

# Evaluation framework on the results of PLS activities by parliaments



Maria Mousmouti

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## Foreword

In democratic societies, the functioning of the legislative branch is vital for upholding the principles of accountability, transparency, and good governance. Parliaments play a crucial role in enacting laws that shape the course of a nation and affect the lives of its citizens. However, the responsibility of lawmakers does not end with the passing of legislation. It is equally important to evaluate the impact and effectiveness of the laws once they are implemented. This is where the concept of post-legislative scrutiny (PLS) comes into play.

PLS, situated at the intersection of legislative function and oversight, entails a systematic process through which parliaments review the implementation and impact of legislation. It provides an objective and holistic view of how laws operate in real life, offering insights into their strengths, weaknesses, and potential areas for improvement. Through its programmes and initiatives, Westminster Foundation for Democracy (WFD) actively supports the adoption and implementation of PLS practices among parliaments worldwide. However, the true value of PLS can only be realised through diligent evaluation of its practices, outcomes, and the overall effectiveness of its implementation within parliamentary systems.

As we navigate an increasingly complex and rapidly changing world, the importance of evaluating post-legislative scrutiny activities in parliament cannot be overstated. By evaluating PLS, parliaments can gauge the effectiveness, efficiency, transparency, inclusivity, and impact of their scrutiny practices. They gain a comprehensive understanding of the results and outcomes generated by PLS and identify areas where further improvements can be made. Effective evaluation will be vital for enhancing the accountability of parliaments and ensuring that they serve the best interests of the people they represent.

This paper from Dr Maria Mousmouti explores the significance of evaluating post-legislative scrutiny activities in parliaments. She proposes an evaluative framework, drawing on previous work by WFD, that incorporates traditional criteria, while also integrating important principles like inclusivity and democratic governance impact. Throughout, Dr Mousmouti provides valuable insights and practical examples to guide the evaluation process, emphasising the importance of transparency, accountability, and building public trust.

I hope that this paper serves as a valuable resource for parliamentary practitioners, researchers, and policymakers, driving meaningful improvements in the evaluation and practice of post-legislative scrutiny.



**Graeme Ramshaw**

Director of Quality and Innovation  
Westminster Foundation for Democracy

## Executive summary

Post-legislative scrutiny (PLS) increasingly forms part of parliamentary activity worldwide. Falling in the intersection of legislative and oversight function, PLS is a systematic process through which parliaments review the implementation and impact of legislation to get an objective and holistic view of how legislation works in real life, as well as identifying strengths and weaknesses and ways to address potential problems.

As a tool for oversight, PLS cannot be excluded from the need to evaluate its usefulness and effectiveness in the context of the work of parliaments. Parliaments who conduct PLS need to know how effective, efficient, transparent and inclusive their PLS practice is and what kind of results, outcomes and impact it produces.

PLS can be assessed: a) in the context of the work of parliamentary committees; b) in terms of influence on public policy, media or society; c) as a stand-alone practice; or d) as parliamentary practice and as a democratic process. Each approach comes with different strengths and weaknesses in relation to its capacity to capture the intricacies of PLS activities; the ways of conducting PLS; institutional practices; and the prevalence, importance and impact of PLS in the context of committee or broader parliamentary work.

The proposed approach to PLS evaluation focuses on three levels:

1. the evaluation of individual PLS activities
2. evaluation of PLS practice at committee level
3. PLS practice at parliament level

The subject of PLS evaluation is (in all three layers):

- process (scope, method)
- outputs (reports, recommendations)
- outcomes (acceptance and implementation of recommendations, influence on policy, media, society)
- longer-term impact (broader change and influence on policy or society)

Effectiveness, efficiency and impact are 'traditional' criteria for the evaluation of PLS activities, PLS work of committees or even PLS practice. These can be complemented by PLS-specific criteria that include transparency, engagement or inclusivity and impact.

A PLS evaluation should rely on mixed approaches involving the collection of quantitative or qualitative data to convey a full picture of PLS activities or practice.

PLS evaluation can be undertaken a) by the team that conducted the PLS, b) as a peer review exercise, c) as a self-assessment exercise of the Parliament or d) as external evaluation.

There are different moments in time when an evaluation of PLS has added value: immediately after the exercise, in order to assess the process and identify good and bad practice; in the medium term (in relation to follow up action) as a way to assess the impact and influence of PLS; and in the longer term, for example after 5 or more years in order to assess the broader PLS practice and identify qualitative features, trends and proposals for the way forward. Evaluation can also be conducted concurrently with PLS as a self-correcting mechanism.

### **Evaluation of specific PLS activities**

For the evaluation of specific PLS activities, the proposed framework aims to assess the process and the quality of specific PLS activities in order to identify lessons for the future.

The evaluation can focus on the process, outputs, outcomes and longer-term impact. The evaluation can take place 2 to 3 months after PLS activities and take the form of a review of PLS documentation, processes, evidence and witnesses and reporting. It can be carried out internally by the team that conducted the scrutiny or by a team of peers. It can include a review of PLS documentation, internal discussions and can result in an internal document with findings and recommendations. If conducted by peers, the evaluation can include two stages: a review of all written documentation in the PLS, and a workshop or focus group to discuss findings.

### **Evaluation of PLS work at committee level**

The objective of the evaluation of PLS work at committee level is to assess the volume and the quality of PLS work conducted in the context of committees to assess its effectiveness and impact. This type of evaluation can assess the effectiveness, efficiency, transparency, inclusivity and impact of PLS and its scope can be on the process, results, outcomes and impact or influence on policy or society in a broader way.

This evaluation can take place at the end of a year or parliamentary term and can be conducted by the committee's members or its staff, as an internal self-assessment or as a peer review. The evaluation can include a review of all PLS-related documentation, collection of PLS related quantitative data, collection of qualitative data (such as media reports, civil society reports) or case studies on specific PLS activities to identify potential impact or influence (such as interviews or focus groups). It can result in an internal document with findings and recommendations addressed to the committee members.

### **Evaluation of PLS work at parliament level**

The aim of evaluation of PLS work at parliament level is to identify whether the existing rules, structures and practices for PLS offer an effective framework for oversight work, to identify good and bad practice and proposals for improvement. This evaluation can be done using the WFD PLS indicators, and specifically:

- framework indicators on the law-making process and on executive-legislative relations
- indicators on how parliament is organised to conduct PLS, on procedures, structures, and resources dedicated to conducting PLS and on how it exercises PLS as part of its legislative and oversight practices
- indicators on how parliament applies its procedures, structures, and resources to effectively conduct PLS
- thematic indicators on area-specific approaches to PLS

This type of assessment can be carried out every 3 to 5 years to capture the bigger picture of PLS within a parliament, as a self-assessment by an internal assessment team. The evaluation should involve quantitative and qualitative assessment of PLS and will result in a baseline assessment that comprehensively maps the capacity and potential of a parliament in relation to PLS.





**Image above: Committees of the Parliament of Ukraine, Verkhovna Rada Ukraine (VRU), continue to conduct PLS inquiries.**



# 1. Introduction: the need for an evaluation framework for post-legislative scrutiny activities

Democratic parliaments perform three key functions: representation, law-making and oversight, which are interrelated and might overlap.<sup>1</sup> Post-legislative scrutiny may form part of the oversight function<sup>2</sup> or be at the intersection between the oversight and legislative functions, as it combines aspects of both.

Post-legislative scrutiny is a systematic process through which parliaments review the implementation and impact of legislation. It is a tool that allows parliaments to get an objective and holistic view of the working and impact of legislation, understand what worked and what did not, and identify the best way forward.<sup>3</sup>

Post-legislative scrutiny aims to ensure that public policy delivers against the purposes identified when specific measures were introduced.<sup>4</sup> As a tool of oversight, PLS cannot be exempted from the need to evaluate its performance and effectiveness and the extent to which these contribute to the measures' representativeness, to the effective exercise of their functions, and to transparency, accessibility and accountability.<sup>5</sup> Parliaments who conduct PLS more or less regularly need to know how effective, efficient and transparent their processes and practices are.

Evaluation is a tool that is often used to help parliaments identify their strengths and weaknesses and determine priorities for strengthening their work and impact.<sup>6</sup> It can help ascertain whether policies, structures or processes are working, or whether adaptations are required to deliver improved outcomes and whether public money is used to maximum effect.<sup>7</sup>

In this context, it is not difficult to argue for the need to develop a framework for the evaluation of post-legislative scrutiny, especially given that it is an evolving parliamentary practice and that there is still ample room for improvement and learning. The possibility for a parliament or a parliamentary committee to assess the process, results and outcomes of its post-legislative scrutiny activities as a whole or in specific cases, can offer robust evidence on the effectiveness and impact of individual PLS activities or broader PLS practice, and identify lessons for the future.

The purpose of this paper is to explore options in relation to evaluation of post-legislative scrutiny activities and propose ways to operationalise them in a parliamentary setting.



Image above: Mr. Kacha Kuchava, chairperson of the Environmental Committee and later Speaker of the Parliament of Georgia, addresses the Academic Conference on Post-Legislative Scrutiny in Asia in 2019.

## 2. Existing approaches which are relevant to the evaluation of PLS activities

Parliaments are increasingly attentive to the way in which they carry out their representative, legislative and oversight functions and are looking for ways to measure and evaluate their performance. Existing literature on parliaments presents a number of alternative approaches that are relevant – either directly or indirectly – to the evaluation of PLS activities and are briefly explored below. According to these, PLS can be approached and assessed a) in the context of the broader work of committees, b) in terms of influence exercised by committees or c) as a stand-alone practice.

### Evaluating PLS as part of committee scrutiny

PLS is part of the work of parliamentary committees and the scrutiny conducted there. Committee work is an aspect that is often addressed in parliamentary evaluation and could also offer a context for the evaluation of post-legislative scrutiny activities.

In existing literature, the evaluation of the work of committees is addressed in three main ways: a) by examining the effect of committees on public policy, including on governments and the public debate;<sup>8</sup> b) by examining the implementation of recommendations and their effect on public debate;<sup>9</sup> and c) by examining the level of approval of committee reports by different sectors or groups and analysing the response to reports.<sup>10</sup> The latter approach

evaluates the performance of committees through their impact on different groups such as the government, media and the parliament. A committee can demonstrate that one of its activities or reports has performed positively if at least one relevant group (government, the administration, the legislature, external stakeholders, the public, or the judiciary) demonstrates approval of it.<sup>11</sup>

The work of committees can be captured by measuring different aspects of committee work from the number of bills that they pass, the number of issues that committees address, the number of bills that they block or the rate of acceptance and implementation of their recommendations. An alternative proposal focuses on economy, effectiveness and efficiency<sup>12</sup> as indicators for committees' performance, whereby the extent to which a committee respects these three principles indicates how well the committee is performing.

These approaches can be used to capture PLS as part of committee scrutiny, focusing for example on the number of PLS activities organised by a committee in a specific term, their effect on public policy, the extent of implementation of recommendations and the degree of acceptance of recommendations and results by different groups. This could demonstrate in quantitative terms the breadth of PLS activities but also their influence on the government.

## Evaluating PLS as a form of parliamentary influence

PLS is a tool that committees have to exercise oversight and influence the government. However, the persuasive nature of PLS and the fact that its impact might not be immediately visible raises the question of how this could be potentially assessed. Indeed, existing literature<sup>13</sup> identifies different forms of influence of parliamentary committees that go beyond the direct government acceptance of committee recommendations. These include influence on policy debate; spotlighting issues and altering policy priorities; brokering in policy disputes; providing expert evidence; holding government and outside bodies accountable; exposure of wrongdoing or poor decision-making in the public arena; and generating fear of anticipated reactions.

These forms of influence are very relevant for assessing the impact or influence of PLS activities. In this context, the number of recommendations per inquiry report can be measured, as can the type of actions they were calling for, and the rate of acceptance of recommendations in the government response, and can result in quantitative data (for example, X recommendations over XX period and X% of measurable recommendations implemented in full or in part). However, additional impacts of committee work can be detected as influencing the policy agenda, initiating discussion and obliging ministries to take a position, offering a voice to groups overlooked in policy debates, or providing a platform for groups which are not heard, generating evidence and putting this in the public domain.

## Evaluating PLS as stand-alone parliamentary practice

PLS is relatively new in the academic literature; however, there are examples of approaches to quantifying and measuring it. Caygill<sup>14</sup> has used a combination of quantitative and qualitative data and case studies to assess the practice and impact of PLS in the UK parliament. The collection and use of data in this evaluation considered the number of inquiries conducted in a given period, the number of recommendations proposed, their strength and their acceptance by the government.

Using quantitative data, Caygill is able to identify key features and trends related to PLS in the UK parliament. He measures the number of PLS activities having taken place, the number of recommendations and their degree of acceptance. He also measures the type of recommendations and their degree of acceptance. Using qualitative data, he identifies trends in the acceptance of recommendations.

**Quantitative data and the classification of the strength of recommendations are very useful for capturing the overall practice of PLS and also the direct results of individual PLS activities and some of their outcomes or impact.**

However, the fact still remains that the impact of PLS activities might go beyond quantitative features. Individual PLS inquiries can generate significant impact, which might not be reflected in quantitative data. In this sense, qualitative case studies can identify the impact of specific PLS activities. In her work on PLS in the Australian parliament, Moulds<sup>15</sup> uses case studies to examine outcomes resulting from PLS recommendations but also other forms of influence that go beyond recommendations. These case studies are illuminating with regard to the potential of PLS to create impact beyond their immediate results or recommendations.

#### **Box 1: PLS in the Westminster Parliament**

In the UK, between 2008-19, 23 PLS inquiries took place, 14 in the House of Commons, 8 in the House of Lords and one by a joint committee of both Houses.

**23 PLS inquiries resulted in 573 individual recommendations of variable type and strength**

**41% of recommendations called for a change in policy or practice or research to be conducted or a more extensive review to be undertaken**

**40% of recommendations called for little or no action from the government**

**59% called for medium action**

**1% called for large action, such as new primary legislation**

**40% of recommendations were accepted (in full or in part)**

**37% of recommendations were rejected at least in part**

Caygill also identifies trends in the acceptance of recommendations: these are more likely to be accepted if they call for small or medium action, with those calling for greater action more likely to be rejected. More variation is observed in recommendations which are partially accepted or rejected. This type of data is valuable for sketching the broader picture of PLS but the data does not capture procedural details or significant impact created by PLS inquiries. A more in-depth approach, through case studies or similar methodologies, would be required to assess this.

### **Box 2: Review of the effectiveness of the Sex Discrimination Act (SDA) 1984 – Australia**

The review of the Effectiveness of the Sex Discrimination Act (SDA) 1984 in Australia triggered amendments to the SDA by the federal government in response to several of the committee's recommendations. It also triggered inquiries and legislative amendments across a number of Australian states; the scrutiny report was used in advocacy by community groups calling for improvements to Australia's anti-

discrimination regime and inspired the Sex Discrimination Commissioner to commence inquiries that led to strategies and recommendations for improved responses. Last but not least, it was a catalyst for the 2009 Productivity Commission's inquiry into Paid Maternity, Paternity and Parental Leave (Australian Productivity Commission, 2009), which in turn led to the adoption of Australia's first paid parental leave scheme in 2011.

Source: Moulds, Sarah. 2020. "A Deliberative Approach to Post Legislative Scrutiny? Lessons from Australia's ad hoc Approach", *The Journal of Legislative Studies* 26(1), 1-25. 16

### **Box 3: Review of the Marriage Act – Australia**

The review focused on key issues around marriage that had not been considered in the policy debate (the relationship between marriage and human rights; the effect of non-heterosexual marriage on children; the dynamic nature of marriage and the growing diversity of Australian families), and relevant reforms in other jurisdictions in a "reflective, inclusive and broad-sourced" approach that proved to be influential far beyond the Law Commission of Australia (LCA) Legislation Committee's report. The next year, a related bill was introduced on which approximately 79,200 submissions

were received, indicating a shift in public support in favour of marriage equality. This bill was enacted into law in 2018. In this case, although it is hard to claim that the PLS itself delivered marriage equality reform, it proved to be a catalyst for key individuals to change their mind; it offered a safe space for stakeholders to share lived experiences, exchange expertise, reflect on comparative jurisdictions, and negotiate solutions,<sup>16</sup> and ultimately support later reforms and enable significant legal and social change.

Source: Moulds, Sarah. 2019. "The role of Commonwealth parliamentary committees in facilitating parliamentary deliberation: A case study of marriage equality reform". In: Debeljak, Julie and Grenfell, Laura (eds.), *Law making and human rights* (Chapter 24, pp. 185-230). Thomson Reuters.

These examples confirm that a mixed approach, combining quantitative and qualitative aspects, seems to be the most suitable way to capture the impact of PLS activities, both as a whole and as PLS of specific acts.



## Evaluating the practice of PLS: the PLS parliamentary and legislative indicators

The PLS indicators have been developed by WFD to help parliaments measure how effective a parliament is in performing PLS, and help parliaments consider options for upgrading or strengthening PLS practices. They include indicators regarding the role of parliaments in PLS as well as indicators related to the legislative process and the quality of legislation as far as relevant to PLS. The parliamentary and legislative indicators for PLS are structured in four categories.

Framework indicators focus on the law-making process and on executive-legislative relations as the broader framework and context that enable PLS of individual laws. Framework indicators outline both drivers and challenges in the country's governance system in the way it affects how parliament can conduct PLS.

Parliament system indicators focus on how parliament is organised to conduct PLS; on procedures, structures, and resources dedicated to conducting PLS; and on how it exercises PLS as part of its legislative and oversight practices.

Practice indicators analyse how a parliament applies its procedures, structures, and resources to effectively conduct PLS. While parliamentary procedures and resources might enable the parliament to conduct PLS, the extent to which these are being used in practice and the level of political interest are analysed here.

Thematic indicators analyse the legislature's good governance approach to PLS, and outlines options for mainstreaming crucial horizontal lenses to PLS.

## Evaluating PLS as part of democratic processes: the Inter-Parliamentary Union (IPU) Indicators for democratic parliaments

To date, few mechanisms are in place that could be used to assess or measure the impact of committee work or PLS. The 2023 Indicators for democratic parliaments, launched by the Inter-Parliamentary Union on the basis of SDG targets 16.6 and 16.7,<sup>17</sup> attempt to capture effective, accountable and transparent institutions and responsive, inclusive, participatory and representative decision-making.

The indicators support parliaments' learning and development by assessing parliamentary capacity and performance in all aspects of parliamentary activity. Assessment against the indicators offers a picture of current strengths and weaknesses and priorities for future development. Use of the Indicators is based on self-assessment to ensure full ownership of the evaluation process and its results.

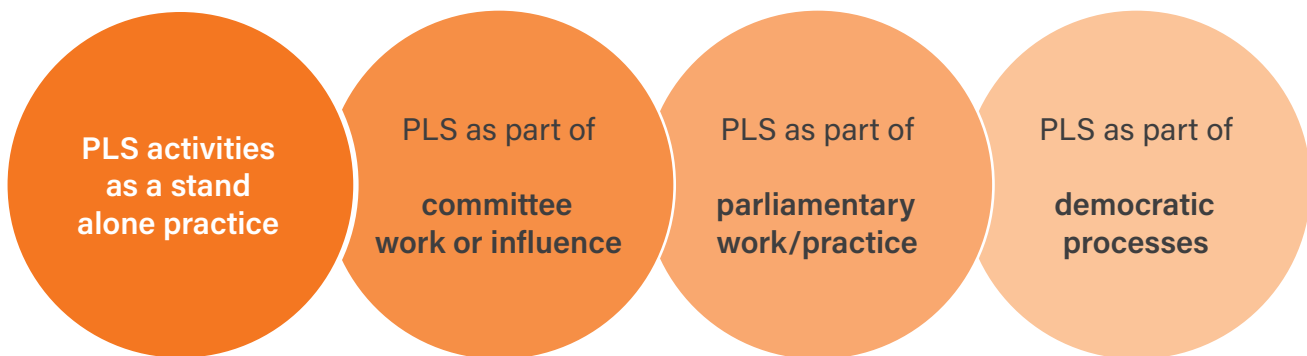
PLS is included in sub-target 1 on effective parliament and Indicators 1.6 and 1.7 are relevant. Indicator 1.6 examines post-legislative scrutiny in the context of law-making (Dimension 1.6.7) and indicator 1.7 focuses on oversight and examines aspects related to PLS such as parliamentary access to information from government (Dimension 1.7.2), summoning ministers and other government representatives in committees (Dimension 1.7.3), interpellations (Dimension 1.7.4), questions (Dimension 1.7.5), hearings (Dimension 1.7.6) and committees of inquiry (Dimension 1.7.7).

This analysis proves that multiple approaches and methods are available and they are suitable for capturing and evaluating distinct facets of PLS. Quantitative ones are best suited to showing the broader picture, while qualitative ones can better depict the achievements of individual PLS inquiries.



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## Diagram 1: Matrix of approaches to PLS evaluation



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### Interim conclusions

The approaches presented above offer very different options when it comes to the ways in which PLS can be approached from an evaluation perspective.

Each approach has different strengths and weaknesses in relation to its capacity to capture the intricacies of specific PLS activities or the ways of conducting PLS, qualitative features related to institutional practices or the prevalence and importance of PLS in the context of committee or broader parliamentary work. The approach adopted also affects the ways in which the results and impact of PLS can be measured.

On the one hand, measuring the results or outputs of a PLS, their strength or acceptance by the government, or their implementation, is a solid indicator of success or impact that does not rely on perceptions but on measurable data. On the other hand, however, data on results cannot always capture aspects like inclusivity or transparency of the process, broader influence on the media or society or longer-term impact, that are specific to the area of law being

evaluated. Quantitative data is very useful but it might offer only a partial, and incomplete, picture of PLS practice while broader influence is notoriously difficult to assess and capture and might require a more sophisticated approach.

On the other hand, qualitative assessments of PLS inquiries go into depth but might fail to convey the broader picture of how PLS practice has developed in a specific jurisdiction. A solid set of PLS activities does not mean that there is an equally solid PLS institutional practice and vice versa. In-depth approaches require more resources and effort and might not be feasible for all PLS activities conducted. From another perspective, there are other aspects of PLS that might be important, for example the inclusivity of the process or the extent to which important issues are brought to the table.

The analysis above shows that it is necessary to be extra careful not only with regard to what is evaluated but also the ways in which this evaluation will happen and the data it will rely on. Overall, approaches combining quantitative and qualitative aspects appear to be a solution to capturing diverse dimensions of PLS activities or practice.



Image above: Dr Sarah Moulds of the University of South Australia at the Conference on Post-Legislative Scrutiny in Asia in 2019.

### 3. Limitations of an evaluation framework for PLS

Before embarking further on the exploration of options for an evaluation framework for PLS, some considerations around the nature of PLS should be taken into account.

Firstly, post-legislative scrutiny is a persuasive rather than a coercive tool.<sup>18</sup> This means that PLS relies on guiding and influencing the government or other actors rather than obliging them to pursue specific actions. This fact affects not only the measurable results of PLS activities and the ways in which these can be captured or measured but also, and most importantly, their outcomes and impact. For example, a solid PLS process on a specific act could take place, identifying important gaps in the implementation of an act and making well-justified and evidence-based recommendations. An important number of recommendations may be accepted but the extent of their implementation could be below expectations. The committee engages in consistent follow-up activities, but implementation of recommendations may still be quite poor if the ministry has other priorities. In this scenario, while the PLS process was solid and produced important results, its outcomes and impact were weak – but this was not necessarily due to lack of action by the committee or poor quality of the PLS. Given the above, and the fact that all or some of the results of PLS might not be immediately visible, but might evolve in the longer term, it is important to take this into consideration when evaluating PLS activities.

Secondly, and following from the previous observation, it can be particularly challenging to determine an objective measure of success of post-legislative scrutiny. PLS can be triggered by distinct motivations or expectations, and produce distinct types of outputs, outcomes and results, which might be linked to each other in a very loose way. PLS activities can generate evidence-based findings related to the law(s) under scrutiny and can generate recommendations. The latter might or might not be accepted and, even if they are accepted, they might or might not be implemented. In this sense, PLS can create results in real life (if recommendations are accepted and effectively implemented) but for this, committees have to rely on others (the chamber, government) to act on their recommendations as they have no formal powers to intervene.<sup>19</sup> In other words, the connection between PLS, its responsiveness to initial intentions or expectations and real-life results or outcomes is difficult to establish and assess. However, the loose connection between the initial aims or expectations from PLS and its results, at least in the sense of immediate action by the government, does not necessarily mean that the parliament did not do a good job with their PLS activities.

Thirdly, the broader impact of PLS can be very challenging to detect and assess. For one thing, impact might not be immediately visible, yet influence can be achieved in indirect and unseen ways and in the longer term. For example, the scrutiny of an act might not lead to immediate changes or improvements but the findings and the process might inspire, several months or years later, a broader reform of the sector in question. Or, PLS might not lead to immediate amendments to an act but is used in advocacy by non-governmental actors and stakeholders who lobby for broader reforms and in this sense, it could prove to be very influential in the future.

Last but not least, the results and impact of PLS can differ significantly between acts, depending on the nature of the act, the problems identified and the actions proposed, but also the political dynamics at a given moment, and even on the individual personalities of those involved in the political process. For example, the findings of a scrutiny of a law on gender-based violence and of a law on administrative procedure will be by definition very different. What will happen with the PLS findings will depend not only on the quality of the recommendations but also on the dynamics between the parliament and the government, the members of the competent committee and the competent minister, the priority of the topics in the political agenda and even the reaction of the media and civil society to the PLS findings. In this sense, attempting to evaluate PLS only through a limited number of standardised indicators or metrics (such as the number of recommendations or degree of their acceptance) might not always reflect or capture their real importance or impact.

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## Diagram 2: Scope of PLS evaluation







Image above: Anthony Smith, CEO Westminster Foundation for Democracy, Agus Wijayanto, Country Director for WFD Indonesia, and Ms Khariroh Ali Riri, Commissioner in Indonesia's National Commission on Violence Against Women (2015-2019) at the Conference on Post-Legislative Scrutiny in Asia in 2019.

## 4. Proposed framework for evaluating the results and impact of PLS activities

This section presents a framework for evaluating the results and impact of PLS activities.

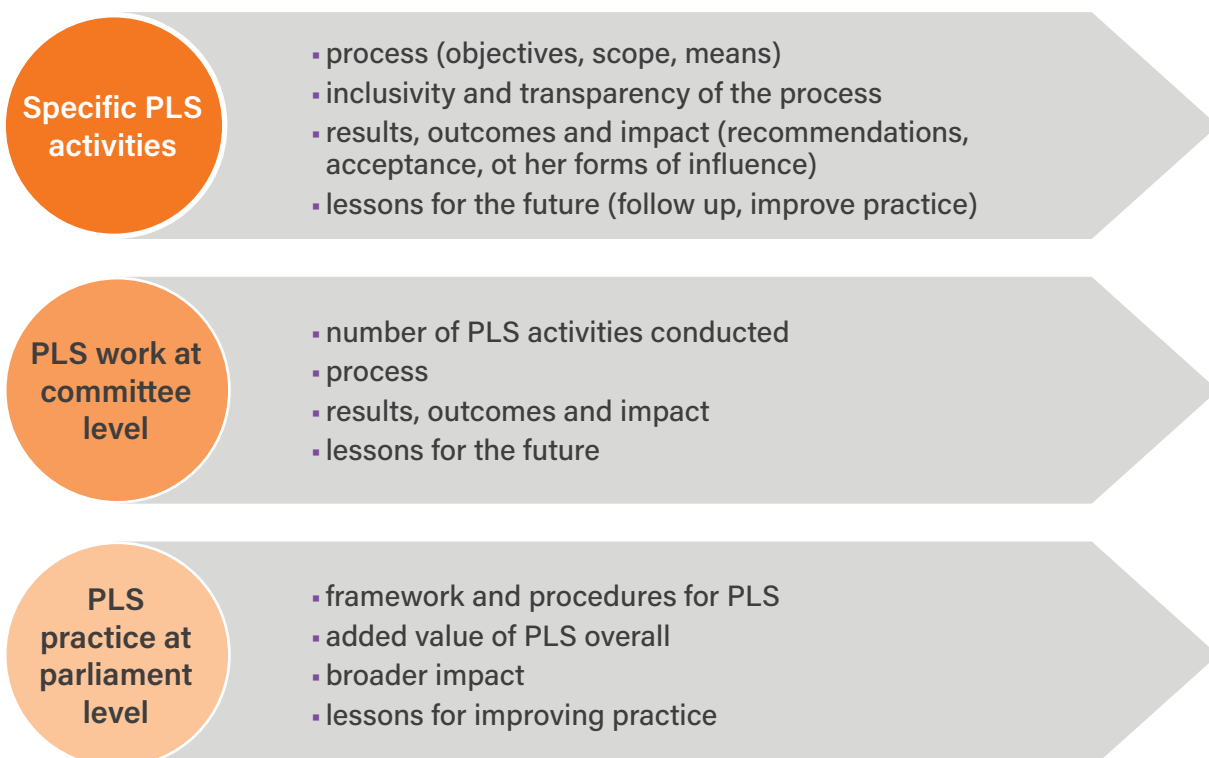
### Scope of PLS evaluation

As indicated in the previous sections, there are different aspects of PLS work that can be evaluated. In terms of scope, there are three different levels that can be subject to evaluation: PLS activities on specific act(s), PLS in the context of the work of a parliamentary committee, and PLS practice at the level of the parliament. Each of these different types of evaluation can generate different types of information on PLS activities and practice.

### The evaluation of individual PLS activities can assess:

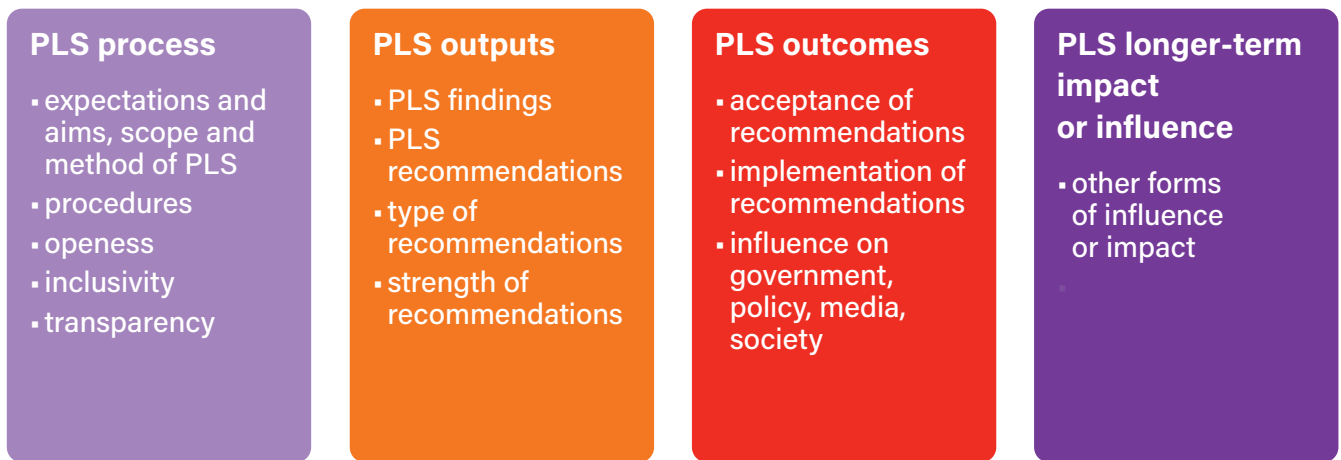
- the process followed (objective, method, process and so on)
- inclusivity and transparency (in terms of participation, consultation, engagement, representativeness and diversity of witnesses and sources of evidence and so on)
- outputs or direct results (recommendations, including their type and strength)
- outcomes (degree of acceptance and implementation of recommendations or influence on the media or society)
- impact (change generated as a result of the implemented recommendations or other types of influence on policy, the media or society)

### Diagram 3: Focus of the different levels of PLS evaluation



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## Diagram 2: Scope of PLS evaluation



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### Evaluation of PLS practice at committee level can inform about:

- the prevalence and importance of PLS as a tool for a specific committee (number of PLS activities in a specific timeframe)
- the type of issues or topics scrutinised
- results (number, type and strength of recommendations, influence on government, media and society)
- outcomes generated as a result of PLS activities (acceptance, implementation of recommendations and broader influence)
- ways to improve committee practice in the future

### PLS practice at parliament level can inform about:

- the importance of PLS as a tool within parliamentary work
- its broader impact on public policy, the government and society



## Subject of PLS evaluation

In terms of substance, the evaluation can focus on different aspects of conducting PLS activities. Four items appear to be common in all PLS activities conducted and important indicators of the quality of the scrutiny:

- process (scope, method)
- outputs (reports, recommendations)
- outcomes (what happened with recommendations and how influential these were for the government, media or society)
- longer-term impact (broader change triggered by the PLS)

Process focuses on how PLS activities were conducted, including the initial aims and expectations from PLS; the scope, method, and suitability for the quality of the exercise; and their openness, inclusivity and transparency.

PLS outputs can inform about the actual outputs and results of PLS activities (for example, one or more reports), their conclusions and recommendations, including their type and strength.

PLS outcomes can inform about the degree of acceptance of recommendations and the degree of implementation of recommendations, as well as the influence of the recommendations on policy, public debate, the media, advocacy or society.

The longer-term impact measure considers the longer-term influence of the PLS in reform processes or public policy or other types of activity. Post-legislative scrutiny can have consequences, which might be invisible in the short term, but important in the longer term. For example, PLS might inform debates within government and lead to later corrective action, deterrent effects and an important discipline upon government, ensuring ministers think more rigorously about potential consequences before introducing a bill.

This is by no means an exhaustive list of the aspects of PLS that can be subject to evaluation. These four aspects are proposed as core aspects of PLS work and practice that can be evaluated. Most often an evaluation will cover one of these aspects, or some of them, or it might introduce additional aspects to be covered.

## Evaluation criteria

An important question that arises in relation to any evaluation framework concerns the criteria against which the evaluation is conducted. What are the specific criteria that can indicate whether PLS activities or work are successful?

Relevance, coherence, effectiveness, efficiency, impact, and sustainability are widely used evaluation criteria that are used to measure the merit of strategies, policies, programmes or projects.<sup>20</sup> Each criterion offers a set of lenses through which one can understand and analyse whether an intervention is achieving its purpose, whether it will make a difference and how cost-efficient it is. These criteria, especially effectiveness, efficiency and impact are very relevant for the evaluation of PLS activities, PLS work of committees or even PLS practice. These criteria can be used in the evaluation of different aspects of PLS work.

Beyond these generally valid criteria, Norton<sup>21</sup> proposes three values that encapsulate the merits of post-legislative scrutiny and can serve as criteria for an evaluation of PLS activities and work.

Transparency, which is served through evidence-based, reasoned, and published reports that are in the public domain, accessible to parliamentarians, the media, the government and interested bodies.

Engagement, which is served through the obligation of the government to respond and have their views on the public record, debates but also engagement with others outside the

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## Diagram 5: Potential criteria for PLS evaluation



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House. Engagement with stakeholders and the public is an important source of evidence for scrutiny and expertise, so it is important to know how inclusive the process was, who engaged with committees, what the sources of evidence were, and how inclusive or representative witnesses and sources of evidence have been.<sup>22</sup>

Impact, which is served by recommending change and by informing debate outside and inside parliament and eliciting government action.

To these PLS-specific values one can add 'traditional' evaluation criteria such as effectiveness (is PLS fit for purpose?), efficiency (do the results justify the costs?) and inclusivity (has the PLS process been inclusive?). Additional criteria can also be introduced or tailored to the intricacies of individual jurisdictions.

## Data required for a PLS evaluation

As already mentioned, there are multiple approaches through which distinct facets of PLS can be captured and evaluated. The approach would also determine the type of data and information that is required for the evaluation. In principle, three approaches are possible: quantitative data, qualitative data, or mixed approaches.

Quantitative methods emphasise the collection of data on the PLS activities, the number of recommendations, their strength, and so on. In relation to PLS activities on a specific act, quantitative data could show how many questions were asked, how many consultation or engagement events were held, how many witnesses were invited, how many recommendations were made and how many were accepted. At the level of committee work, quantitative data can show how many PLS activities took place in a specific timeframe, how many stakeholders participated, and how many recommendations were proposed,

accepted or implemented. This data offers a clear idea about the magnitude of PLS activities and their results. However, quantitative data cannot fully capture the impact of PLS activities that goes beyond the items measured, for example, influence in the debate on a specific topic or influence on public policy.

Qualitative methods focus on qualitative elements of the process and the results; for example the suitability of the consultation or engagement methods selected; the meaningful engagement of different stakeholders, their representativeness and diversity; and the quality or broader influence of results and impacts of PLS. For PLS activities on a specific act, qualitative data can reveal the views of committee members or stakeholders on the PLS process, recommendations, results or impact, allowing in-depth assessments. Qualitative data has the possibility to connect dots that are go beyond outputs and outcomes and reveal potential broader impacts of PLS.

However, quantitative or qualitative data on their own do not necessarily convey a full picture of PLS activities or practice. A solid PLS inquiry does not mean that there is an equally solid and well-established PLS practice, and a well-established PLS practice does not mean that each and every PLS is equally successful or impactful. A mixed methods approach that combines quantitative and qualitative approaches seems to be a suitable solution to capture different dimensions of PLS activities and practice. For example, for PLS on a specific act, quantitative data can show the outputs of PLS, while qualitative data can show its outcomes and impact.

## Actors of PLS evaluation

Evaluation is driven by the motivation to improve. It can be conducted internally or externally.

An internal evaluation is a process in which the institution (committee or other parliamentary body) assesses the quality of its processes cooperatively and against clearly identified criteria. The aim of internal evaluation is to assess what is and is not working, and for whom, and then to determine what changes are needed to improve. Internal evaluation can play an important role in facilitating institutional learning and in improving institutional practice. It is cheaper (compared with external evaluation) but its major disadvantage is actual and perceived bias of the evaluators, given that they all come from inside the organisation.

An external evaluation is an external view of a process or practice and an assessment of what works well and why and what needs to improve. External evaluation can bring in new skills and knowledge, and is the only way to have an objective understanding of whether processes work and why, and how to maximise impact. External evaluation can have significant added value, yet it is often more costly and, if not collaboratively conducted, it can fail to translate its findings into concrete operational steps for improvement.

Parliaments tend to prefer internal evaluations or self-assessments of their operation and practices. Within the present context, the following options open up in relation to the evaluation of PLS activities or PLS practices.

## Evaluation by the team that conducted the PLS

Self-evaluation is a powerful tool for learning, and one that can be easily used in institutional settings. In this case, the team that conducted PLS activities looks back at the process and identifies good practice, mistakes and lessons for the future. This option is easy to implement and inexpensive but might not be entirely objective as the team might not be able to identify blind spots in the method or approach selected.

## Evaluation as a peer review exercise

Peer review is the process of being scrutinised by peers with the aim of assessing the extent to which policies, rules, processes or practices meet specific standards.<sup>23</sup> A peer team originates from within the organisation (such as the parliament) but from a different body than the one that conducted the activities under evaluation (for example a different committee or service). The team of peers can objectively look at the approach and process followed and can provide constructive feedback and recommendations. A peer review exercise is meant to encourage positive change, support mutual learning and raise the overall effectiveness of practice. In the present context, peer reviews can be conceptualised as follows: a peer review team would be put in place to review the process, method and results of specific PLS activities. This team would be composed of staffers from other parts of the parliament, but not from the committee engaged in or involved in PLS. Their task will be to review the process and provide feedback.

## Evaluation as a self-assessment exercise of the parliament

Self-assessment is a process whereby a parliament assesses its rules and practices to identify strengths and weaknesses and determine priorities for improvement. Self-assessment can be a powerful tool for change given that parliaments 'own' and lead the evaluation process and are not 'judged' or assessed by external parties, risking potential breaches of the separation of powers. Self-assessment by a multidisciplinary team composed of representatives of different services of the parliament can be used to assess broader PLS practice. In this context, the parliament itself composes a team that will assess PLS practices against specific criteria.

## External evaluation

An external evaluation is assigned to external evaluators, experts or researchers and is a more objective process of looking at how specific organisations or practices work and what can be improved. Academic research can be a form of external evaluation, yet, while evaluation is more process- and practice-oriented, academic research is more aimed at advancing scholarship and proving or disproving specific hypotheses, rather than on improving practice.

## Timing of the evaluation

Evaluations can take place at different points in time and with different scope and purpose, each having a different usefulness.

Strategic evaluations focus on activities related to vision, values and goals, and aim to find out the extent to which a broader vision is being realised, goals are achieved, and progress is made. Strategic evaluations are a means of answering questions such as: to what extent does the parliament exercise an effective PLS of legislation? What works well and what does not? How can it be done better? Strategic evaluations attempt to explore the issue in considerable depth so they need to be conducted over longer periods of time (for example, every 5 years) and they also require time and resources.

Regular evaluations on the other hand can be part of institutional 'business' and focus on individual processes or progress towards goals or their effectiveness. They can respond to questions such as: how did we do with PLS this year? How well have we implemented our policies? How effective have we been in legislative oversight? Such evaluation can take place once per year and can provide feedback into annual plans. Regular evaluations can also focus on individual PLS inquiries and look into how well the PLS was planned and organised. How transparent and inclusive has the process been? What can we do better? Such evaluations can take place once per year or after every PLS.

There are different moments in time when an evaluation of PLS has added value: immediately after the exercise, in order to assess the process and identify good and bad practice; at the medium term (in relation to follow-up action) as a way to assess the impact of the PLS; or in the longer term, for example after 5 or more years in order to assess the broader PLS practice and identify qualitative features, trends and proposals for the way forward.

Once a PLS evaluation framework is well established, evaluation can also be conducted concurrently with PLS activities as a self-correcting mechanism.





**Image above: The Parliament of Lebanon conducts a post-legislative scrutiny inquiry on the Law Criminalizing Sexual Harassment.**

## 5. Evaluation of specific PLS activities

### Objective

The objective of the evaluation of individual PLS activities is to assess the process and the quality of specific PLS activities in order to identify lessons for the future.

### Evaluation questions

The evaluation of specific PLS activities can focus on the way in which PLS was conducted, including its scope, method, results, impact, transparency and inclusivity. Indicative evaluation questions can include:

### Process

#### Was the PLS process effective?

- Did the PLS have a clear purpose?
- Did the PLS respond to its initial aims or to the expectations around it?
- Did the PLS have a clear scope?
- Did the PLS have a clear method?
- Did the PLS meet this purpose?

#### Was the process efficient from a cost perspective?

- What resources were mobilised?
- Did the outputs and outcomes justify the cost?

#### Was the process transparent?

- Was the process clear to all?
- Was the process accessible?
- Was information and documentation available to all interested parties?
- Were procedural steps clear?
- Were the consultation and data collection transparent?
- Are findings documented?

#### Was the process inclusive?

- Were key stakeholders identified and invited to participate?
- Were stakeholders diverse? Did non-mainstream stakeholders or population groups have the opportunity to participate?
- How representative have witnesses or stakeholders been?



## Outputs

- What outputs were produced?
- Are they evidence based?
- Are the findings clearly reported?
- What recommendations were made?
- How strong are the recommendations?
- Are the outputs accessible?

## Outcomes

- What outcomes did the PLS activities generate?
- Were the PLS recommendations accepted?
- Were the PLS recommendations implemented?
- Were there other outcomes?

## Longer-term impact

- Have the PLS activities made a difference? In what way?
- Has the PLS influenced public policy in a specific area?
- Has the PLS influenced the government?
- Has the PLS influenced the media or civil society?
- Has there been any other influence?

## Timing

The evaluation of specific PLS activities takes place immediately or shortly after the activities in question have been concluded and focuses on the content and the processes rather than impact, which might not be detectable at that time. It can be carried out 2 to 3 months after a PLS inquiry and take the form of a review of PLS documentation, evidence, reporting and an internal document with findings and recommendations. As already mentioned, evaluation could also take place concurrently with PLS activities, as a self-correction mechanism.

## Actors

The evaluation of PLS activities can be carried out internally in the parliament by the team that conducted the scrutiny or a team of peers. The aim is to look at the process in an objective way and identify positive practices and lessons for the future.

## Method of the evaluation

In terms of method, if the evaluation is undertaken by the PLS team it can include a review of PLS documentation and reporting, internal discussions and a document with findings and recommendations.

If the evaluation is conducted by peers, it can include two stages: a review of all written documentation of the PLS and a workshop or focus group to discuss findings.

## Results of the evaluation

As already mentioned, the aim of this exercise is to identify good and bad practice and then extricate lessons for the future. For example, a review can show that a PLS inquiry did not integrate a gender perspective or did not include a balanced representation of witnesses in terms of gender or coverage of different sectors.



**Image above: Dr. Al Khanif, Director of the Centre for Human Rights, Multiculturalism and Migration of the University of Jember in Indonesia, at the Conference on Post-Legislative Scrutiny in Asia in 2019.**

## 6. Evaluation of PLS work at committee level

### Objective

The objective of the evaluation of PLS work at committee level is to assess the volume and the quality of PLS work conducted in the context of committees, to assess its effectiveness and impact.

### Evaluation questions

This evaluation focuses on the volume of PLS work conducted within a specific reference period (for example, a year or a term), the process followed (rules and practices), their outputs, the resources mobilised, and the outcomes and impact of PLS work. This evaluation offers a picture of PLS work at the level of a specific committee and can use quantitative and qualitative data to highlight the extent to which PLS was integrated in committee work, how solid the method or processes were, and what impact was created.

This type of evaluation can assess the effectiveness, efficiency, transparency, inclusivity and impact of PLS and its scope can include the process, results, outcomes and impact or influence.

Indicative evaluation questions include:

### How much PLS work has a committee conducted in the reference period?

- number of PLS activities
- type of laws selected

### Process

- What was the purpose of PLS activities conducted? What expectations were associated with them? Were they met?
- What processes were followed in PLS work?
- Was the scope and method clear?
- Were the processes followed conducive to effective scrutiny?
- Were the processes transparent?
- Were the PLS processes inclusive?

## Results, outcomes and impact

### What results did PLS work produce?

- How many reports were produced?
- How many recommendations?
- How strong were the recommendations?

### What outcomes did PLS work produce?

- How many recommendations were accepted?
- How many recommendations were implemented?
- Were recommendations taken up by the media, civil society or stakeholders? Did they lead to public debate, advocacy, or trigger change or reform?

### Does PLS, as organised and conducted, have an impact?

Does PLS work influence the government or the sector(s) affected?

- Does PLS work influence the media?
- Does PLS work influence on civil society?
- Effectiveness and efficiency

### Has PLS practice been an effective means of oversight?

- Do benefits justify costs?
- Are existing rules or practices fit for purpose?

## Timing

This evaluation takes place at the end of a year or parliamentary term. A specific committee collects the quantitative and qualitative data to assess PLS as part of its work.

## Actors

This evaluation can be conducted by the committee members or the committee staff as an internal self-assessment or as a peer review.

## Method of the evaluation

This evaluation can include a review of all PLS-related documentation, collection of PLS-related quantitative data, collection of qualitative data (a workshop with committee members) or case studies on specific PLS activities to identify potential impact (such as interviews or focus groups).

## Results of the evaluation

The result of this evaluation would be an internal document with findings and recommendations addressed to the committee members. It can form part of the annual activity report of the committee.

In terms of substance, this evaluation can show that a specific committee engaged in a low or high number of PLS activities. It can compare PLS activities with other aspects of its work (for example, legislative), and it can show the method and process followed. It can reveal strengths and weaknesses; for example, a strong/weak consultation with stakeholders, a repetitive participation of the same actors, increased or limited participation from civil society, diversity of witnesses, robustness of evidence, number and type of recommendations, and degree of acceptance and implementation or broader impact.



**Image above: The Chairperson of the Legislation Management Committee of the Parliament of Nepal has taken a lead role in initiating post-legislative scrutiny in Nepal, among others in examining the effectiveness of Covid-19 related health and emergency legislation.**



## 7. Evaluation of PLS work at parliament level

### Objective

The aim of evaluation of PLS work at parliament level is to identify whether the existing rules, structures and practices for PLS offer an effective framework for oversight work, and to identify good and bad practice and proposals for improvement.

### Evaluation questions

The PLS indicators offer a suitable framework for this type of evaluation. The PLS indicators include:

- framework indicators on the law-making process and on executive-legislative relations
- indicators that focus on how parliament is organised to conduct PLS; on procedures, structures, and resources dedicated to conducting PLS; and on how it exercises PLS as part of its legislative and oversight practices
- indicators on how parliament applies its procedures, structures, and resources to effectively conduct PLS
- thematic indicators on area-specific approaches to PLS.

### Timing

This type of assessment can be carried out every 3 to 5 years to capture the bigger picture of PLS within a parliament.

### Actors

This type of evaluation can be conducted as a self-assessment by an internal assessment team, composed of staffers from different parts of the parliamentary service. The team will collect and analyse the data around PLS practice.

### Method of the evaluation

This evaluation can involve a quantitative and qualitative assessment of PLS as conducted in that parliament in the reference period, and provide numbers and qualitative findings in relation to how PLS is currently conducted and what can be improved.

### Results of the evaluation

The result of this evaluation can be a baseline assessment that comprehensively maps the capacity and potential of a parliament in relation to PLS. This baseline assessment can result in recommendations and proposals for improvements and can be updated at regular intervals, for example every 5 years, to determine what has changed and whether this is in the right direction.

## 8. Conclusions and recommendations

The evaluation of PLS activities is not only desirable but also possible, taking into account theory and practice and combining diverse approaches and data. Evaluation is a valuable learning tool that can be used to improve PLS practice both at the level of teams and committees but also at institutional level.

A comprehensive framework for PLS evaluation should involve the evaluation of

- specific PLS activities (such as PLS on a specific act)
- PLS work at the level of a parliamentary committee
- PLS work at the level of the parliament

A PLS evaluation must consider the process, results, outcomes and impact or influence of PLS against the criteria of effectiveness, efficiency, transparency, inclusivity and impact of the process. The criteria remain the same whether an individual PLS or PLS practice is evaluated.

A mixed methods approach, that combines quantitative and qualitative approaches, is best suited to capture multiple dimensions of PLS activities.

An evaluation framework for PLS needs to take the persuasive nature of PLS into account; the variety of outputs, outcomes and results that can be generated; the potential challenges in identifying impact; as well as the variability of results and impact depending on the nature of PLS activities conducted.

Evaluation can take place at the end of every PLS, at the end of every parliamentary year and at the end of every parliamentary term.

Evaluation of PLS inquiries at the end of a parliamentary year can show the impact of PLS (number of inquiries, number of recommendations, degree of acceptance, degree of implementation and so on).

Evaluation of PLS at the end of a parliamentary term aims to assess the rules and practice of PLS and propose improvements.

Evaluation of PLS practice seems to be best suited as a self-assessment exercise conducted internally.

Data and information are needed on all aspects of PLS to enable a meaningful evaluation. Quantitative and qualitative data should be collected and recorded to facilitate this process.



## Annex 1: Bibliography

- Benton, Meghan and Russell, Meg. 2013. "Assessing the Impact of Parliamentary Oversight Committees: The Select Committees in the British House of Commons," *Parliamentary Affairs* 66(4), 772-797.
- Caygill, Tom. 2019. "A critical analysis of post-legislative scrutiny in the UK Parliament", Doctoral dissertation, University of Newcastle-Upon-Tyne, Newcastle-Upon-Tyne. <https://theses.ncl.ac.uk/jspui/handle/10443/4626>
- Caygill, Tom. 2019. "A tale of two houses", *European Journal of Law Reform* 2, 87-101. <https://doi.org/10.5553/EJLR/138723702019021002002>
- Caygill, Tom. 2021. "Post-legislative scrutiny in the UK Parliament", *The Post-Legislative Scrutiny Series 1*, Westminster Foundation for Democracy. <https://www.wfd.org/sites/default/files/2021-12/2021-10-18-PLS-in-the-UK-Parliament-Dr-Thomas-Caygill-FINAL.pdf>
- Coghill, Kenneth Alistair; Holland, Peter Jeffrey; Kinyondo, Abel Alfred; Lewis, Colleen Helen, and Steinack, Katrin Barbara. 2012. "The functions of Parliament: reality challenges tradition", *Australasian Parliamentary Review*, 27(2), 55-70.
- De Vrieze, Franklin. 2018. "Principles of Post-Legislative Scrutiny by Parliaments", Westminster Foundation for Democracy. <https://www.wfd.org/what-we-do/resources/guide-post-legislative-scrutiny>
- De Vrieze, Franklin. 2019. "Introduction to post-legislative scrutiny", *European Journal of Law Reform* 21(2), 84-86. <https://doi.org/10.5553/EJLR/138723702019021002001>
- De Vrieze, Franklin and Hasson, Victoria. 2017. *Post-legislative scrutiny*. London: Westminster Foundation for Democracy.
- De Vrieze, Franklin and Mousmouti, Maria. 2023. *Parliamentary innovation through post-legislative scrutiny - A new manual for parliaments*. London: Westminster Foundation for Democracy.
- Geddes, Marc. 2018. "Committee hearings of the UK Parliament: Who gives evidence and does this matter?" *Parliamentary Affairs* 71, 283-304.
- Griglio, Elena. 2019. "Post-Legislative Scrutiny as a Form of Executive Oversight: Tools and Practices in Europe", *European Journal of Law Reform* 21(2).
- Griglio, Elena. 2022. *Parliamentary Oversight of the Executives. Tools and Procedures in Europe*. Hart Publishing.
- Kinyondo, Abel, Pelizzo Riccardo. 2022. "Evaluating the Performance of Parliamentary Committees", *Otoritas: Jurnal Ilmu Pemerintahan* 12(1), <https://journal.unismuh.ac.id/index.php/Otoritas/article/view/7319>
- Monk, David. 2009. "In the Eye of the Beholder? A Framework for Testing the Effectiveness of Parliamentary Committees", *Parliamentary Studies Paper 10*, Crawford School of Economics and Government, Australian National University, Canberra, <https://core.ac.uk/download/pdf/30684479.pdf>
- Monk, David. 2010. "A Framework for Evaluating the Performance of Committees in Westminster Parliaments", *The Journal of Legislative Studies* 16(1), 1-13.
- Moulds, Sarah. 2020. "A Deliberative Approach to Post Legislative Scrutiny? Lessons from Australia's ad hoc Approach", *The Journal of Legislative Studies* 26(1), 1-25.
- Moulds, Sarah. 2019. "The role of Commonwealth parliamentary committees in facilitating parliamentary deliberation: A case study of marriage equality reform". In: Debeljak, Julie and Grenfell, Laura (eds.) *Law making and human rights* (Chapter 24, pp.185-230). Thomson Reuters.
- Norton, Philip. 2013. (2nd ed.) *Parliament in British politics*. Palgrave Macmillan.
- Norton, Philip. 2019. "Post-Legislative scrutiny in the UK Parliament: Adding value", *The Journal of Legislative Studies* 25(3), 340-357.
- OECD. 2013. *Improving policies through peer review: the OECD Environmental Performance Review programme*, Expert Group Meeting on the High-Level Political Forum New York, 3-4 April 2013, <https://sdgs.un.org/sites/default/files/statements/3501gillespie.pdf>
- Pagani, Fabricio. 2002. "Peer Review as a Tool for Co-operation and Change. An Analysis of an OECD Working Method", *African Security Review* 11(4),15-24.

### Online resources

- IPU, *Parliament and democracy in the twenty-first century: A guide to good practice*, 2006
- IPU, *Evaluating parliament A self-assessment toolkit for parliaments*, 2008
- IPU, *Indicators for Democratic Parliaments Based on SDG Targets 16.6 and 16.7* ([parliamentaryindicators.org](http://parliamentaryindicators.org))
- HM Treasury, *Green Book*, 2022, <https://www.gov.uk/government/publications/the-green-book-appraisal-and-evaluation-in-central-government/the-green-book-2020>

## Annex 2: About the author



**Dr Maria Mousmouti** is Associate Research Fellow at the Institute of Advanced Legal Studies of the University of London and Executive Director at the Centre for European Constitutional Law, a research centre based in Athens, Greece.

Her research in the field of legislative studies deals with the concepts of legislative quality and effectiveness, legislative design and mechanics, gender-sensitive law-making and post-legislative scrutiny, and their application in different areas of law. She is passionate about a more active role of parliaments in the scrutiny of the quality of legislation and the exercise of legislative oversight.

Her monograph “Designing Effective Legislation” was published in August 2019 and an edited volume on ‘Gender Sensitive Lawmaking in Theory and Practice’ will be published in August 2023. Maria is Secretary of the Board of the International Association for Legislation and alternate member of the National Commission for Human Rights in Greece.

For many years, she has worked to support reform initiatives through research, evidence-based advice and capacity-building in more than 30 countries worldwide. She is a WFD Associate Expert.

## Annex 3: Endnotes

- 1 Coghill, K., Holland, P., Kinyondo, A., Lewis, C. and Steinack, K. 2012. "The functions of Parliament: reality challenges tradition", *Australasian Parliamentary Review* 27(2), 55–70.
- 2 Griglio, Elena. 2019. "Post-Legislative Scrutiny as a Form of Executive Oversight. Tools and Practices in Europe", *European Journal of Law Reform* 21(2). See also: Griglio, Elena. 2022. *Parliamentary Oversight of the Executives: Tools and Procedures in Europe*, Hart Publishing.
- 3 De Vrieze, Franklin. 2018. *Principles of Post-Legislative Scrutiny by Parliaments*. Westminster Foundation for Democracy <https://www.wfd.org/what-we-do/resources/guide-post-legislative-scrutiny>; De Vrieze, Franklin. 2019. "Introduction to post-legislative scrutiny", *European Journal of Law Reform* 21(2), 84–86 <https://doi.org/10.5553/EJLR/138723702019021002001>; De Vrieze, Franklin and Hasson, Victoria. 2017. *Post-legislative scrutiny*. Westminster Foundation for Democracy.
- 4 Norton, Philip. 2019. "Post-Legislative scrutiny in the UK Parliament: Adding value", *The Journal of Legislative Studies* 25(3), 340–357.
- 5 IPU, [Parliament and democracy in the twenty-first century: A guide to good practice](#), 2006.
- 6 IPU, [Evaluating parliament A self-assessment toolkit for parliaments](#), 2008.
- 7 HM Treasury, *Green Book 2022*, p. 2.
- 8 Through case studies, observation, and interviews with key participants.
- 9 The data collected on the acceptance of recommendations tends to be limited to summary data, such as averages; and the reports studied are usually chosen selectively, focusing on one or two committees, rather than through a sampling methodology. The conclusions of these studies regarding the effect of committees on debate also tend to be based on case studies.
- 10 Monk, David. 2009. "In the Eye of the Beholder? A Framework for Testing the Effectiveness of Parliamentary Committees", *Parliamentary Studies Paper* 10, Crawford School of Economics and Government, Australian National University, Canberra, <https://core.ac.uk/download/pdf/30684479.pdf>
- 11 Monk, David. 2010. "A Framework for Evaluating the Performance of Committees in Westminster Parliaments", *Journal of Legislative Studies* 16(1), 1-13, <https://www.tandfonline.com/doi/abs/10.1080/13572330903541904?journalCode=fjls20>
- 12 Kinyondo, Abel and Pelizzo, Riccardo. 2022. "Evaluating the Performance of Parliamentary Committees", *Otoritas: Jurnal Ilmu Pemerintahan* 12(1), <https://journal.unismuh.ac.id/index.php/Otoritas/article/view/7319>
- 13 Benton, Meghan and Russell, Meg. 2013. "Assessing the Impact of Parliamentary Oversight Committees: The Select Committees in the British House of Commons", *Parliamentary Affairs* 66(4), 772–797.
- 14 <https://www.wfd.org/sites/default/files/2021-12/2021-10-18-PLS-in-the-UK-Parliament-Dr-Thomas-Caygill-FINAL.pdf>
- 15 Moulds, Sarah. 2020. "A Deliberative Approach to Post Legislative Scrutiny? Lessons from Australia's ad hoc Approach", *The Journal of Legislative Studies* 26(1), 1–25.
- 16 Moulds, Sarah. 2019. "The role of Commonwealth parliamentary committees in facilitating parliamentary deliberation: A case study of marriage equality reform." In: Debeljak, Julie and Grenfell, Laura (eds.), *Law making and human rights* (Chapter 24, pp. 185–230). Thomson Reuters.
- 17 [Indicators for Democratic Parliaments Based on SDG Targets 16.6 and 16.7 \(parliamentaryindicators.org\)](#)
- 18 Norton, Philip. 2013. (2nd ed.) *Parliament in British politics*. Palgrave Macmillan .2nd ed, p. 5.
- 19 Ibid.
- 20 See for instance, <https://www.oecd.org/dac/applying-evaluation-criteria-thoughtfully-543e84ed-en.htm>
- 21 Norton, Philip. 2019. "Post-Legislative scrutiny in the UK Parliament: Adding value", *The Journal of Legislative Studies* 25(3), 340–357.
- 22 Geddes, Marc. 2018. "Committee hearings of the UK Parliament: Who gives evidence and does this matter?", *Parliamentary Affairs* 71, 283–304.
- 23 OECD, *Improving policies through peer review: the OECD Environmental Performance Review programme, 2013*, <https://sdgs.un.org/sites/default/files/statements/3501gillespie.pdf>; Pagani, Fabricio. 2002. "Peer Review as a Tool for Co-operation and Change. An Analysis of an OECD Working Method", [African Security Review](#) 11(4), 15-24.

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