



House of Commons
Public Administration Select
Committee

Bad Language: The Use and Abuse of Official Language

First Report of Session 2009–10

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**Bad Language: The Use
and Abuse of Official
Language**

First Report of Session 2009–10

*Report, together with formal minutes, oral and
written evidence*

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Summary

Politics and government are public activities, and so politicians and public servants should use language that people find clear, accurate and understandable. We undertook this inquiry because we were concerned that too often official language distorts or confuses meaning. This is damaging because it can prevent public understanding of policies and their consequences, and can also deter people from getting access to public services and benefits.

We conclude that bad official language which results in tangible harm—such as preventing someone from receiving the benefits or services to which they are entitled—should be regarded as “maladministration”. People should feel able to complain about cases of confusing or misleading language, as they would for any other type of poor administration. Equally, government and public sector bodies need to respond properly to complaints about bad official language; and if they do not, people should be encouraged to take their complaints to the relevant Ombudsman.

Bad official language deserves to be mocked, but it also needs to be taken seriously. We hope that our conclusions and suggestions will encourage government to mind its language in future.

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1 Introduction

This mixture of vagueness and sheer incompetence is the most marked characteristic of modern English prose, and especially of any kind of political writing. As soon as certain topics are raised, the concrete melts into the abstract and no one seems able to think of turns of speech that are not hackneyed: prose consists less and less of *words* chosen for the sake of their meaning, and more of *phrases* tacked together like the sections of a prefabricated hen-house.

— George Orwell, “Politics and the English Language”¹

1. The language used in public life is a frequent target for ridicule, whether by parliamentary sketchwriters making fun of ministers’ speeches, or in fictional works such as the television series *Yes Minister*. Yet the language used by government and public bodies is important because it directly affects people’s lives. It needs to enable those in government (and those who want to be in government) to explain clearly what the basis for a policy is, or to provide guidance on getting access to the range of public services. Language therefore determines how politicians and public servants relate to the people they are there to serve.

2. We launched our short inquiry into official language to highlight the importance of clear and understandable language in government. In order to evaluate how effectively government uses language, we invited the public and Members of Parliament to submit examples of bad and good official language. Many of these are included in this report to illustrate how government uses (and misuses) language. We also held a public hearing to ask questions of the Plain English Campaign, the academic expert Professor David Crystal, and the political sketchwriters and columnists Matthew Parris and Simon Hoggart.

3. The aim of our inquiry was not merely to highlight the worst examples of official language (although such examples have been by turns amusing and exasperating), but to explore why the language used by government matters. We examine the damaging effects that bad official language can have, before concluding on a more hopeful note with some suggestions for making official language clearer and more comprehensible, including a proposed remedy for citizens.

1 George Orwell, “Politics and the English Language”, 1946

2 Bad official language

4. Politics and government are public activities, and so the language used by politicians and officials should be honest, accessible and understandable. Yet official language is often criticised for being the opposite. Groups such as the Plain English Campaign and the Local Government Association have drawn attention to the variety of baffling terms used in government; and the LGA publishes an annual list of banned words, the most recent one including such examples as “place shaping”, “re-baselining” and “holistic governance”.² Rt Hon Tessa Jowell MP, now the Minister for the Cabinet Office, said in 2004 that she kept a “little book of bollocks” containing instances of government jargon and gobbledegook:

I have what I call a bollocks list where I just sit in meetings and I write down some of the absurd language we use—and we are all guilty of this, myself included. The risk is when you have been in government for eight years you begin to talk the language which is not the language of the real world.³

5. The unlovely language of this unreal world floats along on a linguistic sea of roll-outs, step changes, public domains, fit for purposes, stakeholder engagements, across the pieces, win-wins, level playing fields and going forwards. Michael Gove MP has written that:

Since becoming a Member of Parliament I’ve been learning a new language...No one ever uses a simple Anglo-Saxon word, or a concrete example, where a Latinate construction or a next-to-meaningless abstraction can be found.⁴

6. We distinguish between two main types of official language in this report. What we call “political language” is, as the name suggests, often (but not exclusively) used by politicians in explaining and defending their policies. “Administrative language”, meanwhile, is typically used by officials and administrators in their dealings with the public. In this chapter, we outline some of the varieties of specifically *bad* official language that can be found in government, in both political and administrative contexts, and the damaging consequences that can result.

7. This is not to suggest that all official language is bad. Indeed, the Plain English Campaign has found that it is the financial and legal professions, rather than government, that cause the most concern through their use of confusing language.⁵ Much academic language, especially in the social sciences, is notoriously impenetrable. Nevertheless, our public call for examples of good and bad official language elicited no examples of good language, but plenty of examples of bad language.

8. We now explore some of the damaging consequences that bad official language can have. We consider first the way in which bad political language can inhibit both public

2 “LGA urges the public sector to ditch jargon to help people during the recession”, Local Government Association press release, 18 March 2009

3 “From Newspeak to plain-speaking: Jowell aims to cut out the jargon”, *Financial Times*, 23 December 2004, p 1

4 “Warning: speaking Quango drives you to tears”, *Times*, 8 December 2008, p 22

5 See <http://www.plainenglish.co.uk/faqs.html>; see also Q 31

understanding of policy and original thought; and then examine the harm that bad administrative language can cause to the public.

Political language: distorting or disguising meaning

9. George Orwell wrote that political language was “designed to make lies sound truthful and murder respectable, and to give an appearance of solidity to pure wind”.⁶ Several types of language used by politicians and civil servants match this description (if not quite to the extent depicted by Orwell). Political spin and obfuscating language are used to disguise what may be politically embarrassing activities or unpalatable truths. Politicians have also been known to use grandiloquently opaque language to give the impression that they have something important to say, when in fact they do not.

10. The first of Orwell’s linguistic dislikes, distorting or evasive language, is routinely practised by both politicians and civil servants. It can be seen in the use of euphemisms—referring to “downsizing”, “realignment of resources” or “efficiency savings”, for example, rather than talking about budget or staff cuts. Silky language can be used to obscure meaning, along the lines of *Yes Minister*’s Sir Humphrey Appleby. Simon Hoggart described an attempt by the then Cabinet Secretary Sir Richard Wilson⁷ to use emollient language to play down the row about government spin and special advisers that erupted at the former Department of Transport, Local Government and the Regions in 2001:

For instance, when talking about the Jo Moore, Stephen Byers and Martin Sixsmith imbroglio, Sir Richard said: “The evidence must be that this discontentment built up and this behaviour was such as could not go on.” In English, this would be translated as: “People were being quite outrageous and had to stop.” Or: “There are issues about the framework which quite legitimately need to be addressed.” ...this means “some of these guys were right out of control and there was nothing to stop them.” ...“It would be wrong to impose on that morning more order than it had.” (This means: “It was chaotic beyond belief.”)⁸

11. In his remarks to us, former Cabinet minister Rt Hon David Blunkett MP likewise noted a tendency among civil servants to use language that disguised rather than revealed their true intent:

The civil service always use the term “delighted” for just about anything that ministers are asked to do—which completely takes away any meaning for the word at all! I used to eliminate it from all my letters and reports. They also have wonderful phrases like “stand ready” which actually means we’re doing nothing about this unless we’re absolutely forced to do so!⁹

12. The use of professional jargon or technical language out of context can often lead to misunderstanding and confusion. In itself, jargon is no bad thing: defenders say that it acts as necessary professional shorthand, used to convey complicated ideas succinctly. It can

6 Orwell, “Politics and the English Language”

7 Now Lord Wilson of Dinton

8 “Best of British from the grandee’s grandee”, *Guardian*, 15 March 2002, p 2

9 Ev 13

also help develop group bonds among staff in an organisation or profession. The problem comes when jargon is used out of place, especially when dealing with the wider public, as David Crystal told us:

Every group has its jargon. There is no group on this earth that does not have a jargon. It is when that jargon becomes opaque to the outsider, when the people say, “It is not just enough for us to talk to each other, we have to talk to the outside world” and they forget the demands of the audience, that it gets tricky.¹⁰

13. Jargon or pseudo-technical language can be used by politicians and others to dress up an otherwise simple idea, or to hide the fact that the speaker or writer doesn’t really understand what they are writing or talking about.¹¹ Sterile jargon is the enemy of clear thought. This is often the case when it comes to terms that originate from the world of business (especially from management consultancy), which have increasingly intruded themselves into government. We received several examples during the course of our inquiry, including the following.

Letter from the Minister of State for Care Services to Roger Gale MP:

Pacesetters aims to tackle inequalities in health services and in the workplace arising out of discrimination and disadvantage. The programme is founded on a robust evidence base and evaluation strategy. Its projects are developed through co-design with communities and delivered through a service improvement methodology...We anticipate that most interventions worked on will be for a period of one year—after which successful innovations will be mainstreamed into the work of the trusts and spread nationally. This will ensure long-term sustainability of equality and diversity into core business.¹²

House of Commons business plan for 2008/09:

FY 2008/09: objectives:...To ensure a risk management system is embedded within business processes, allowing for risks to be escalated up and down the organisation as necessary.¹³

Cabinet Office annual report and accounts, 2008–2009:

Savings on the core grant-in-aid delivering the Change-Up programme, against the counterfactual of an inflationary increase and re-prioritisation of the OTS budget to fund a wider range of investment programmes from the 2007–08 baseline amount to around £4.8m realised in 2008–09. Capacitybuilders is now delivering further third sector funding streams in order to rationalise delivery and to take advantage of existing funding mechanisms.¹⁴

10 Q 3

11 See Christopher Jary, *Working with Ministers*, 4th edition (National School of Government, 2008), p 65

12 Ev 18

13 Ev 16

14 Cabinet Office, *Annual Report and Accounts 2008–2009*, HC 442, July 2009, p 85

14. Phil Willis MP, Chair of the Innovation, Universities, Science and Skills Committee,¹⁵ wrote to us of his Committee's attempt to get the Department's then Permanent Secretary, Ian Watmore, to make sense of such "management speak":

During the evidence session with officials in DIUS we selected at random and read the following extract from the *Departmental Report* to Mr Watmore:

An overarching national improvement strategy will drive up quality and performance underpinned by specific plans for strategically significant areas of activity, such as workforce and technology. The capital investment strategy will continue to renew and modernise further education establishments to create state of the art facilities.

Mr Watmore was unable to explain the meaning of the passage. He conceded that "documents written by people in senior positions can often be very inaccessible to the public" and he undertook that for next year DIUS would "get the plain English people in earlier".¹⁶

15. Sometimes those dealing with government, such as pressure groups and special interest groups, make their own contribution to the degradation of language and meaning. Michael Gove MP has given this example of a briefing note received from one such group on the contents of a Queen's Speech:

The onion model set out the Government's vision of what was needed to achieve whole system change. There is an urgent need for still greater integration at every layer of the onion in frontline delivery, processes, strategy and governance. At the level of service delivery in particular there remain significant practical, philosophical and resource barriers to full integration. Further legislative changes at governance level alone will not automatically make it easier to address these barriers.¹⁷

16. One of the reasons why bad language of this kind matters is that it can prevent people from understanding the implications of policies. Will Cooper sent us examples of language associated with the Private Finance Initiative (PFI) scheme, which he argued were so ridden with jargon that they hindered public understanding. One example was a Treasury press release that started with this sentence:

A platform for generating increased Private Finance Initiative (PFI) deal flow and reducing the costs of tendering will be the outcome of new contract guidelines published by the Treasury Taskforce, Chief Secretary to the Treasury Alan Milburn said today.¹⁸

17. While openly admitting a personal bias against the use of PFI, Mr Cooper went on to make this point about the language connected with it:

15 Now the Science and Technology Committee

16 Innovation, Universities, Science and Skills Committee, Third Report of Session 2008–09, *DIUS's Departmental Report 2008*, HC 51–I, para 7

17 "Warning: speaking Quango drives you to tears", *Times*, 8 December 2008, p 22

18 Ev 14

I understand that the subject [of PFI] is a complex one that requires its own internal lingo, but I feel strongly that the public simply don't know what it is, let alone understand the political principles underlying it, largely because the language used to describe its workings is so eye-wateringly arcane. I would even venture to suggest that this may be one of the prime objectives of PFI: some of the terminology is purposefully euphemistic, the upshot being that the public have neither the confidence nor the understanding to question its mechanics or its prevalence.¹⁹

18. Attempts to use language to disguise or distort meaning can feed growing public mistrust of government. Terms such as “extraordinary rendition” and “collateral damage”, for instance, have become so well-known that they no longer serve as euphemisms,²⁰ but the attempt to use such terms to hide unpleasant realities can fuel cynicism about government.

19. Another damaging effect of bad official language, perhaps less deliberate but no less dangerous, results from the use of stock phrases and terms to substitute for original expression and thought. Simon Hoggart described how such terms can fit together neatly, even if they signify little:

The analogy I would give is that it is a bit like a small child playing with Lego. Each brick in itself is fine. Even phrases like “coterminous stakeholder engagement” have a meaning—it means talking to the people who are affected all the time—but you compress that into a little brick (of three words), you add another brick, and then you put on another brick, and your child suddenly—and we have all seen children do this—suddenly produces something that is not anything at all, it is just a lot of Lego, and it all hangs together but it is absolutely meaningless and has no purpose or function whatsoever.²¹

20. George Orwell made the same point some fifty years earlier about language that is put together without any apparent reference to thought or meaning. Decrying the use of “ready-made” phrases that stifle original thought and encourage political conformity, he wrote that:

They will construct your sentences for you—even think your thoughts for you, to a certain extent—and at need they will perform the important service of partially concealing your meaning even from yourself. It is at this point that the special connexion between politics and the debasement of language becomes clear.²²

21. The language used in politics and government matters because politics is a *public* activity and the services that government provides are *public* services. The public nature of government and its activities means that politicians and public servants should be required to communicate with people in a straightforward way, using language that people understand. We have encountered numerous examples of official language, however, where meaning has been confused and distorted. Bad language of this kind is

19 Ev 13

20 Q 19

21 Q 8

22 Orwell, “Politics and the English Language”

damaging because it can both prevent public understanding of policies and inhibit original expression and thought.

Administrative language: alienating the public

22. Good communication is essential when it involves members of the public trying to deal with the state, such as to pay taxes, apply for benefits or get public services. Yet large parts of the public sector still appear to have some way to go in improving their communications with the public. “Officialese” in administrative language can sometimes have amusing results, as the following extract of a letter from HM Revenue and Customs demonstrates (which, deservedly, won a “Golden Bull” award from the Plain English Campaign):

Thank you for your Tax Returns ended 5th April 2006 & 2007 which we received on 20th December. I will treat your Tax Return for all purposes as though you sent it in response to a notice from us which required you to deliver it to us by the day we received it.²³

23. More often, however, confusing or incomprehensible language simply makes dealing with officialdom more complicated than it needs to be. Marie Clair of the Plain English Campaign explained that in her experience the main challenge was getting government bodies to use less confusing bureaucratic language:

...the problem is simply that there are people out there in real-life situations who are suffering because they do not understand the language. That is what the [Plain English Campaign] is concerned about. Those are the things I receive in my inbox on a daily basis and a lot of those are still about government documents...we simply want to see people having a better chance at understanding and using the public information that is available to them in whatever form.²⁴

24. The perpetrators of this variety of official language often fail to consider adequately who they are writing for. Examples of this sort of language are often found in official letters and forms, and can come across as unsympathetic or overly officious. Andrew George MP provided a letter from the Information Commissioner’s Office which, as he noted, illustrates how formulaic letter construction can alienate and confuse the reader:

Thank you for your correspondence dated 12 December 2008 in which you complain about the response you received from MOJ.

So we can progress your complaint we need you to provide copies of the following:

- Your initial request for information to MOJ

Your case has now been closed as there is no further action we are able to take without the documents we have requested. We require these documents as:

- It provides us with a full set of unedited evidence in support of the complaint

23 See http://www.plainenglish.co.uk/golden_bull_awards/2008_golden_bull_winners.html

24 Q 30

- It is necessary to provide a copy of the initial request to the public authority when we first notify them of having received a complaint

Once we receive the information we have requested your complaint can be reopened.²⁵

25. The Work and Pensions Committee heard of similar examples of unsympathetic official communications during its inquiry into benefits simplification:

I saw one just recently: an 81-year-old woman who received a five-page letter about Pension Credit weeks after the death of her husband. It had about 50 different sums of money in the statement and was just completely untransparent, even to a CAB adviser. I doubt whether a pension credit expert would have fully understood it, yet letters like that are going out without being seen by anyone. [John Wheatley, Citizens Advice]

I saw a letter the other week asking the claimant for a medical certificate and it was four pages long...A four page letter to ask for a medical certificate is not helpful. [Sue Royston, Citizens Advice]²⁶

26. The National Audit Office (NAO) agrees with this line of criticism, concluding that departments and agencies need to be more realistic about how people read and complete forms rather than making assumptions about how citizens should behave.²⁷ NAO studies have found that lengthy or complex forms can discourage people from applying for benefits and thereby leave needy people out of pocket. An investigation into pensioner poverty found that “difficulty in completing forms” was a major reason why pensioners do not apply for benefits available to them.²⁸ In the case of one specific benefit, Attendance Allowance (for older people requiring personal care due to disability), the NAO attributed a lower than desired take-up in part to basic confusion over the name of the benefit itself: “Our focus groups showed that the name is widely misconstrued by older people as requiring attendance by the applicant at an old people’s centre”.²⁹

27. Poor communication by government bodies dealing with the public is a significant concern, especially when large numbers of people are affected. Long, complex official forms, officious letters and confusing requests for information can all deter individuals from attempting to deal with public authorities. This is particularly worrying when it prevents people from getting the benefits or services to which they are entitled.

25 Ev 20

26 Work and Pensions Committee, Seventh Report of Session 2006–07, *Benefits Simplification*, HC 463–I, para 249

27 National Audit Office, *Difficult Forms: How Government Agencies Interact with Citizens*, Session 2002–03, HC 1145, 31 October 2003, p 9

28 National Audit Office, *Tackling Pensioner Poverty: Encouraging Take-up of Entitlements*, Session 2002–03, HC 37, 20 November 2002, p 25

29 National Audit Office, *Communicating with Customers*, Session 2008–09, HC 421, 7 May 2009, p 31

3 Making official language clearer

28. The examples included in this report indicate that the language used by many in government could be much clearer than it is. As the former Permanent Secretary Ian Watmore said: “I doubt that any document resident in Whitehall would totally pass the plain English test”.³⁰ In fact, government is probably not the worst offender when it comes to the misuse of language. Nonetheless, given the intrinsically public nature of government communications, it is important to encourage efforts to make official language as clear as possible. We now consider what might be done to improve both political and administrative language.

Political language: mockery and models

29. Political language will not be changed through legislation or by command. In contrast to administrative language, political language puts greater emphasis on using language to *persuade* rather than simply to explain. This characteristic makes it difficult to establish useful models of linguistic clarity in advance; it is easier to identify bad political language after the fact than to set out in advance how to formulate good political language. George Orwell’s attempt to prescribe rules for effective language usage in his “Politics and the English Language” essay came under fire from David Crystal:

If you asked Orwell, “How exactly are you proposing to do this?” then you got an awful lot of waffle by way of reply. Orwell was very opaque when he was pressed on this point, and in the end he came down to suggesting half a dozen what he thought were solutions to the problem. One of them, I recall, was: Never use a passive when an active will do, but when you analyse Orwell’s language you find he uses passives all the time. It is easy to think up some simple solutions and say, “We must always do this,” but actually language is usually more complicated than any person like Orwell has so far suggested.³¹

Orwell’s checklist of language rules might be too prescriptive, but elsewhere he does suggest one rule of thumb that is excellent advice for those crafting political (and other types of) language: “What is above all needed is to let the meaning choose the word, and not the other way about”.³²

30. Matthew Parris took a different tack by suggesting that the best way to deal with bad political language was to make fun of it:

30 Oral evidence taken before the Innovation, Universities, Science and Skills Committee on 13 October 2008, Third Report of Session 2008–09, *DIUS’s Departmental Report 2008*, HC 51–II, Q 25

31 Q 11

32 Orwell, “Politics and the English Language”

...I think mockery is very important. If we just keep up a constant barrage of mockery so that the culprits begin to realise that it is not clever and that it is not getting them anywhere, we will achieve something.³³

31. The mockery tactic is used effectively by political sketchwriters and journalists, who perform a public service by skewering the most egregious linguistic excesses. As well as mocking bad political language, however, David Crystal thought *good* language should be encouraged and celebrated:

Every now and then I guess most of you will encounter somebody saying something or writing something, and everybody saying, “That was good”. We have talked about Churchill, we have talked about Barack Obama, and there will be local examples, where you say, “That was good”. What happens to that piece of good English? It is just part of Hansard now and maybe it might get into the press. As you say, it might get the occasional mention, but then it is forgotten forever. Why should there not be a little archive of good practice built up in some way which is party neutral, when people say these are good examples of not necessarily plain English but effective English in the context in which the language is going to be used?³⁴

32. Mockery, as practised by sketchwriters and other political observers, serves a useful purpose by reducing our tolerance for the misuse of language. More generally, “good” political language should be encouraged, and the use of language that distorts or disguises meaning should be exposed and condemned.

Administrative language: improving clarity

33. The benefits of improving administrative language go beyond merely getting rid of irritating phrases and buzzwords. Good government, as we have concluded in numerous past reports, involves being responsive to the public.³⁵ Making the language used by government clearer and more accessible should therefore help people to feel that government does understand, and is able to respond to, their needs. As the Parliamentary Ombudsman has stated in her *Principles of Good Administration*: “Public bodies should communicate effectively, using clear language that people can understand and that is appropriate to them and their circumstances”.³⁶

34. Making official information and forms more understandable would also have benefits for government, by increasing the likelihood that people would comply with requests for accurate information. In some cases, there are significant financial implications involved: HM Revenue and Customs estimates that unintentional errors made by taxpayers when completing their self-assessment forms result in around £300 million in underpaid tax each year (although it makes no estimate of the extent of errors leading to overpaid tax).³⁷

33 Q 11

34 Q 46

35 See, for example, Public Administration Select Committee, Sixth Report of Session 2007–08, *User Involvement in Public Services*, HC 410; Eighth Report of Session 2008–09, *Good Government*, HC 97–I, paras 41, 64

36 Parliamentary and Health Service Ombudsman, *Principles of Good Administration*, February 2009

37 National Audit Office, *Helping Individuals Understand and Complete Their Tax Forms*, Session 2006–07, HC 452, 27 April 2007, p 6

Clearer and more user-friendly forms also mean government bodies can avoid the cost and inconvenience of having to go back to people if information provided is incomplete, a point made by the University of Reading's Simplification Centre:

...error-prone forms have to be returned and corrected, and needless enquiries are made to government helplines. These costs are rarely addressed in reviews of potential savings, but we believe they are considerable.³⁸

35. There are many sources of help for government departments seeking to improve the language skills of their staff. The National School of Government works with government departments to promote clearer communication, as do organisations such as the Plain English Campaign and the Plain Language Commission. Government bodies have also produced their own staff guidance on language use; good examples include the Charity Commission's "Stop, Think, Write" guidelines³⁹ and the Office for Disability Issues' guidance on "The Importance of Accessible Information".⁴⁰ Both publications emphasise the need to be sensitive to the intended audience's needs, and to tailor language accordingly. As David Crystal suggested, encouraging good language use through sharing guidance on good communication and model examples is as important as highlighting cases of bad language.⁴¹

36. The NAO has monitored the accessibility of government forms and information over the years, especially for government departments that have many dealings with the public such as the Department for Work and Pensions (DWP) and HM Revenue and Customs.⁴² Its most recent report on how well DWP communicates with its "customers" concluded that the Department had managed to improve its communications, particularly in making forms easier to use and providing more readily accessible information.⁴³ The Plain English Campaign echoed this conclusion, saying that parts of government had succeeded in making administrative communications clearer and easier to understand.⁴⁴ Both the NAO and the Plain English Campaign do, however, note that government bodies need to maintain efforts to improve how they communicate with the public, including by regularly reviewing forms and leaflets and redrafting those that are too long or complex.⁴⁵

Bad language as maladministration

37. At present, there is no obvious mechanism for people themselves to highlight cases of bad official language. We believe this is a gap that needs to be filled. One way of doing so

38 Ev 23

39 Charity Commission, *Stop, Think, Write: A Guide to Communication and Writing*, July 2007

40 Office for Disability Issues, *The Importance of Accessible Information: An Introduction for Senior Civil Servants*, November 2008

41 Q 46

42 See, for example, National Audit Office reports cited previously on *Difficult Forms, Communicating with Customers and Helping Individuals Understand and Complete Their Tax Forms*; and also *Using Leaflets to Communicate with the Public about Services and Entitlements*, Session 2005–06, HC 797, 25 January 2006

43 National Audit Office, *Communicating with Customers*, p 5

44 Q 31; see also http://www.plainenglish.co.uk/about_the_awards/

45 National Audit Office, *Difficult Forms*, p 8; *Using Leaflets to Communicate with the Public about Services and Entitlements*, pp 10–11; see also Qq 30, 53

would be to encourage people to complain about serious cases of bad official language directly to the body concerned; and if that fails, to the relevant Ombudsman (e.g. the Parliamentary and Health Service Ombudsman, or the Local Government Ombudsman).

38. In our view, using confusing or unclear language that is so bad that it results in people not getting the benefits or services to which they are entitled, or which prevents them from understanding their rights or the choices available to them, amounts to “maladministration”. This would provide the grounds for making a complaint to the relevant Ombudsman if the public authority involved does not take adequate steps to rectify its poor communication. The Parliamentary Ombudsman agreed with this view. She told us that she could envisage circumstances in which the poor use of language could be considered maladministration,⁴⁶ and further observed that:

I think if it got to the point that it was actually incomprehensible, then it would be in contravention of my principles about providing information that’s clear, accurate and not misleading.⁴⁷

39. We believe that the use of inaccurate, confusing or misleading official language which results in tangible harm, such as preventing individuals from receiving benefits or public services, should be regarded as maladministration. People should be encouraged to complain about cases of bad official language directly to the body concerned, and government needs to take such complaints of maladministration seriously. Failure to do so would provide grounds for people to complain to the relevant Ombudsman about poor official language.

Legislative language: making it plain

40. One variety of official language that has received attention over the years is the language used in drafting legislation. In 1975, Sir David (subsequently Lord) Renton’s official report on *The Preparation of Legislation* considered the language of legislative drafting as part of its wider examination of the legislative process. The report highlighted examples of convoluted drafting in statutes, observing that: “the legislative output of Parliament is often incomprehensible even to those who are most familiar with the subject matter of the legislation”.⁴⁸ Some twenty years on, the Committee on Modernisation of the House of Commons took up several of the concerns of the Renton report and successfully recommended that bills be accompanied (and demystified) by readily understandable explanatory notes.⁴⁹ Explanatory notes are now an established mechanism for making the meaning of legislation clearer to a non-specialist audience. There have been other innovations to improve the accessibility of legislation: the Mental Incapacity Bill (now the

46 Uncorrected transcript of oral evidence taken before the Public Administration Select Committee on 5 November 2009, Session 2008–09, HC 1079–i, Q 29

47 *Ibid*, Q 28

48 Sir David Renton, *The Preparation of Legislation*, Cmnd 6053, May 1975, p 27

49 Select Committee on Modernisation of the House of Commons, First Report of Session 1997–98, *The Legislative Process*, HC 190, paras 36–37

Mental Capacity Act 2005) was published with a guide in easy read format to make it accessible to people with learning difficulties.⁵⁰

41. Less successfully, the Modernisation Committee also urged that “legislation should, so far as possible, be readily understandable and in plain English”.⁵¹ That Committee did acknowledge in 2006 that some progress had been made in making the language of bills more comprehensible.⁵² Yet there is still the occasional example of confusing and arcane legislative language, as this extract from the (now-repealed) Regulatory Reform Act 2001, attempting to explain the Act’s purpose, illustrates:

...to enable provision to be made for the purpose of reforming legislation which has the effect of imposing burdens affecting persons in the carrying on of any activity and to enable codes of practice to be made with respect to the enforcement of restrictions, requirements or conditions.⁵³

42. One of the most significant plain language projects in British government is the tax law rewrite project started in 1995. The aim of this project is to rewrite the UK’s primary direct taxation statutes in order to make the legislation clearer and easier to use, without changing the law. It has resulted in several acts being revised, the most recent revision being the Corporation Tax Act 2009. The Government set out the benefits of the project as follows:

Rewriting the legislation involves unpacking dense wording, replacing archaic expressions with more modern ones, splitting provisions into more sections and subsections, grouping related issues together, improving layout and introducing various aids to navigation. Inevitably, this results in legislation that is significantly longer but legislation that is much clearer and easier to use. The changes introduced by the project have already resulted in tangible benefits to users, including administrative savings from the rewrite of income tax estimated at £70 million a year. Further savings of around £25 million a year are predicted from the rewrite of corporation tax.⁵⁴

43. Other countries have gone further. As well as revising tax law, as the UK has done, both Australia and Canada have reviewed and rewritten other types of legislation, including legislation on explosives, employment insurance, off-shore mining and care for older people.⁵⁵ Canada has also been a pioneer at drafting laws in plain language; Alberta’s Financial Services Act 1990, for instance, was written in plain language (in addition to imposing a duty to use plain language in some financial documents).⁵⁶

50 Department for Constitutional Affairs, *A Guide to the Draft Mental Incapacity Bill: What Does It Mean for Me?*, June 2003

51 Select Committee on Modernisation of the House of Commons, First Report of Session 1997–98, *The Legislative Process*, HC 190, para 14

52 Select Committee on Modernisation of the House of Commons, First Report of Session 2005–06, *The Legislative Process*, HC 1097, para 36

53 Regulatory Reform Act 2001 (now repealed); see also Ev 15

54 HM Revenue and Customs, *Tax Law Rewrite Report and Plans 2008–09*, 2008

55 Michèle M Asprey, *Plain Language for Lawyers*, 3rd edition (Federation Press, Sydney, 2003), chapter 4

56 Government of Alberta, *Financial Consumers Act 1990*

44. Making legislative language clearer and simpler needs to be balanced against the interests of ensuring that legislation is as precise and certain in its meaning as necessary. Supporting material such as explanatory notes can help make legislation more accessible to the non-specialist reader. Government could, however, explore to a greater extent initiatives to make the statute book clearer and more readily understandable, such as rewriting existing legislation (along the lines of the successful tax law rewrite project) and giving serious consideration, on a case by case basis, to drafting laws in clearer, simpler language.

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4 Conclusion

45. The language of government, politics and administration matters. The public sphere demands a public language that conveys meaning. Any language that obscures, confuses or evades does not fulfil its public purpose. Too often this is the case, as we have shown in this report. Nor is this a trivial matter. Good government requires good language; while bad language is a sign of poor government. By drawing attention to this issue, and suggesting some ways to improve matters, we hope to encourage the good to drive out the bad.

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Conclusions and recommendations

1. The language used in politics and government matters because politics is a public activity and the services that government provides are public services. The public nature of government and its activities means that politicians and public servants should be required to communicate with people in a straightforward way, using language that people understand. We have encountered numerous examples of official language, however, where meaning has been confused and distorted. Bad language of this kind is damaging because it can both prevent public understanding of policies and inhibit original expression and thought. (Paragraph 21)
2. Poor communication by government bodies dealing with the public is a significant concern, especially when large numbers of people are affected. Long, complex official forms, officious letters and confusing requests for information can all deter individuals from attempting to deal with public authorities. This is particularly worrying when it prevents people from getting the benefits or services to which they are entitled. (Paragraph 27)
3. Mockery, as practised by sketchwriters and other political observers, serves a useful purpose by reducing our tolerance for the misuse of language. More generally, “good” political language should be encouraged, and the use of language that distorts or disguises meaning should be exposed and condemned. (Paragraph 32)
4. We believe that the use of inaccurate, confusing or misleading official language which results in tangible harm, such as preventing individuals from receiving benefits or public services, should be regarded as maladministration. People should be encouraged to complain about cases of bad official language directly to the body concerned, and government needs to take such complaints of maladministration seriously. Failure to do so would provide grounds for people to complain to the relevant Ombudsman about poor official language. (Paragraph 39)
5. Making legislative language clearer and simpler needs to be balanced against the interests of ensuring that legislation is as precise and certain in its meaning as necessary. Supporting material such as explanatory notes can help make legislation more accessible to the non-specialist reader. Government could, however, explore to a greater extent initiatives to make the statute book clearer and more readily understandable, such as rewriting existing legislation (along the lines of the successful tax law rewrite project) and giving serious consideration, on a case by case basis, to drafting laws in clearer, simpler language. (Paragraph 44)

Formal Minutes

Thursday 19 November 2009

Members present:

Dr Tony Wright, in the Chair

David Heyes
Kelvin Hopkins
Mr Gordon Prentice

Paul Rowen
Mr Charles Walker

Draft Report (*Bad Language: The Use and Abuse of Official Language*), proposed by the Chairman, brought up and read.

Ordered, That the Chairman's draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 45 read and agreed to.

Summary agreed to.

Resolved, That the Report be the First Report of the Committee to the House.

Ordered, That the Chairman make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

Written evidence reported and ordered to be published on 9 July was ordered to be reported to the House for printing with the Report.

[Adjourned till Thursday 26 November at 9.45 am]

Witnesses

Thursday 9 July 2009

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Marie Clair, Plain English Campaign, **David Crystal**, Honorary Professor of Linguistics, Bangor University, **Simon Hoggart**, The Guardian and **Matthew Parris**, The Times

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1	Rt Hon David Blunkett MP	Ev 13
2	Will Cooper	Ev 13
3	Paul Flynn MP, member of the Committee	Ev 14
4	Mr Roger Gale MP	Ev 18
5	Andrew George MP	Ev 20
6	Mr Paul Goodman MP	Ev 20
7	Andrew Miller MP	Ev 21
8	Philip Morgan	Ev 22
9	Simplification Centre, University of Reading	Ev 22
10	Alex Sobart	Ev 23
11	Richard Taylor	Ev 24
12	Mr Phil Willis MP	Ev 26

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List of Reports from the Committee during the current Parliament

The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

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First Report	Lobbying: Access and influence in Whitehall	HC 36 (<i>HC 1058</i>)
Second Report	Justice delayed: The Ombudsman's Report on Equitable Life	HC 41 (<i>HC 953</i>)
Third Report	Ethics and Standards: Further Report	HC 43 (<i>HC 332</i>)
Fourth Report	Work of the Committee in 2007-08	HC 42
Fifth Report	Response to White Paper: "An Elected Second Chamber"	HC 137
Sixth Report	Justice denied? The Government response to the Ombudsman's report on Equitable Life	HC 219 (<i>HC 569</i>)
Seventh Report	Further Report on Machinery of Government Changes	HC 540
Eight Report	Good Government	HC 97 (<i>HC 1045</i>)
Ninth Report	The Iraq Inquiry	HC 721 (<i>HC 992</i>)
Tenth Report	Leaks and Whistleblowing in Whitehall	HC 83

Session 2007-08

First Report	Machinery of Government Changes: A follow-up Report	HC 160 (<i>HC 514</i>)
Second Report	Propriety and Peerages	HC 153 (<i>Cm 7374</i>)
Third Report	Parliament and public appointments: Pre-appointment hearings by select committees	HC 152 (<i>HC 515</i>)
Fourth Report	Work of the Committee in 2007	HC 236 (<i>HC 458</i>)
Fifth Report	When Citizens Complain	HC 409 (<i>HC 997</i>)
Sixth Report	User Involvement in Public Services	HC 410 (<i>HC 998</i>)
Seventh Report	Investigating the Conduct of Ministers	HC 381 (<i>HC 1056</i>)
Eighth Report	Machinery of Government Changes: Further Report	HC 514 (<i>HC 540, Session 2008-09</i>)
Ninth Report	Parliamentary Commissions of Inquiry	HC 473 (<i>HC 1060</i>)
Tenth Report	Constitutional Renewal: Draft Bill and White Paper	HC 499 (<i>Cm 7688</i>)
Eleventh Report	Public Services and the Third Sector: Rhetoric and Reality	HC 112 (<i>HC 1209</i>)
Twelfth Report	From Citizen's Charter to Public Service Guarantees: Entitlement to Public Services	HC 411 (<i>HC 1147</i>)
Thirteenth Report	Selection of a new Chair of the House of Lords Appointments Commission	HC 985
Fourteenth Report	Mandarins Unpeeled: Memoirs and Commentary by Former Ministers and Civil Servants	HC 664 (<i>HC 428, Session 2008-09</i>)

Session 2006-07

First Report	The Work of the Committee in 2005-06	HC 258
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Second Report	Governing the Future	HC 123 (<i>Cm 7154</i>)
Third Report	Politics and Administration: Ministers and Civil Servants	HC 122 (<i>HC 1057, Session 2007–08</i>)
Fourth Report	Ethics and Standards: The Regulation of Conduct in Public Life	HC 121 (<i>HC 88, Session 2007–08</i>)
Fifth Report	Pensions Bill: Government Undertakings relating to the Financial Assistance Scheme	HC 523 (<i>HC 922</i>)
Sixth Report	The Business Appointment Rules	HC 651 (<i>HC 1087</i>)
Seventh Report	Machinery of Government Changes	HC 672 (<i>HC 90, Session 2007–08</i>)
Eighth Report	The Pensions Bill and the FAS: An Update, Including the Government Response to the Fifth Report of Session 2006–07	HC 922 (<i>HC 1048</i>)
Ninth Report	Skills for Government	HC 93 (<i>HC 89</i>)
First Special Report	The Governance of Britain	HC 901
Session 2005–06		
First Report	A Debt of Honour	HC 735 (<i>Cm 1020</i>)
Second Report	Tax Credits: putting things right	HC 577 (<i>HC 1076</i>)
Third Report	Legislative and Regulatory Reform Bill	HC 1033 (<i>HC 1205</i>)
Fourth Report	Propriety and Honours: Interim Findings	HC 1119 (<i>Cm 7374</i>)
Fifth Report	Whitehall Confidential? The Publication of Political Memoirs	HC 689 (<i>HC 91, Session 2007–08</i>)

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