with Senedd and Police Crime commissioner elections.
	+ Elections will be covered in greater depth in the next module.
* Councils oversee issues including:
	+ Council Tax
	+ Education
	+ Housing
	+ Social Services
	+ Highways and Transport
	+ Waste Management and collection
	+ Leisure and Cultural Services for example providing libraries, leisure services and arts venues
	+ Consumer Protection (enforcing trading standards and licencing)
	+ Environmental Health and Services (food hygiene and environmental protection)
	+ Development and planning
	+ Economic Development (for example business and tourism)
	+ Emergency Planning

### Becoming a Councillor

* All councils are led by elected councillors who represent their local community and who must have been registered to vote in the area, or have lived or worked in the area for the last 12months.
* You can either stand for election as a member of a political party or as an independent.
* If you wish to stand as a member of a political party, your party will decide whether or not to select you as a candidate.
* To find out more information, go to <https://www.beacouncillor.wales/how-do-i-become-a-councillor>

# Local Government: the Executive Branch (Slide 9)

## Local Government in Scotland

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| Key messages:32 Unitary authorities with councillors being elected every five years |

**Understanding Local Government**

* Local government in Scotland is organised through 32 unitary authorities (called councils) which are run by councillors who are elected every five years.
* Councils oversee issues including:
	+ Council Tax
	+ Non-domestic rates (business rates)
	+ Maintenance of roads and pavements
	+ Primary and secondary schooling
	+ Parking
	+ Bus stops
	+ Supporting non-commercial bus services and some community transport
	+ Nurseries
	+ Care of the elderly,
	+ Protection of vulnerable children and adults
	+ Refuse collection
	+ Alcohol licensing
	+ Parades licensing
	+ Taxi licensing
	+ Trades licensing
	+ Food Hygiene inspections
	+ Regulation of landlords
	+ Parks and some leisure centres and swimming pools
* The COVID-19 pandemic disrupted the planned elections in 2020, meaning that the last elections took place in May 2021.
	+ Elections will be covered in greater depth in the next module.

### Becoming a Councillor

* All councils are led by elected councillors who represent their local community and who must have been registered to vote in the area, or have lived or worked in the area for the last 12months.
* You can either stand for election as a member of a political party or as an independent.
* If you wish to stand as a member of a political party, your party will decide whether or not to select you as a candidate.
* To find out more information, go to <http://www.localcouncillor.scot/>

# The Role of Elected Officials (Slide 10-12)

## What do elected officials do?

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| Key messages:Describe the role of a councillor and their responsibilitiesDescribe the role of a mayor and their responsibilitiesDescribe the role of a Police and Crime Commissioner and their responsibilitiesExplain how you can engage with them |

### The Role of Councillors (Slide 10)

* All forms of local government are led by elected councillors who represent their local community and who must have been registered to vote in the area, or have lived or worked in the area.
* When councillors run in elections, they either represent a party, or run as independent.
* Often promising to address certain policy areas that need attention within the local community, or issues raised by the local community.
* Their responsibilities are set across three main levels:
	+ Council level
		- Setting policies on council services/ local spending
		- Working with local stakeholders
		- Scrutinising service delivery
		- Committees
	+ Ward level
		- Surgeries
		- Local stakeholder engagement
	+ Party level
		- Canvassing
		- Electing local party candidates

### The Role of Mayors (Slide 11)

* Chairs of unitary councils are called mayors and lord mayors who serve for a municipal year
* They are elected by the council to lead council meetings and set the agenda, however they don’t have any significant power and are often symbolic.
* This is different to directly elected mayors who serve 4-5 year terms elected by people who live in the local authority area – it is many of these that were appointed in the May 2021 elections.
* Directly elected mayors are the executive leaders of the local authority, and have noticeably more power such as:
	+ Strategy and planning
	+ Set the annual budget
	+ Set the policy framework
* How to engage with them
	+ Attend public meetings including Mayor’s Question Time, State of London debate etc
	+ Respond to consultations
	+ Contact committees and suggest questions they can put to the mayor.

### The Role of PCCs (Slide 12)

* Police and Crime Commissioners are elected officials in England and Wales responsible for overseeing police forces.
* There are 40 Commissioners across England and Wales, each overseeing a police force with the exception of the Metropolitan Police, the City of London Police, and the Greater Manchester Police.
* Their responsibilities include:
	+ Maintaining an efficient and effective police force.
	+ Holding the Chief Constable to account for the delivery of the police and crime plan
	+ Holding the police fund
* How to engage with them
	+ Attend public meetings and consultations
	+ Sit on the local Police and Crime panel
	+ Become an independent custody visitor
	+ Write to/email your local PCC

# Devolved Powers (Slide 13)

## What is devolution?

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| Key messages:Discuss the difference between devolved and reserved powers |

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| Activity***Question****: What are devolved powers?* |

* Devolution is about the transfer of power by a central government to local or regional administrations.
* This is known as “devolved powers”.
* In the UK, there are distinct legislatures and governments in Scotland, Wales, and Northern Ireland, which all have unique powers over a range of policy areas.
* Each devolved legislature has its own unique devolution settlement – ie. each local government has its own set of policies over which it can create and implement its own specific legislation.
* It allows people to have a greater say in the policies that affect them.
* For example, these powers allow Wales to implement agricultural policies that are unique to the needs of the region, and allows Scotland to deliver educational systems that reflect the Scottish socio-economic and cultural realities.
* Meanwhile, there are also policy areas that are “reserved powers” of the UK Government. These include areas such as defence and security, immigration, and foreign affairs.
* In terms of the executive branch, this means that the devolved regions have three-tiers of government:
	+ Local councils,
	+ Regional Parliament (the Scottish Parliament, the Senedd, or the Northern Ireland Legislative Assembly),
	+ The UK Government.

# The Scottish Parliament (Slide 14)

## The Scottish Parliament

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| Key messages:Discuss how the Scottish Parliament came into being, Discuss its role |

**The Scottish Parliament**

* The Scottish Parliament is the legislative body for the devolved powers of Scotland.
* It consists of 129 democratically elected members known as Members of the Scottish Parliament (MSPs).
	+ We will discuss how they are elected in the next module of this masterclass.
* The Scottish National Party (SNP) has dominated the Scottish Parliament since 2007, with Conservatives currently holding the second largest number of seats.
* From the early 13th century the Parliament of Scotland was the national legislator for the independent Kingdom of Scotland. However, following the Act of Union in 1707, the Parliament of England and Parliament of Scotland merged to create the Parliament of Great Britain, with its seat in Westminster.
* Following a referendum in 1997, Scotland’s electorate voted for the introduction of devolved powers and the Scottish Parliament was established to legislate over all areas that are not explicitly reserved to Westminster.
* However, Westminster maintains the power to amend the scope of the Scottish Parliament by extending or reducing the areas over which it has remit to create laws (ie. Westminster has control over which powers are devolved or reserved).
* Ultimately, the Scottish Parliament creates legislation for areas including:
	+ the economy,
	+ education,
	+ health and social services,
	+ justice,
	+ rural affairs (such as agriculture, forestry and fisheries),
	+ housing,
	+ environment,
	+ consumer advocacy and advice,
	+ transport,
	+ taxation,
	+ fire services,
	+ law and order,
	+ local government,
	+ sports and the arts,
	+ tourism.
* It is important to know whether the issue you’re interested in is devolved to the Scottish Parliament or reserved to the Parliament in Westminster as this will dictate whether you contact one of your Members of the Scottish Parliament (MSPs) at Holyrood or your Member of Parliament (MP) at Westminster.

# The Welsh Senedd (Slide 15)

## The Welsh Senedd

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| Key messages:Discuss how the Welsh Senedd came into being, Discuss its role |

**The Welsh Senedd**

* The Welsh Senedd is the legislative body for the devolved powers of Wales.
* It consists of 60 democratically elected members known as Members of the Senedd (MSs or ASs in Welsh).
	+ We will discuss how they are elected in the next module of this masterclass.
* The Labour Party has dominated the Welsh Parliament since its creation in 1999, with the Conservative Party currently holding the second largest number of seats.
* The National Assembly for Wales was created following a referendum in 1997, in which Wales’ electorate voted for the introduction of devolved powers and the Assembly was established to legislate over all areas that are not explicitly reserved to Westminster.
* Initially, the Assembly’s powers were limited, and it was not able to initiate primary legislation (essentially, it was unable to pass laws without consulting Westminster first).
* However, its powers were extended over time, through further referendums and Acts of Parliament.
* The Assembly changed its name to the Welsh Senedd in May 2020.
* Ultimately, the Welsh Senedd creates legislation for areas including:
	+ Rural affairs (such as agriculture, forestry and fisheries),
	+ Ancient monuments and historic buildings
	+ Culture
	+ Economic development
	+ Education and training
	+ Environment
	+ Fire and rescue services
	+ Food
	+ Health and health services
	+ Highways and transport
	+ Housing
	+ Local government
	+ Public administration
	+ Social welfare
	+ Sport and recreation
	+ Tourism
	+ Town and country planning
	+ Water and flood defence
	+ Welsh language
* It is important to know whether the issue you’re interested in is devolved to the Senedd or reserved to the Parliament in Westminster as this will dictate whether you contact one of your Members of the Senedd (MSs) or your Member of Parliament (MP) at Westminster.

# Establishing the need for new legislation (Slide 16)

## Establishing the need for new legislation

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| Key messages:The Government’s legislative agenda is defined by the ruling party’s manifesto.Discuss reasons for creating new legislation. |

* As the legislative branch, one of Parliament's main roles is debating and passing statute law (legislation).

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| Activity***Question****: How does Parliament decide what legislation is needed?* |

### Deciding policy positions

* The Government’s legislative agenda is defined by the ruling party’s manifesto, which acts as a public declaration of the party’s policy positions and aims.
* The Government also introduces plans for new laws each year in Parliament, with many included in the Queen's Speech.
* However, suggestions for new laws can also be made by individual MPs, Lords, or private individuals and organisations.

### Deciding when a new law is needed

* New legislation can emerge for a variety of reasons:
	+ Emergency issues, such as the threat of terrorism, war, or public health crisis (such as COVID-19).
	+ Pressure to update existing laws that are now outdated. This may be due to changing societal norms (for example, attitudes towards abortion), or emerging technologies (for example, the rise of social media or drones).
	+ Clarifying established principles and gaps in existing laws or protections (for example the Equality Act combined a vast array of previous legislation).
	+ Responding to social needs arising from specific communities and groups (for example, legislation governing issues such as hate crime, refugees, or same sex marriage).

# How is Legislation made? Proposing new legislation (Slide 17)

## Proposing new legislation

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| Key messages:Explain the meaning of green papers, white papers, draft bills, and bills.  |

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| Activity***Question****: Do you know what a green paper is?* |

### Green Papers

* A green paper is a tentative government report and consultation document exploring specific issues, and providing possible courses of action in terms of policy and legislation.
* Green papers are commissioned by the relevant department if the Government feels that there is an area where new or updated legislation is required.
* Green papers are often publicly available for anyone to provide feedback. However, some are sent only to a predetermined list of stakeholders which is decided by the relevant department.
* They contain only “formative” proposals – meaning that the policy positions are in the early stages of development
* They contain no commitment to action but allow the public to provide feedback on the Government’s understanding of the issues involved as well as its policy or legislative proposals.
* Not all laws involve a green paper, but when they do it is the first step to creating a new law.

### White Papers

* White papers are similar to green papers in that they set out proposed legislative changes. However, they are more concrete statements of policy than green papers and state more definite intentions.
* Usually, white papers do not invite feedback, but occasionally they do.
* The proposals and statement of policies contained within white papers are often debated in parliament before they are introduced as a bill.
* Again, not all laws involve a white paper.

### Draft Bills

* A Bill is a proposal for a new law, or to change an existing law.
* Draft Bills are issued for consultation before being introduced in Parliament and allow for changes to be made before the Bill's formal introduction.
* Most draft bills are examined either by select committees in the Commons or Lords or by a joint committee of both Houses.
* Almost all draft bills are proposed by the Government.
* Sometimes, they are released for public consultation through the use of green papers and white papers

### Bills

* Generally speaking, there are three types of bill:
	+ **Public bills**: These are proposed laws that affect the general population across the country and are the most common type of bills. These include issues such as immigration, security, crime and policing, healthcare, and education.
	+ **Private bills:** These are bills that are usually proposed by organisations, such as local authorities or private companies. They change the law as it applies to a specific group of individuals or organisations, rather than the public as a whole. For example, proposals to build a new cemetery or to reclassify land for a different usage.
	+ **Hybrid bills**: Hybrid Bills are proposals that would affect the general public but would also have a significant impact for specific individuals or groups. An example is the Channel Tunnel Bills of the 1970s and 1980s that affected the South East of the UK, and the Crossrail Bill to build a new east to west rail link through central London passed in 2008. As of June 2020, the High Speed Rail (West Midlands - Crewe) Bill 2017-19 is currently passing through Parliament.

# How is Legislation made in Westminster? (Slide 18)

## Passing new legislation

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| Key messages:Bills can be introduced in either the House of Commons or House of Lords. First reading.Second reading.Committee stageReport stage.Third reading.Ping-pong and Parliament Acts if an agreement cannot be reached.Royal Assent.An Act of ParliamentAn administrative delay in triggering legislation, for example the Royal Charter on Press Regulation.  |

### The progress of a bill

* A bill can be proposed by individual MPs, Lords, or private individuals and organisations.
* They are presented to parliament for debate and amendments before they become law.
* Stages of a bill:
	+ **First reading**: Bills can be introduced in either the House of Commons or House of Lords (however, bills that are largely financial, or involve public money - like new taxes or public spending - are always introduced in the Commons). The first reading in either house is when the bill is introduced. It is usually a formality and takes place without debate. The title of the bill is read out and a declaration for it to be published.
	+ **Second reading**: This is the first opportunity for MPs or lords to debate the general principles of the bill.
	+ **Committee stage**: This is where bills are inspected line by line by a committee and amendments are made. If the Bill is going through the Lords, any member of the house of Lords can participate in examining the bill. If the bill has started in the Commons, it is occasionally inspected by a Committee of the whole House (which takes place on the floor of the House of Commons), with every MP able to take part. However, Bills passing through the House of Commons are overwhelmingly inspected by a Public Bill Committee.
		- Public Bill Committees are named after the relevant Bill, e.g. the Equality Bill Committee. They have the power to receive written evidence from outside organisations and members of the public, and to take oral evidence from interested parties. After the committee has taken oral evidence, it debates each clause of the Bill and makes any necessary amendments.
	+ **Report Stage:** After the committee stage has finished and amendments have been included, the bill is reprinted and returns to the floor for debate and for any additional amendments to be proposed.
	+ **Third reading:** This is when the House votes on whether or not to progress the Bill. If it is approved, it will be passed over to the other House for its first reading.
	+ **Ping-Pong:** Once the bill has been through both houses, it enters a stage called “ping-pong” where it is passed back and forth between the houses while amendments are agreed, disagreed or alternatives are proposed. In exceptional cases, when the two Houses do not reach agreement, the bill falls. If certain conditions are met, the Commons can use Parliament Acts to pass the bill, without the consent of the Lords.
		- The Parliament Acts provide a way of solving disagreement between the Commons and the Lords but are rarely used. They limit the powers of the House of Lords. For example:
			* The Lords cannot veto a bill, except one that is to extend the lifetime of a parliament.
			* The Lords cannot delay a bill for more than a year.
			* Bills that are financial and involve public money - like new taxes or public spending must receive Royal Assent no later than a month after being introduced in the Lords, even if the Lords has not passed them.
	+ **Royal Assent:** When both Houses have agreed on the content of a Bill it is presented to the monarch for approval (known as Royal Assent).
	+ **An Act of Parliament:** Once Royal Assent is given, a bill becomes an Act of Parliament and is now law.
* The legislation within the bill may come into effect immediately, after a set period, or only after a commencement order by a government minister. A commencement order is designed to bring into force the whole or part of an Act of Parliament at a date later than the date of the royal assent. This is best understood as an administrative period wherein bodies or procedures can be created in order to ensure that it is possible to carry out the new legislation before it is officially “triggered”.
	+ A good example of this is the Royal Charter on press regulation. Following the Leveson Inquiry, Sir Brian Leveson concluded that the existing Press Complaints Commission (PCC) was unfit for purpose and recommended the establishment of a new regulatory body to hold the media to account which was independent and free from both government and press influence. This resulted in the Royal Charter on press regulation in the Crime and Courts Act 2013 (which was passed overwhelmingly by a vote in the Commons[[1]](#footnote-1) and approved in the House of Lords without division). However, not only were the Leveson recommendations never fully implemented, but in 2018 the Government announced that it would be scrapping the second part of the Leveson inquiry into the relationship between journalists and the police. Moreover, the provisions underpinning the Charter in the Crime and Courts Act 2013 (including Section 40) have still not been triggered. As such, it is an abuse of Parliament to change policy through non-commencement of legislation, rather than by seeking its repeal.

# How is Legislation made in Scotland? (Slide 19)

## Passing new legislation

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| Key messages:The role of committees The stages of a Bill  |

* The Scottish Parliament does not have an equivalent to the House of Lords which serves the function of providing scrutiny and revision to bills passing before the Parliament in Westminster.
* For this reason, the role of committees is much stronger within the Scottish Parliament, and they hold the principal role of conducting inquiries, scrutinising legislation, and holding the Scottish Government to account.
* The parliamentary process for a Scottish Parliament bill includes:
	+ Stage 1
		- The consideration of the general principles of the bill by parliamentary committee(s).
			* The committee will focus on the main purpose(s) of the Bill, rather than looking at the fine detail (which is a matter for later stages). The committee may also invite representations from interested parties, and may take written and oral evidence to inform its work.
		- A debate and decision on these by the Scottish Parliament.
	+ Stage 2
		- A full list of suggested amendments are published (on the bill’s web page)
		- There is a detailed consideration of the bill by parliamentary committee(s) who include necessary amendments.
	+ Stage 3
		- The final consideration of the bill is held by the Parliament and a decision is made as to whether it should be passed or rejected.
	+ Stage 4
		- Royal Assent
* After a bill has been passed and received royal assent, it becomes an Act of the Scottish Parliament

# How is Legislation made in Wales? (Slide 20)

## Passing new legislation

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| Key messages:The role of committees The stages of a Bill  |

* The Welsh Senedd does not have an equivalent to the House of Lords which serves the function of providing scrutiny and revision to bills passing before the Parliament in Westminster.
* For this reason, there is a greater role for committees within the legislative process of the Senedd, and they are responsible for scrutinising legislation and holding the Welsh Government to account.
* The parliamentary process for a Welsh Senedd bill includes:
	+ Stage 1
		- The consideration of the general principles of a Bill by a committee (or committees).
			* The committee will focus on the main purpose(s) of the Bill, rather than looking at the fine detail (which is a matter for later stages). The committee may also invite representations from interested parties, and may take written and oral evidence to inform its work.
		- Once the committee has reported, the Senedd will be asked to debate and vote on the Bill’s general principles (the ‘Stage 1 debate’).
	+ Stage 2
		- This stage involves the detailed consideration, by a committee, of the Bill and any amendments proposed by Members of the Senedd.
		- Members of the Senedd may table amendments to the Bill but only committee members may vote on amendments.
		- This stage ends when all the amendments have been considered.
	+ Stage 3
		- This stage involves the detailed consideration, by the Senedd as a whole, of the Bill and any amendments proposed by Members of the Senedd.
	+ Stage 4
		- At this Stage, the Senedd votes on whether to pass the final text of the Bill.
	+ Stage 5
		- Royal Assent
* After a bill has been passed and received royal assent, it becomes an Act of Acts of Senedd Cymru.

# Voicing opposition to a bill (Slide 21)

## Having your voice heard

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| Key messages:Discuss how members of the public can voice any concerns about bills in Parliament. |

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| Activity***Question****: What can you do if you are unhappy with a bill that is currently going through Parliament?* |

* Members of the public can voice their objections to a bill by:
	+ Writing to their MP (or MSP) (or MS) or a member of the house of Lords,
	+ Writing to the government department responsible for the bill,
	+ Signing petitions,
	+ Submitting evidence to the relevant committees, including Public Bill Committee.
		- Public Bill Committees are set up by the House of Commons to examine the details of a particular bill.
		- Public Bill Committees are named after the relevant Bill, e.g. the Equality Bill Committee.
		- Public Bill Committees have the power to receive written evidence from outside organisations and members of the public, and to take oral evidence from interested parties
		- After the committee has taken oral evidence, it debates each clause of the Bill and makes any necessary amendments.
		- **Example**: MEND’s evidence to the Public Bill Committee for the Counter-Terrorism and Sentencing Bill 2019–21, which examined the implications of the bill with particular reference to proposals to extend TPIMs powers and remove any deadline for the completion of the Independent Review of PREVENT. Read it [here](https://www.mend.org.uk/wp-content/uploads/2020/06/Evidence-to-the-Public-Bill-Committee-for-the-Counter-Terrorism-and-Sentencing-Bill.pdf).

# The Role of Elected Officials (Slide 22)

## What do MPs do?

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| Key messages:Describe the roles and responsibilities of an MPHow MPs engage in Parliament, and what they can do for constituentsHow to engage with MPs |

* Members of Parliaments are individuals elected to serve in the House of Commons, representing their constituencies
* Their responsibilities in Parliament range from:
	+ Sitting in Select Committees, committees set up to examine the work of every government department or policy area
	+ Joining All-Party Parliamentary Groups (APPG), informal groups set up by members from across parties usually looking into areas of particular interest. (Eg. APPG on British Muslims)
	+ Voting on bills and motions in the Commons
	+ They work for you ([www.theyworkforyou.com](http://www.theyworkforyou.com)) is a resource that allow people to see the voting history (and political work) of MPs and members of the House of Lords
* While they are elected by constituents, their responsibilities is set by:
	+ Constituency functions
		- Surgeries
	+ Party functions
		- Canvassing
		- Fundraising
	+ Cabinet/ shadow cabinet functions (for the ruling party and the opposition)
		- Ministerial responsibilities
* How to contact MPs
	+ Letters
	+ They work for you
	+ MEND action alerts
	+ Constituent surgery
	+ Phoning parliamentary/ constituency office
* What you can ask your MP to do
	+ Putting pressure on ministers
	+ Early day motions
	+ Parliamentary questions/ PMQs
	+ 10 minute Rule Bill: this rule allows a backbench MP to make his or her case for a new Bill in a speech lasting up to ten minutes. An opposing speech may also be made before the House decides whether or not the Bill should beintroduced. If the MP is successful the Bill is taken to have had its first reading

# The Judicial System (Slide 23)

## The Judiciary

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| Key messages:The legal systems differ between England & Wales, Scotland, and Northern Ireland, but all share the Supreme Court. The judiciary must remain independent from other branches of state.  |

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| Activity***Recap****: What are the three branches of Government and what have we covered so far?**Legislative – create laws**Executive – executes laws****Question****: What is the final branch of Government?* *The Judiciary – enforces laws* |

* The United Kingdom has three separate legal systems;
	+ England and Wales,
	+ Scotland
	+ Northern Ireland.
* This is because Scotland and Northern Ireland retained their own historic legal systems and traditions when they joined/ were subsumed within the Union.
* However, the Supreme Court has ultimate jurisdiction over the entire United Kingdom in all civil matters, as well as devolution and human rights issues. It also has jurisdiction over criminal matters arising from England, Wales, and Northern Ireland, but **not** Scotland.
* As mentioned earlier, there has historically been a great deal of overlap between the three branches of government. Until 2005 the Lord Chancellor was simultaneously the head of the judiciary, a member of the legislature, and the speaker of the House of Lords. Now, the Lord Chancellor is a Secretary of State and, like other Cabinet ministers, also a member of the legislature, but cannot be head of the judiciary (this is now the Lord Chief Justice) nor can they be the speaker of the House of Lords (this is now the Lord Speaker).
* However, there is now a great deal of focus on ensuring the independence of the judiciary from other branches of government.
	+ Ministers are now forbidden from trying to influence judicial decisions through any special access to judges.
	+ The Lord Chancellor has a statutory duty to defend members of the judiciary carrying out their judicial functions from adverse comment by other members of the Government.
		- In June 2006, Craig Sweeney was sentenced to life imprisonment for a horrific crime against a child. The sentencing judge was required to set a minimum period of imprisonment in accordance with statutory provisions (which was set at a minimum of five years and 108 days). This was criticised by both the Home Secretary and a junior minister in the Department of Constitutional Affairs, who went on Radio 4 and stated that the sentence was wrong. The Lord Chancellor spoke out against both ministers and publicly defended the sentencing judge.
	+ In 2009, the Judicial Committee of the House of Lords was replaced by the Supreme Court, which is independent from the House of Lords and has its own independent appointments system, staff, budget, and building.
1. “Daily Hansard – Debate”, *Commons Debate, Parliament Publications and Debates,*accessed 10.01.2018, <http://www.publications.parliament.uk/pa/cm201213/cmhansrd/cm130318/debtext/130318-0003.htm#13031836000001> [↑](#footnote-ref-1)