

THE CAPACITY TO ACT TEST

MAKE THE PUBLIC'S PERSPECTIVE PART OF IMPLEMENTATION TESTS

In preparing legislation, legislators should examine more closely whether it is 'doable' for the public.

Implementation tests should consider not only the perspective of the implementing organisations but also that of ordinary people. They need not only to know the law but also to be able to 'act' on it. Key question: Is the legislation based on realistic assumptions about people's mental resilience?

PROCESS

The following process-related questions can help in assessing the proposed legislation during its preparation:

- Have preliminary tests been carried out among the public, for example using test panels, simulations or experiments?
- Did they involve all the relevant target groups and user profiles?
- Have other sources been consulted that could help to analyse the viability of the proposed legislation, such as research or experience with similar legislation?

CONTENT

The following content-related questions can help in assessing the quality of the proposed legislation:

- *Mental burdens*: What mental burdens – such as processing information, assessing one's own situation, taking action, checking deadlines, objecting to wrong decisions – does the scheme impose on people?
Can those burdens be lightened? Is it possible for people to develop a routine or is constant vigilance required because parts of the scheme change regularly? Does the scheme require people to take action themselves much of the time, or does it work with a default option?
- *Cumulative burdens*: What is the relationship between the scheme and associated schemes? What is the total mental burden on people who are covered by the scheme? Could the scheme plausibly coincide with life events that are known to have a negative impact on people's mental resilience?
- *Consequences of inertia or mistakes*: What happens if someone does not immediately take action, for example does not open an envelope or forgets to complete or send in a form? Do small mistakes immediately have major consequences, or can they be rectified? Can people change their minds and how much capacity to act does this require? Is there a hardship clause and how much does it demand of people's capacity to act?
- *Help and early warning*: Is an easy-to-access front office available for those who cannot manage? Is an early warning system in place, and a regime of actively approaching problem cases?

In today's society, people are expected to take responsibility for their own lives and be self-reliant. This is no easy feat. They must be on constant high alert in areas of life such as health, work and personal finances and, if things threaten to go awry, take appropriate action without further ado.

What does this mean for public policy? Policymakers tend to assume that the government only needs to provide people with clear information and that, once properly informed, they will automatically do the right thing. However, it is becoming increasingly obvious that things do not work like that. Even though people know perfectly well what they ought to do, they often behave differently. Why is this? This book sets out to explain the reasons for the gap between 'knowing' and 'doing'. It focuses on the role of non-cognitive capacities, such as setting goals, taking action, persevering and coping with setbacks, and shows how these capacities are undermined by adverse circumstances. By taking the latest psychological insights fully into account, this book presents a more realist perspective on self-reliance, and shows government officials how to design rules and institutions that allow for the natural limitations in people's 'capacity to act'.

WHY KNOWING WHAT TO DO IS NOT ENOUGH

will be available in hardcover or e-book (open access) on www.springer.com (due september 2019). Background information on the authors can be found on www.wrr.nl/en