



Law
Commission
Reforming the law

Influencing Law Reform: Tips for Effective Engagement with the Law Commission

SLS / SLSA / ALT Webinar

22 September 2023

What we'll cover

- Introduction – how we work
- Getting a project on to the Law Commission's reform agenda
- Once a project has commenced, pre-consultation engagement
- Once a consultation paper is published, how to respond effectively
- Going beyond consultation responses, including how academic research can build the evidence base to inform the Law Commission's work



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Who will speak

- Professor Nick Hopkins, Commissioner for Property, Family and Trust Law
- Dr Lawrence McNamara, Lawyer
- Roseanna Peck, Lawyer
- Dr Rajnaara Akhtar, University of Warwick



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How we work

- **www.lawcom.gov.uk**
 - About us / How we work
- **First, agree to review an area of law**
- **Then, project stages**
 - Initiation
 - Pre-consultation
 - Consultation
 - Policy development
 - Reporting



- **Annual reports**
- **Finding our current projects**
 - www.lawcom.gov.uk: Our work / Find a law reform project
 - Roughly, most recent projects first
 - Note “project status”



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Getting a project on to the Law Commission's law reform agenda



Getting a project on the reform agenda

- **Programmes of Law Reform**
 - 14th Programme Consultation
 - Academic event, including speed presentations
- **Protocol between the Lord Chancellor (on behalf of the Government) and the Law Commission**
- **Your ideas for law reform**
 - Online submission



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Once a project is live:

pre-consultation engagement

Pre-consultation engagement

- **Teams – areas of law**
 - Four teams: CoCo, Criminal, PFT, Public
 - Team email addresses on the “contact” page
- **Each project**
 - Commissioner, team manager, team lawyer(s), RA(s)
 - Project email address on each project page

Pre-consultation engagement

- **What do we do in this phase?**
 - Desk-based research
 - Stakeholder engagement
 - Identify the issues that warrant attention
 - Consider possible reforms
 - Formulate consultation questions, including provisional proposals for law reform
- **Academic engagement**
 - Mainly meetings and events

Pre-consultation engagement

- **Academic influence**
 - Have you identified problems?
 - Have you identified things that work well?
 - Have you proposed solutions?
 - Have you got evidence?
 - Can you apply your knowledge and expertise to the matters that are within the terms of reference for our project?
 - Are there questions you think we should ask in our consultation paper?

Pre-consultation engagement

- **If you contact us (or if we contact you)**
 - We check the project email inbox and we read it!
 - Consider the form in which you give us information – remember that we have Terms of Reference and questions we want answered
 - We do read articles etc but it can be better for you to tell us how your work is relevant
 - Don't be discouraged if we say your work cannot help us on this occasion.



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**Once a consultation paper has
been published:**

how to respond effectively

How to respond effectively

During consultation

- Share with your network
- Join consultation events
- Ask questions
- Submit a written response!
 - Use of form
 - Additional information by link or email

How to respond effectively

Consultation analysis

- Our process:
 - Collating written responses, views from events and other evidence submitted or gathered
 - Analyse responses by topic or question
 - Inform policy discussion
 - Use in final report
- Tips:
 - Focus on question asked (but you can expand)
 - Yes, but
 - Make evidence base clear



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Going beyond consultation responses



Evidence based interventions

Weddings law reform

- Empirical study testing reform proposals
- Going 'beyond' consultation

Rigorous evidence – socio-legal empirical research

- Research questions led by reform proposals

Impact focussed

- Opportunity to inform policy development
- Funders love 'impact'
- REF2028



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Questions?