

Big ideas to give Britain real change

1. NO MORE UNELECTED PRIME MINISTERS

A Conservative Government will legislate to ensure that Britain is never again governed for years by a Prime Minister with no popular mandate. We will change the law so that Parliament will automatically be dissolved within six months of a change of Prime Minister (other than at a General Election). This means that a new Prime Minister will have to submit his or her programme to the electorate shortly after taking office, and to secure his or her own popular mandate to govern.

2. OPENING UP DEMOCRACY: MORE POSTAL PRIMARIES

We will open up democracy by funding 200 hundred all-postal primaries across the country.

3. EXPANDING THE FREEDOM OF INFORMATION ACT

We will expand the scope of the Freedom of Information Act to include taxpayer-funded bodies such as Northern Rock and Network Rail, together with bodies such as the Local Government Association. This will give the public access to a huge amount of government information currently available only to Ministers.

4. NEIGHBOURHOOD BUDGETS: GIVING NEIGHBOURHOODS DIRECT FUNDING

We will give neighbourhoods direct control over a share of payments made by property developers to local councils in exchange for planning permission. This will give neighbourhoods real budgets, which they will be able to decide how to spend: for example, on refurbishing playgrounds, creating a park or building a drop-in centre for older people.

5. PUBLIC DRAFTING: 'CROWD-SOURCING' THE DRAFTING OF GOVERNMENT LEGISLATION

Government legislation is often hastily drafted, leading to unintended consequences in the law. We will pilot a new 'crowd-sourcing' approach to drafting legislation, enabling expert members of the public to play a role. This will help produce better Bills.

6. OPENING UP PARLIAMENT: A PUBLIC READING DAY

We have already announced plans to create an online Public Reading Stage for legislation to take place after the Second Reading Stage, giving the public the opportunity to improve proposed legislation, for example by spotting potential implementation problems. Shortly after the Public Reading Stage, there will be a formal Public Reading Day as part of the Committee process, so that MPs and Lords can formally consider and discuss points raised by the public.

7. PROTECTING WHISTLEBLOWERS: STRENGTHENING PROTECTION ON GOVERNMENT WASTE AND MISUSE OF PUBLIC MONEY

We will strengthen legal protections for civil servants and public sector workers to ensure that whistleblowers are protected from being punished by their employers, or being subject to other reprisals, when they identify government waste or the misuse of public money.

8. A NEW RIGHT TO DATA: RIGHT TO DATA ACT

The Right to Data Act will give members of the public a legally enforceable 'Right to Data', so that the public has the right to appeal if public bodies refuse requests for data collected by government. This radical policy will help transform the culture of the public sector from one that presumes secrecy to one that presumes datasets should be open and shared with the public on an ongoing basis. By releasing data that can be used by businesses and social enterprises, the Freedom of Data Act will provide a multi-billion pound boost to the UK economy.

9. STRENGTHENING SELECT COMMITTEES

A Conservative Government will strengthen Select Committees, giving them new powers to hold the government to account. This is the most significant increase in Select Committee powers since the early 1980s – and will give MPs real power to scrutinise Ministers, demand the release of important documents and trigger votes if the government ignores Select Committee recommendations.

1. No more unelected Prime Ministers

A Conservative Government will legislate to ensure that Britain is never again governed for years by a Prime Minister with no popular mandate. We will change the law so that Parliament will automatically be dissolved within six months of a change of Prime Minister (other than at a General Election). This means that a new Prime Minister will have to submit his or her programme to the electorate shortly after taking office, and to secure his or her own popular mandate to govern.

Background

Of the last five Prime Ministers of the UK, only two were first elected to that position by the people. In 2005, the British public elected Tony Blair on the understanding that he would govern for a full five-year term, yet for three of those years, we have been governed by a Prime Minister who had ousted the elected Prime Minister and for whom no one had voted. We will ensure that this never happens again.

Conservative policy

We will amend the Septennial Act 1715 – which requires five-yearly elections – so that if there is a change of Prime Minister, other than immediately following a General Election, Parliament will automatically dissolve after six months.

The new Prime Minister would be free to request a dissolution at any time during the six month period.

The six month period would provide time for the incoming Prime Minister to form a Ministerial team and lay out his or her programme for government, and for Parliament to deal with any outstanding legislative business. It would also leave a little flexibility to ensure that the General Election did not occur at an inconvenient time such as Christmas or during the summer holidays. The six month period would start on the confirmation by the Queen of the new Prime Minister.

2. Opening up democracy: more postal primaries

We will open up democracy by funding 200 hundred all-postal primaries across the country.

Background

In Totnes in July 2009, the Conservatives were the first Party in British political history to use an open primary and an all-postal ballot of an entire constituency to select a Parliamentary candidate. This was followed up by a second all-postal primary in Gosport in December 2009. The response rate has been excellent with nearly 17,000 people selecting Sarah Wollaston to be the Conservative Candidate for Totnes, and 12,000 people backing Caroline Dinenage to be the Conservative Candidate for Gosport.

Conservative policy

We will fund 200 all postal primaries over the next Parliament. These funds will be allocated to all political parties with seats in Parliament that they take up, in proportion to their share of the total vote in the last General Election. At an estimated cost of £40,000 per primary, this gives a total cost of £8 million, or £1.6 million a year over the course of a five year Parliament. To allow for differences in parties' timing, any money not used in the first year will be rolled over into the next year's pot. It would, of course, be up to the parties which constituencies they chose to use their allocation of primaries in.

In each constituency, the local party will sift through applications to produce a shortlist of not more than four candidates. Every voter, regardless of political allegiance, will receive a ballot paper and a freepost envelope to return it in. Candidates will be given 20 days between their short-listing and the close of voting and will be asked to observe a £200 cost limit when campaigning.

The cost of these primaries will be met from cuts to the budget of the Electoral Commission, which has increased from less than £8 million a year in 1997 to £23.5 million a year in 2009-10, and which we have pledged to reduce.

3. Expanding the Freedom of Information Act

We will expand the scope of the Freedom of Information Act to include taxpayer-funded bodies such as Northern Rock and Network Rail, together with bodies such as the Local Government Association. This will give the public access to a huge amount of government information currently available only to Ministers.

Background

Under Labour, the Freedom of Information Act excludes a wide range of taxpayer funded bodies which exercise power over areas ranging from railways to the Olympics budget to energy efficiency projects and road traffic penalties.

Conservative policy

A Conservative government will increase the range of publically funded bodies that are subject to scrutiny using Section 5 orders under the Freedom of Information Act. These bodies will include:

- Network Rail;
- Northern Rock;
- The Carbon Trust;
- The Energy Saving Trust;
- NHS Confederation (in relation to activities in receipt of public funds);
- Local Government Association; and
- Traffic Penalty Tribunals

Section 5 of the Freedom of Information Act enables Secretaries of State to designate organisations that appear to exercise functions of a public nature to scrutiny under the legislation. We will extend the Freedom of Information Act to these organisations within weeks of the General Election.

4. Neighbourhood budgets: giving neighbourhoods direct funding

We will give neighbourhoods direct control over a share of payments made by property developers to local councils in exchange for planning permission. This will give neighbourhoods real budgets, which they will be able to decide how to spend: for example, on refurbishing playgrounds, creating a park or building a drop-in centre for older people.

Conservative policy

We will simplify the complex system of planning obligations by sweeping away existing rules and tariffs and replacing them with a single unified local tariff applicable to all development, but at graded rates depending on the size of the development. Each local planning authority will set its own local tariff rates and will publish them in its local plan. A percentage of the money raised by the tariff will be passed down to the neighbourhood in which the development takes place. As an illustrative example, for a typical neighbourhood of 5,500 people this funding could amount to £40,000 a year.

5. Public Drafting: ‘crowd-sourcing’ the drafting of government legislation

Government legislation is often hastily drafted, leading to unintended consequences in the law. We will pilot a new ‘crowd-sourcing’ approach to drafting legislation, enabling expert members of the public to play a role. This will help produce better Bills.

Conservative policy

The length and complexity of Bills has increased massively in recent years. This legislation requires more, not less, detailed review, but Parliament has less time for each Bill. This can become a vicious cycle, because when the initial drafting of Bills is rushed, more amendments are required during the Parliamentary process. Drafting these amendments, in turn, places further strain on Parliamentary draftsmen’s time, meaning that they cannot prepare properly for the next legislative programme.

We will pilot a new system of ‘Public Drafting’, giving expert members of the public the opportunity to improve the drafting of legislation. It will have four stages:

- The Department sponsoring the legislation will publish detailed instructions on the policy intentions of the legislation online, as well an explanation of the constraints within which all clauses will have to be drafted.
- People will register for an online forum that allows them to submit draft clauses they believe will achieve the specified policy aims. We expect this to include lawyers, academics and other experts. If needed, contributors will also be able to ask the sponsoring Department questions to clarify the drafting instructions, and these questions and answers will be posted online.
- All public contributions will be open to review, comment and amendment from other registered participants, and participants will be encouraged to rate all submissions.
- At the end of the process, the highest rated drafts will go forward to be considered by the Office of the Parliamentary Counsel, the official government drafters of all legislation. The decision on whether to accept, in whole or in part, any of the top rated drafting suggestions will rest entirely with the Parliamentary Counsel.

Initially we propose piloting the plans on one Bill in the first legislative programme of a Conservative Government. Public Drafting will complement our plans for an online Public Reading Stage for legislation, which will enable the public to spot errors and implementation problems in drafted legislation. In time we will expand this to more Bills.

Public Drafting is modelled on the Peer to Patent pilot project launched in 2007 by the United States Patent and Trademark Office.¹

Public Drafting would involve costs for developing and implementing an online mechanism for public input, but these will be minimal and will be found from the Ministry of Justice budget.

¹ Beth Simone Noveck, *Wiki Government: How technology can make government better, democracy stronger, and citizens more powerful*, 2009

6. Opening up Parliament: a Public Reading Day

We have already announced plans to create an online Public Reading Stage for legislation to take place after the Second Reading Stage, giving the public the opportunity to improve proposed legislation, for example by spotting potential implementation problems. Shortly after the Public Reading Stage, there will be a formal Public Reading Day as part of the Committee process, so that MPs and Lords can formally consider and discuss points raised by the public.

Conservative policy

A Conservative government will throw open the doors of Parliament by introducing a technology-enabled Public Reading Stage for legislation.

In the post-bureaucratic age, new technologies make it easier than ever before to involve the public in the legislative process and harness the wisdom of crowds to improve legislation and spot potential problems before a Bill is implemented. This is a Big Society approach to improving legislation.

The Public Reading Stage for legislation would take place after the Second Reading Stage, before the bill goes to Public Bill Committees for deliberation. This would give the public a chance to feed in their comments on proposed legislation.

The Public Bill Committee process will include a formal Public Reading Day, when MPs and Lords formally consider and discuss the points submitted by the public.

This process will help open up the legislative process and improve the scrutiny of proposed legislation, while still retaining the fundamental character of our representative democracy.

7. Protecting whistleblowers: strengthening protection on government waste and misuse of public money

We will strengthen legal protections for civil servants and public sector workers to ensure that whistleblowers are protected from being punished by their employers, or being subject to other reprisals, when they identify government waste or the misuse of public money.

Background

As it stands, the law does not explicitly protect whistleblowers that expose government waste or the non-criminal misuse of public money. These people are doing a public service – saving taxpayers’ money and potentially lives – and should be protected, but too many currently face punishment for their good deeds.²

Civil servants acting in the public interest deserve strong statutory protections, but the current Public Interest Disclosure Act³ only covers issues relating to:

- a criminal offence;
- the breach of a legal obligation;
- a miscarriage of justice;
- a danger to the health or safety of any individual;
- damage to the environment; or
- deliberate covering up of information tending to show any of the above five matters.

Conservative policy

We believe that people who speak out about government fraud and waste should be protected. So we will:

- introduce explicit protection for cases of ‘significant government waste or misuse of public resources’ in departmental civil service whistleblowing policies, and ensure that it is covered by the Public Interest Disclosure Act as well;
- replace the ‘good faith’ requirement for whistleblowing with a ‘public interest’ requirement. Currently, whistleblowers must have acted ‘in good faith’, but – as the whistleblower watchdog Public Concern at Work⁴ have argued, and as the Shipman Inquiry also suggested⁵ – this places too much emphasis on the question of motive rather than the public benefit of their actions;
- strengthen guidance and culture on whistleblowing in the civil service. At present, the guidance for whistleblowing varies widely from department to departments.^[1] We will ensure consistency of advice across departments according to best practices on whistleblowing, and ensure that the Civil Service Code and Directory of Civil Service Guidance provide civil servants with clear advice about their protections. We will also

² <http://www.independent.co.uk/life-style/health-and-families/health-news/nhs-is-paying-millions-to-gag-whistleblowers-1812914.html>

³ Public Interest Disclosure Act (1998)

⁴ “Where’s Whistleblowing Now?”, Public Concern at Work (2010)

⁵ Shipman Inquiry, Fifth Report (2004) http://www.the-shipman-inquiry.org.uk/5r_page.asp?ID=4669

^[1] “Whistleblowing at Whitehall”, Public Concern at Work (2007)

make sure that there is a supportive culture and a confidential mechanism for civil servants to bring concerns forward; and,

- implement stronger penalties for retribution against whistleblowers, and further protections for people who provide evidence in support of a whistleblower.

8. A new right to data: Right to Data Act

The Right to Data Act will give members of the public a legally enforceable ‘Right to Data’, so that the public has the right to appeal if public bodies refuse requests for data collected by government. This radical policy will help transform the culture of the public sector from one that presumes secrecy to one that presumes datasets should be open and shared with the public on an ongoing basis. By releasing data that can be used by businesses and social enterprises, the Freedom of Data Act will provide a multi-billion pound boost to the UK economy.

Conservative policy

The Right to Data Act will give members of the public a legally enforceable ‘Right to Data’, so that the public has the right to appeal if public bodies refuse requests for data collected by government.

This radical policy will put the public in the driving seat when it comes to requesting and receiving government datasets containing anonymised but socially or commercially useful information. Once published, there will be a continuing obligation to publish that data on a regular basis for as long as it is collected.

This legislation will be introduced as soon as possible, but even before the draft bill has become law, a Conservative government will improve transparency by launching spending transparency and making a wide range of government datasets available to the public.

In opposition, the Conservative Party has attempted to introduce legislation to improve data transparency. In 2007, we introduced legislation in the House of Lords to make government spending transparent, but the Bill was killed off by the Labour Government.

Governments across the world are harnessing the power of open information to create social and commercial innovation. For example, President Obama has announced policies to publish US government data, including Federal Government spending data.

Some of our key reform policies – for example school reform – depend on this type of information being released to the public, and so enabling effective choice and accountability to be exercised.

9. Strengthening Select Committees

A Conservative Government will strengthen Select Committees, giving them new powers to hold the government to account. This is the most significant increase in Select Committee powers since the early 1980s – and will give MPs real power to scrutinise Ministers, demand the release of important documents and trigger votes if the government ignores Select Committee recommendations.

Background

Under Labour, Parliament has been sidelined. First under Tony Blair’s sofa-style government, and then under Brown’s controlling, top-down administration, Parliament has been unable to exercise its proper oversight function. As independent reviews such as the Wright Report have shown, there is a real need to strengthen Parliament’s powers of scrutiny.

Select Committees are key to effective parliamentary scrutiny. The Thatcher government significantly strengthened Select Committees, making them a systematic mechanism for holding the Executive to account and an alternative career path for backbench MPs.

Conservative approach

As part of our plans to build new politics and restore trust in the political system, a Conservative government will significantly strengthen the power of Select Committees to hold the government to account. We will:

- give Select Committees the power to compel MPs to attend. Currently MPs appear before Select Committees as a matter of courtesy and custom but the committees have no power to require an MP to come before the committee;
- strengthen the power of Select Committees to demand departmental evidence and codify the rules in the Ministerial Code. Departmental evidence is governed by the civil service “Osmotherly rules,” which enable departments to refuse evidence along the lines of FOI requests, and have been criticised as modest. The specific reforms would be developed in consultation with Parliament, and could include powers to request specific documents – rather than only distilled information – as well as powers to question civil servants and Special Advisers;
- allow MPs to vote on Select Committee recommendations that have been rejected by the government. At the moment, Select Committee reports have no force, but giving Select Committees the power to trigger a debate and binding vote after an inadequate government response would force the government to think more carefully about their responses to Select Committee recommendations; and,
- introduce and enforce a six-week time limit for government responses to Select Committee reports. There is currently a convention that replies will be received within two months, but this is often broken, which gives uncooperative departments a chance to delay or avoid a debate on Select Committee recommendations. Placing this on more firm footing would strengthen the government’s responsiveness to Select Committees.